

THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume II, 1941

(28th February to 17th March, 1941)



THIRTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1941



NEW DELHI : PRINTED BY THE MANAGER
GOVERNMENT OF INDIA PRESS : 1941.

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LEGISLATIVE ASSEMBLY

Friday, 28th February, 1941.

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.

MEMBERS SWORN.

Nawabzada Muhammad Liaquat Ali Khan, M.L.A. (Rohilkund and Kumaon Divisions: Muhammadan Rural); and

Mr. Samuel Harrison Yardley Qulsnam, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS

STARTING OF AN INDIAN SHIP-YARD IN CALCUTTA.

202. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable Member for Communications please state whether the attention of the Government of India has been drawn to the questions and answers in the Bengal Council on 10th December, 1940, about the starting of an Indian shipyard in Calcutta?

(b) What rates were demanded by the Port Trust from the Scindia Company?

(c) Are these rates fixed *ad hoc*? Is there any schedule for rates?

The Honourable Sir Andrew Clow: (a) Yes.

(b) The rates quoted were Rs. 9 per cottah per mensem up to the 31st March, 1945, and, thereafter, Rs. 11-4-0 per cottah per mensem up to the 31st March, 1955, and, thereafter, an increase not exceeding 25 per cent. every ten years up to a maximum of Rs. 27 per cottah per mensem.

(c) These rates were the same as those which the Port Commissioners were already receiving for a large area of land adjoining this site. There is a schedule of rates for monthly leases and the schedule rate for this particular site is Rs. 12 per cottah per month.

RAILWAY REFRESHMENTS MONOPOLY TO BALLABHDAS ESWARDAS.

203. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the note on pages 4 and 5 of the *Musafir*, dated the 24th November, 1940, under the caption "Railway refreshments—Monopoly granted to Marwari" and state: whether it is a fact that Ballabhdas Eswardas is holding monopoly of contracts for the service and sale of meals to Indian passengers over the East Indian, the Bengal Nagpur, the Great Indian Peninsula, the Bombay, Baroda and Central

India and the North Western Railways; and if not, whether he will lay a statement on the table of the House showing *inter alia* the nature of the contracts, the dates of the contracts, the number (if possible the name) of stations on each Railway for which the contracts are given, the terms of the contracts and the nominal rent or fee received from those contracts?

The Honourable Sir Andrew Clow: It is not a fact that this firm holds a monopoly for Indian catering over the railways mentioned. I do not propose to lay the agreements on the table but those which are in the Board's office may be inspected if any Honourable Member so desires. As regards rentals recovered by the North Western, East Indian and Great Indian Peninsula Railways, I would refer the Honourable Member to the reply given to his starred question No. 128 on the 25th instant. I have no information relating to rentals or fees recovered by the other railways.

Mr. Muhammad Nauman: If this firm does not hold the monopoly, may I ask which are the other firms who hold an equal amount of contract or the same area of the contract?

The Honourable Sir Andrew Clow: I do not think there is any other firm which has an equal area on the East Indian Railway, but that does not mean that this firm holds the monopoly.

Mr. Muhammad Nauman: Does it not mean that they hold the largest area and a sort of a monopoly?

The Honourable Sir Andrew Clow: It means that they hold the biggest share, but it does not mean that they hold a monopoly or a sort of a monopoly.

Maulvi Muhammad Abdul Ghani: Is it not a fact that the contractor in question holds the largest contract over the East Indian Railway as compared to the contracts of other contractors?

The Honourable Sir Andrew Clow: Yes, Sir; I believe that is the case.

RAILWAY REFRESHMENTS MONOPOLY TO BALLABHDAS ESWARDAS.

204. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the D. O. No. OMC 35, dated 18th May, 1939 on the subject of refreshment room contracts on E. I. R. mentioned on page 5 of the *Musafir*, dated the 24th November, 1940, under the caption "Railway Refreshments—Monopoly granted to Marwari", and state:

- (a) the number of refreshment room contracts given to Ballabhdas Eswardas after the date of that D. O. letter;
- (b) the particulars of the newspapers in which the General Manager, East Indian Railway, or Divisional Superintendents of the East Indian Railway, advertised the contracts given to Ballabhdas Eswardas after the date of that D. O. letter, if the contracts were not advertised, the reasons therefor?

The Honourable Sir Andrew Clow: (a) and (b). I have not seen the letter referred to. I understand, however, that since May, 1939, the East Indian Railway, in consultation with the Local Advisory Committees and

in consideration of Government's acceptance of certain recommendations by the Central Advisory Council for Railways, have revised their policy and, consequently, do not propose to call for the information.

Mr. Muhammad Nauman: May I ask whether in this connection a proposal was laid before the Local Advisory Committees that there should be no advertisement for the calling of tenders for this purpose?

The Honourable Sir Andrew Clow: I have not seen any such proposal being laid before the Local Advisory Committees, but the reports of these Committees are circulated to all Honourable Members.

Mr. Muhammad Nauman: My information is that the Local Advisory Committees were not consulted on this particular issue whether advertisements should be made or not. Is it a fact?

The Honourable Sir Andrew Clow: As the Honourable Member knows the information, why is he asking me?

Qazi Muhammad Ahmad Kazmi: With reference to part. (b) of this question, will the Honourable Member please state whether any tenders were called for of the contract, or whether it was only by selection that this gentleman was given the contract?

The Honourable Sir Andrew Clow: This is not an individual contract. I think there are several contracts, but I am not aware of the circumstances of the case. Contracts were not given from here.

Mr. Muhammad Nauman: Are these contracts given by the Divisional Superintendent, or by the Agent himself?

The Honourable Sir Andrew Clow: They are given by the Divisional Superintendent subject, of course, to any general order that happens to be in force.

TERMS OF RAILWAY REFRESHMENT CONTRACTS HELD BY BALLABHDAS ESWARDAS.

205. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the terms of the refreshment contracts given to Ballabhdas Eswardas on the East Indian, the Bengal Nagpur, the Bombay, Baroda and Central India, the Great Indian Peninsula and the North Western Railways?

The Honourable Sir Andrew Clow: As regards the contracts between this firm and the East Indian and North Western Railways, I would refer the Honourable Member to the reply given to his starred question No. 203. Copies of contracts with other railways are not in possession of the Railway Board.

Mr. Muhammad Nauman: May I know whether the terms of the contracts of all the railways are the same, or whether they differ substantially with regard to sub-letting?

The Honourable Sir Andrew Clow: I think they vary to suit different circumstances.

Mr. Muhammad Nauman: What about the sub-letting clauses? Are they different on State-managed railways and Company-managed railways?

The Honourable Sir Andrew Olow: The main principles, I think, are the same, and in contracts normally sub-letting is not permitted.

COMPETENCY OF THE DIVISIONAL SUPERINTENDENTS, EAST INDIAN RAILWAY, FOR ALLOTTING REFRESHMENT CONTRACTS.

206. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the note on pages 4 and 5 of the *Musafir*, dated the 24th November, 1940, under the caption "Railway Refreshments—Monopoly granted to Marwari" and state whether it is a fact that the power to allot contracts for running refreshment rooms over the East Indian Railway is vested in the Divisional Superintendents?

The Honourable Sir Andrew Olow: Yes, subject to any general orders in force.

RAILWAY REFRESHMENT CONTRACTS HELD BY BALLABHDAS ESWARDAS.

207. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the particulars of refreshment contracts held by Ballabhdas Eswardas in more than two Divisions on a railway, and the reasons therefor?

The Honourable Sir Andrew Olow: I am calling for the information from the East Indian and Great Indian Peninsula Railways and will lay a reply on the table of the House in due course.

NON-CONSUMPTION OF "RACOTEX ELECTRODES" BY EAST INDIAN AND NORTH WESTERN RAILWAYS.

†208. *Maulvi Muhammad Abdul Ghani (a) Will the Honourable Member for Railways please state whether it is a fact that "Racotex Electrodes" are made in America?

(b) Is it a fact that "Racotex Electrodes" were tested by:

- (i) The Chief Inspector of Steam Boilers, Madras;
- (ii) The Loco-Superintendent, Bengal Dooars Railway Co., Ltd., Domohani;
- (iii) Engine Shops Manager, Burma Railways, Insein;
- (iv) The Loco. and Carriage Superintendent, Jodhpur Railways, Jodhpur;
- (v) The Deputy Chief Mechanical Engineer, Shops, Kanchrapara, Eastern Bengal Railway;
- (vi) The Deputy Chief Mechanical Engineer (Works), Golden Rock, South Indian Railway;
- (vii) The Loco. and Carriage Superintendent, Bikaner State Railway, Bikaner;
- (viii) The Works Manager, Assam Bengal Railway, Pahartali;
- (ix) The Loco. and Carriage Superintendent, Gaekwars Baroda State Railways, Gaya Gate, Baroda;

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

(x) The Loco. and Carriage Superintendent, the Bengal and North Western Railway Company, Ltd., Gorakhpur;

(xi) The Controller of Stores, Mysore State Railway, Mysore;

(xii) The Controller of Stores, Great Indian Peninsula Railway, Bombay; and

(xiii) The Chief Mechanical Engineer, Bengal Nagpur Railway, Khargpur? If so, with what result?

(c) Is it a fact that the Purchasing Officer, Tata Iron and Steel Company, Limited, Jamshedpur on 8th August, 1939 also found "Racotex Electrodes" satisfactory on tests?

(d) Is it a fact that "Racotex Electrodes" are also cheaper than other standards by different Manufactures? If so, what are the reasons for not consuming the "Racotex Electrodes" by the East Indian and the North Western Railways?

The Honourable Sir Andrew Olow: (a) Yes.

(b) I understand tests on "Racotex Electrodes" have been carried out by a number of railways, but I am unaware of the details.

(c) Government have no information regarding this.

(d) In regard to the first part, Government have no information. In regard to the second part, the Honourable Member is referred to the State Railway Stores Code—Appendix VI, footnote on page 486, a copy of which is in the Library of the House.

WITHDRAWAL OF "CHURCH PASS" GRANTED TO SERVANTS ON STATE RAILWAYS.

†209. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state:

- (a) whether it is a fact that Railway servants on State-managed Railways were granted "Church Pass", if and when attending the Church services, not provided at their stations, prior to the introduction of New Pass Rules in 1937;
- (b) the facilities provided by the administration after the withdrawal of the privilege of a "Church Pass" for the necessary church services; if no facility is provided, the reasons therefor; and
- (c) whether the staff affected by the withdrawal were asked to elect the new rules; if not, why not?

The Honourable Sir Andrew Olow: (a) and (b). No change appears to have been made in the position except on the East Indian Railway, where such passes were formerly given and were withdrawn in 1937. Recognized chaplains are given passes to enable them to hold services in small stations where no chaplain resides.

(c) Staff were not given the option of electing for the new rules as they were introduced to curtail facilities which were regarded as excessive.

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

DISCRIMINATORY TREATMENT OF THE OLD OUDH AND ROHILKHAND RAILWAY STAFF IN THE MATTER OF GRANTING OF CERTAIN ALLOWANCES.

†210. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the Minute Sheet No. A. E. 1605 of the 3rd August, 1940, from the Deputy General Manager (P), East Indian Railway, Calcutta, regarding employees transferred to Oudh and Rohilkhand Railway Area, viz., "that the term allowance referred to in the Board's orders meant only allowances of the nature of pay such as overtime, running allowance, Sunday allowances, etc. and did not refer to travelling allowances or house rent allowance. The bonus referred to is night allowance granted to the East Indian Railway staff for attending accidents between the hours of 19 and 5 which is in the nature of travelling allowance and cannot therefore be granted to the Oudh and Rohilkhand Staff"; and state:

- who has issued the Board's orders and when; if possible, to lay a copy of those orders;
- the particulars of the Fundamental Rule under which the meaning of "allowances" is given as "of the nature of pay";
- whether it is a fact that the condition on which the old East Indian Railway Company staff is admissible to the travelling allowance is that the staff have been out of the headquarters during the night and that the staff who have been out of headquarters during the day are never paid the daily allowance while travelling on duty; and
- the reason for the discriminatory treatment of the old Oudh and Rohilkhand staff while serving on the area of the old East Indian Railway?

The Honourable Sir Andrew Olow: (a) The orders were issued by the Railway Board in 1929. I do not propose to lay them on the table.

- This is not a matter governed by any Fundamental Rule.
- Yes.
- The Oudh and Rohilkhand Railway (State Railway) conditions of service differ from those of the old East Indian Railway.

GRIEVANCES OF TRAIN CLERKS ON NORTH WESTERN RAILWAY.

†211. *Bhai Parma Nand: (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that there prevails a great discontent among the trains clerks on the North Western Railway?

(b) Is it a fact that memorials have been sent to the authorities during the last few years, stating their grievances, but no heed has been paid to them?

(c) Is it not a fact that this class is very hard-worked, and they have very arduous duties to perform and that they are the most neglected class?

(d) Is it not a fact that in spite of their service during day and night, during cold and heat, they cannot become ticket collectors, their promotion is barred at Rs. 60, they are given no allowance while working in the

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

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

yard and the uniform is stopped for them and they are not provided with lamp-light while working in the yard at night?

(e) If the answer to part (d) be in the affirmative, are Government prepared to redress their grievances?

The Honourable Sir Andrew Olow: (a) No, but I am aware that a number of men who have been on the maximum for some time feel that they have ground for discontent.

(b) The answer to the first part is in the affirmative and to the second in the negative.

(c) I do not think it is possible to generalize in this fashion.

(d) Trains clerks cannot become Ticket Collectors as they have to look for promotion in their own lines. As regards uniforms and lamps, the Honourable Member is referred to the replies to questions Nos. 464 and 465 asked on the 20th March, 1940, by Shaikh Rafiuddin Ahmad Siddiquee and Maulvi Muhammad Abdul Ghani respectively. Government have no information on other points.

(e) Government cannot accede to the requests made by these clerks for amalgamation of grades, etc., but the General Manager is considering whether some adjustment in the numbers in the upper grade is warranted by the nature of the work.

MONTHLY-PAID ARTISTS FOR BROADCASTING HINDUSTANI PROGRAMMES AT ALL-INDIA RADIO STATIONS.

†212. *Bhai Parma Nand: (a) Will the Honourable Member for Communications please state the number of monthly-paid artists employed at present for broadcasting Hindustani programmes at All-India Radio Stations?

(b) How many of them are Hindus and how many Muslims?

(c) What is the total remuneration paid to these Hindu and Muslim artists, respectively?

(d) How many of them know Hindi language?

The Honourable Sir Andrew Olow: (a) The number of monthly paid artists, including musicians, employed at the Delhi, Lahore, Lucknow Stations which mainly broadcast Hindustani programmes, and the Bombay Station whose programme includes many Hindustani items, was 115 in January, 1941.

(b) Of them 35 were Hindus and 77 Muslims.

(c) Rs. 1,941 and Rs. 4,910 respectively.

(d) Excluding musicians, 67 such artists were employed in January, 1941, of them 32 knew Hindi well.

QUARTERLY RETURN TICKETS BETWEEN HOWRAH AND CERTAIN RAILWAY STATIONS.

†213. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member for Railways be pleased to state if three-monthly i.e. quarterly

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

return tickets could be issued between Howrah and the following stations up and down in addition to monthly return tickets now issued:

- (1) Benares, (2) Allahabad, (3) Cawnpore, (4) Lucknow, (5) Delhi, (6) Agra, (7) Muttra, (8) Hardwar and (9) Kalka?

The Honourable Sir Andrew Clow: The question of quarterly return tickets between specific points is primarily one for the Railway Administration to consider. A copy of the question and answer will be forwarded to the General Manager, East Indian Railway.

LOW PLATFORMS ON EAST INDIAN RAILWAY STATIONS.

†214. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable the Railway Member please state how many station platforms on the East Indian Railway are still left "low" and if these platforms would be raised to proper height during this year? If not, by what time they are intended to be raised in order to remove the inconvenience to passengers?

The Honourable Sir Andrew Clow: Out of a total of 768 stations open for passenger traffic on the East Indian Railway, which includes 135 flag stations, there are 369 stations with more than one platform and 361 stations with one platform only. The total number of platforms provided is 1,296, of which 784 or 60 per cent. are above rail level.

2. Government have no special plans for raising platforms on this railway, but a policy of gradual betterment in this respect is being pursued.

CATERING CONTRACTS ON EAST INDIAN RAILWAY AND COMPLAINTS AGAINST CATERERS.

†215. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to lay on the table the plan adopted by the East Indian Railway regarding distribution of caterers throughout the line and the loopline, stating the terms and conditions on which these catering contracts have been entered into and the duration of each contract?

(b) Will the Honourable Member be pleased to lay on the table the various complaints submitted against the caterers during 1940, and state what steps have been taken regarding such complaints against the caterers?

The Honourable Sir Andrew Clow: (a) and (b). I presume the question refers to the whole of the East Indian Railway. I regret that I cannot ask them to embark on the compilation of statements containing the information required as such compilation would entail a great expenditure of time and labour.

COMPLAINTS OF PASSENGERS AGAINST RAILWAY SERVANTS.

†216. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Railways be pleased to state whether any complaints against Railway servants were received during the year 1940 from any passenger

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

while travelling? If so, on what grounds were such complaints made and what steps had been taken by the Railway authorities in the matter?

The Honourable Sir Andrew Clow: I imagine complaints against railway servants have been made by passengers travelling on the various railways in the course of the year. It is impossible to compile a list of such complaints or to indicate against each the nature of the complaint and the steps taken by the competent railway authority.

NON-CONFIRMATION OF CERTAIN MUSLIM JOURNEYMEN.

217. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a fact that certain Muslim journeymen were appointed on one year's probation on 15th March, 1938?

(b) Is it a fact that they were given due increment after completion of two years' satisfactory service?

(c) Is it a fact that these journeymen have not yet been confirmed?

(d) What is the reason for the abnormal delay in the confirmation of those men?

The Honourable Sir Andrew Clow: (a) One Muslim Electrical Journeyman was appointed on one year's probation with effect from 15th March, 1938.

(b) The journeyman was given one increment.

(c) Orders have been issued for his confirmation from the date of his first appointment.

(d) There was apparently only one man. I am not fully informed as to the reasons for any delay that may have occurred.

APPOINTMENTS TO THE NEWLY CREATED POSTS OF ASSISTANT CHARGEMEN ON NORTH WESTERN RAILWAY.

218. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a fact that some posts of Assistant Chargemen have been created on the North Western Railway?

(b) If so, what is the number, community-wise, of the men appointed against these posts?

(c) Is it a fact that some Hindu temporary journeymen who would, in the ordinary course, have been confirmed after the Muslims and would have been junior to them, have been promoted to work as Assistant Chargemen in the higher grade and the confirmation of Muslims is being postponed for one or other reason?

(d) Is it a fact that some electricians who have no power training at all and whose channel of promotion is ordinarily to higher grade electricians, have also been promoted as Assistant Chargemen without any power training?

(e) Is it a fact that Junior Chargemen are not eligible for promotion to higher grade posts on the North Western Railway?

(f) Is it a fact that some Hindu Junior Chargemen have been promoted to these higher grade posts?

(g) If the reply to parts (a), (d), (e) and (f) be in the affirmative, and in view of the fact that very few Muslims have been appointed as Assistant Chargemen, is the Honourable Member prepared to see that the Muslims get their due share in the newly-created posts of Assistant Chargemen?

The Honourable Sir Andrew Clow: (a) Yes.

(b) 22; ten Hindus, eight Muslims, three Sikhs and one Parsi.

(c) No.

(d), (f) and (g). I have called for information and will lay a further reply in due course.

(e) They are ordinarily not eligible for promotion to higher grades, but if any Junior Chargeman is considered suitable, he can obtain promotion.

RECRUITMENT TO THE INFERIOR STAFF OF THE ACCOUNTS DEPARTMENT ON NORTH WESTERN RAILWAY.

219. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state community-wise, the number of inferior staff, viz., record lifters, daffries and peons, of the Accounts Department, on the North Western Railway?

(b) Is it a fact that the abovementioned three categories have been amalgamated by the Chief Accounts Officer for the purpose of recruitment?

(c) Is it a fact that the ratio fixed for Muslims is 27.5 for recruitment in inferior staff in the Accounts Department?

(d) If so, why is the ratio different as compared with that of clerical appointments, or that of inferior service, vide Railway Board's letter No. E. 135-3M-145, dated the 19th September, 1935, to the General Managers?

(e) Is it a fact that this ratio for Muslims is being maintained by appointing them to the lowest category of peons and the Hindus and Sikhs are being appointed in the highest categories of inferior staff, viz., record lifters?

(f) What is the number of record lifters community-wise, appointed during the last five years?

(g) To which community do the officers belong, who recommended the appointments and who made them?

(h) Is it a fact that the last appointment in this category was made by selection instead of direct recruitment?

(i) Why has the basis for appointment been changed?

(j) Why has no Muslim been appointed all these years in this category?

(k) How do Government propose to increase the number of Muslims in this category?

Mr. B. M. Staig: (a) Muslims 50, Hindus 121 and Sikhs 5.

(b), (e) and (h). No.

(c) Yes.

(d) I would refer the Honourable Member to the reply to part (a) of question No. 118 asked by Mr. Nabi Baksh Illahi Baksh Bhutto on the 8th October, 1936.

(f) One Muslim, three Hindus and two Sikhs.

(g) The officer, who made the appointments is a Sikh.

(i) Does not arise.

(j) Does not arise in view of reply to part (f).

(k) There are no special steps in contemplation.

NON-CANCELLATION OF THE LIST OF CANDIDATES FOR APPOINTMENT AS STOCK VERIFIERS.

220. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that lists of candidates are cancelled after one year in ordinary course in all cases of appointments on Railways?

(b) Is it a fact that the list of candidates for the appointment of stock-verifiers has not been cancelled, although about two years have elapsed since the selection on the basis of which it was prepared?

(c) Is it a fact that after this selection, Government have since long decided that Appendix D passed candidates are not necessarily better than those who have not passed it?

(d) Is it a fact that the list mentioned above contains only those candidates who have passed Appendix D Examination?

(e) Why has the list not been cancelled in view of the fresh orders of Government as stated above?

(f) Have the staff of the Stores Accounts Branch submitted a joint application for its cancellation?

(g) Does it contain only the names of Hindu staff for promotion to stock-verifiers' cadre?

(h) Why is its cancellation being delayed?

(i) When will it be cancelled?

The Honourable Sir Andrew Clow: Information is being collected and a reply will be laid on the table of the House in due course.

RECRUITMENT TO THE NEW POSTS OF JOURNEYMEN CREATED ON NORTH WESTERN RAILWAY.

221. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that seven new posts of journeymen weighing machines were created on the North Western Railway during the last year?

(b) If the reply to part (a) be in the affirmative, will he state the procedure adopted for recruitment to fill these posts, and recruitment made actually community-wise?

(c) Is it a fact that the qualifications laid down for filling up these posts is apprenticeship in Mill Wright and Reconditioning trade?

(d) Is it a fact that some non-Muslims have been appointed in this trade as journeymen, who have not worked for a day in Mill Wright or Reconditioning Shops?

(e) If the reply to part (d) be in the affirmative, will the Honourable Member please state if such facilities have been provided to Muslims before? If not, is he prepared to see that Muslims should also be given advantage of this lowering of the qualifications?

(f) Is it a fact that two Muslims have been appointed out of seven posts and that efficient senior qualified Muslims of this trade have been transferred out of the trade and unqualified non-Muslims brought in?

The Honourable Sir Andrew Olow: (a) Six posts were created in 1939 and one in 1940.

(b) The six posts created in 1939 were filled by surplus Journeymen Millwright; the post created in 1940 was filled by a Sikh Apprentice Mechanic.

(c) Yes.

(d) I understand that this is not a fact.

(e) Does not arise.

(f) The answer to the first part is in the affirmative and to the second in the negative.

PERSONS KIDNAPPED BY THE TRIBAL DACOITS AND RANSOM PAID TO THEM.

†222. ***Bhai Parma Nand:** (a) Will the Foreign Secretary be pleased to state the number of men, women and children kidnapped by the tribal dacoits during the last year? How many of them were murdered?

(b) What is the total amount of ransom that has been paid, and how many persons were released without paying the ransom?

(c) What is the new policy that is adopted by Government to check these raids and has it proved efficient?

Mr. O. K. Caroe: (a) 190 persons, including 157 men, 26 women and seven children were kidnapped during the year 1940. 11 of them were killed.

(b) 197 persons were released during 1940. Government paid no ransom for their release. Government have no information in respect of ransom paid privately by the relatives of kidnapped persons.

(c) The measures taken by Government to control the situation on this border have included the strengthening of the Frontier Constabulary, whose function it is to protect the Districts from raiding gangs, and the occupation by civil forces of adjacent tribal areas in which such gangs sought refuge or set up their headquarters. Deterrent action is also taken in all cases of raiding and kidnapping both as a punishment and to prevent recurrence of similar incidents in future. Pressure is maintained by means of *Barampta* (meaning the arrest of tribesmen or the detention of their property until satisfaction is obtained) and by fine. Every endeavour is also made to prevent the payment of ransom for captives, since such payment acts as an incentive to further outrage. The measures taken have succeeded in maintaining continual pressure on tribal ill-doers, and in effecting a large number of releases.

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

EXPENDITURE ON AND RECRUITMENT TO KHASSADARS, SCOUTS AND FRONTIER CONSTABULARY.

†223. ***Bhai Parma Nand:** (a) Will the Foreign Secretary please state the expenditure of Government on maintenance of (1) Khassadars, (2) Scouts and (3) Frontier Constabulary?

(b) What is the number of each and from whom are they recruited?

(c) Why do Government not recruit these forces from the communities other than the tribal people, who have got natural sympathies with the raiders, being their kinsmen?

Mr. O. K. Caroe: (a) and (b). A statement containing the required information is laid on the table.

(c) A large proportion of the recruits to the Scouts and Frontier Constabulary is drawn from classes in the settled Districts. The Khassadars are in essence a tribal force and are recruited from the tribes in whose territory they work. Long experience and careful examination of the question have convinced Government that in the present situation the existing system of recruitment is the best that can be devised.

Statement showing strength, Expenditure, etc., of Irregular Forces in the North-West Frontier Province.

	Strength.	Annual expenditure.	Class from which recruited.
1	2	3	4
Khassadars	7,285	25,05,310	Bhittanis, Wazirs, Mahsuds, Biland Khel, Adam Khel, Mohmands, Afridis, Shinwaris, Shilmanis and Mullagories.
Levies	953	2,26,922	Marwats, Shia Orakzais, Khalils.
Scouts	8,680 (combatants).	39,70,165	Afridis, Bangash, Bhittanis, Chitralis, Khalils, Khattaks, Mahsuds, Mohmands, Mullagories, Orakzais, Swatis, Turis, Wazirs and Yusufzais.
Frontier Constabulary	4,843	22,38,000	Afridis, Bangash, Bhittanis, Khalils, Khattaks, Mishwanis, Mohmands, Mullagories, Orakzais, Sheranis, Swatis, Tanaulis, Wazirs and Yusufzais.

UNSTARRED QUESTIONS AND ANSWERS.

PUBLICATION OF REFRESHMENT ROOM COMPLAINTS IN THE RAILWAY GAZETTE.

65. **Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Railways please refer to the note on pages 4 and 5 of the *Musafir*, dated the 24th November, 1940 under the caption "Railway Refreshments—Monopoly granted to Marwari"; viz., "A monthly bulletin should be

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

published by the Railways giving complete copies of all complaints recorded by passengers" and state the objections, if any, the Railways have in publishing the complaints in its Gazette at the cost of the contractor?

The Honourable Sir Andrew Olow: I have not consulted the railways in the matter but regard a system which would involve expenditure on printing complaints as unjustifiable. I would add that the making of a complaint is no guarantee that a complaint is justified, but its publication by the railways would tend to convey that impression.

CERTAIN CLASSES OF NON-GAZETTED STAFF ON EAST INDIAN RAILWAY AND CHANNEL OF THEIR PROMOTION.

66. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways be pleased to state whether the classes in the group of Train Examiners and their normal channels of promotions have been included in the rules for the recruitment and training of non-gazetted staff issued by the Railway Board to State-managed Railways?

(b) If not, what is the position of this branch of service on the East Indian Railway in regard to recruitment and avenues of promotion?

(c) Is the post of Cleaner in the Transportation (Power) and Locomotive Department included in those rules? If so, what are the channels of their promotion?

(d) What classes are included in the group of Goods Clerks on the East Indian Railway at the Howrah Goods Sheds and the channels of their promotion?

(e) Is the post of Weigh Clerk at the Howrah Goods Sheds of the East Indian Railway a selection post? If not, are clerks attached to the office of the Divisional Superintendent eligible for promotion to this post?

The Honourable Sir Andrew Olow: (a) No.

(b) I understand that some are recruited directly on an apprenticeship system while others are promoted. There are several grades affording a channel of promotion.

(c) The answer to the first part is in the affirmative; as regards the latter part, the Honourable Member is referred to rule 35 of Appendix II of the State Railway Establishment Code, Volume I.

(d) Government have no information.

(e) The answer to the first part is in the negative; as regards the latter part, I have no precise information but believe that they would not ordinarily be eligible.

PANEL SYSTEM FOR SELECTION POSTS IN THE NON-GAZETTED SERVICE OF EAST INDIAN RAILWAY.

67. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please state whether it is a fact that panels of staff for promotion to selected posts in the non-gazetted service are maintained by the Chief Commercial Manager of the East Indian Railway?

(b) If so, are the staff concerned informed of their position in the panels for the different selection posts? If not, what are the reasons for suppressing this information?

(c) Are the staff placed on the panels in order of merit or seniority?

(d) Is it a fact that there are posts in the Commercial Department in the scales Rs. 160—10—280, Rs. 180—10—290 and Rs. 180—10—300? If so, are these three grades treated as one unit for the purpose of determining seniority?

(e) If the answer to the second part of part (d) be in the negative, how is seniority determined in the cases of staff in those grades who have been placed on the panel of a selection post on a higher grade?

The Honourable Sir Andrew Olow: (a) Yes.

(b) As regards the first part, the answer is in the negative. As for the latter part, the information is not suppressed and may be obtained by the employees on request.

(c) In the order of seniority.

(d) The answer to both parts is in the affirmative.

(e) Does not arise.

MUTUAL GUARANTEE FUND OF THE OLD EAST INDIAN RAILWAY COMPANY.

68. Maulvi Muhammad Abdul Ghani: (a) With reference to the statement laid on the 5th November, 1940 in reply to unstarred question No. 41, asked on the 27th February, 1940, regarding Mutual Guarantee Fund of the old E. I. Railway Co., will the Honourable Member for Railways be pleased to state at what stage an employee ceased to have any interest in the East Indian Railway Company Mutual Guarantee Fund, i.e., on leaving the service of the East Indian Railway Company or at the time that Government took over the management of that Railway from the Company or any time after the 1st January, 1925 or the 30th September, 1927?

(b) Did any interest accrue to the Fund from the time Government took over the management of that Railway (1st January 1925) up to the time the Fund was closed? If so, what amount?

(c) What amount was realised from the sale of the securities and when were they sold?

(d) Is it a fact that the Divisional Superintendent, Howrah, informed an ex-employee, vide his letter No. E-282-A of the 29th April/1st May, 1926, that the Mutual Guarantee Fund did not exist on that date?

(e) Was the attention of the General Manager, East Indian Railway, drawn to the false statement made by the Divisional Superintendent, Howrah? If so, what action did he take, and did he inform the complainant of the same?

The Honourable Sir Andrew Olow: I am making enquiries and shall lay a statement on the table in due course.

EAST INDIAN RAILWAY CO-OPERATIVE CREDIT SOCIETY RESERVE FUND AND EMBEZZLEMENTS OF THE SOCIETY MONEY.

69. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways be pleased to state whether on the termination of the services of an employee on the East Indian Railway a 'No Claim Certificate' is circulated to the various sections in order to ascertain his liabilities before settlement is made?

(b) Is it a fact that till recently the Co-operative Credit Society of that Railway used to show the amount outstanding on loans in the 'No Claim Certificates' without adjusting the value of the Shares held and without advising the debtor of the same?

(c) What is the amount of such Share money that has been transferred to the Reserve Fund of that Society?

(d) Is it a fact that applications to the Co-operative Credit Society for the refund of such transferred share money have been rejected by the Society? If so, will the Honourable Member direct a refund of such money?

(e) Is it a fact that there have been several embezzlements? If so, what is the total amount involved?

(f) What amount has been recovered from those held responsible and how has the balance been adjusted?

The Honourable Sir Andrew Olow: (a) Yes.

(b) Up to 1934, it was usually left to the borrower to claim the refund of the value of the shares separately. Since then, in the adjustment of the amount of any outstanding loan, he is credited with the value of the shares held by him provided he has complied with the instruction that the share certificates must be returned to the credit society. Otherwise the refund of the value of the shares is delayed till he does so.

(c) The amount of the total unclaimed share moneys transferred to the "Reserve Fund" of the Society upto 1940 is Rs. 44,480. Figures are not available to show how much of this represents the shares of persons indebted to the Society at the time of termination of service.

(d) Yes, where the share money remained unclaimed for over five years. As this was done in accordance with the bye-laws of the Society, the question of my directing a refund does not arise. I understand, however, that the modification of the particular bye-law is under consideration.

(e) There was only one case of misappropriation, the amount involved being Rs. 510.

(f) The amount was recovered in full.

LOWER RATES OF CONSOLIDATED TRAVELLING ALLOWANCE FOR VAN SORTERS ON NORTH WESTERN RAILWAY.

70. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to part (b) of my unstarred question No. 125 asked on 20th November, 1940, regarding lower rates of consolidated travelling allowance for van sorters on N. W. R., will he be pleased to state whether in fixing consolidated travelling allowance for van sorters on the North Western Railway at Rs. 20 per mensem, the provisions of Rule 212 (1) (b) page 22, of the State Railway Establishment Code, Volume I, to the effect that in fixing the consolidated travelling allowance, it shall be so calculated as to be equivalent ultimately to the travelling allowance admissible under the rules if no permanent travelling allowance was granted were observed? If not, why not?

(b) If the reply to the first portion of part (a) above be in the affirmative, will the Honourable Member please lay a statement on the table of the House, showing statistics collected in fixing the consolidated travelling allowance for van sorters?

(c) Is it a fact that the van sorters have protested against the grant of insufficient consolidated travelling allowance? If so, what action is proposed to revise the said allowance? If none, why not?

The Honourable Sir Andrew Olow: (a) and (b). Government have no reason to doubt that the provisions of rule 212 (1) (b) of the State Railway Establishment Code, Volume I, were observed in fixing the rate of consolidated travelling allowance for Van Sorters on the North Western Railway. They do not consider it necessary to call for the statistics referred to in part (b) of the question, from the Railway Administration.

(c) Government have no information. The matter is within the competence of the General Manager of the Railway to whom a copy of the question is being sent for information and any action that he may consider necessary.

WAGON ALLOTMENT SUPERVISORS ON EAST INDIAN RAILWAY.

71. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Railways be pleased to state:

(a) the number and the scale of pay of the posts of Wagon Allotment Supervisors on the East Indian Railway, Division by Division;

(b) the class of staff who are eligible for those posts;

(c) the methods usually adopted by the respective Divisional Superintendents of the East Indian Railway for finally selecting staff for the said posts; and

(d) any rules in the pamphlet of rules for the recruitment and training of non-gazetted staff on State-managed Railways by which the classes of staff included in the Commercial Group can be considered suitable and selected for the said post?

The Honourable Sir Andrew Olow: (a) There are now no posts of Wagon Allotment Supervisors on the East Indian Railway. These posts were abolished in 1931.

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

NON-SUBMISSION OF MUSLIM CANDIDATES' NAMES BEFORE THE DIVISIONAL SELECTION BOARDS ON EAST INDIAN RAILWAY.

72. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Is the Honourable Member for Railways aware of the fact that in all the Divisions of the East Indian Railway, Muslims are not considered when candidates for the posts for which Selection Boards are contemplated to be held are recommended by immediate and branch officers for the said Selection Boards?

(b) If the reply to part (a) be in the negative, will the Honourable Member be pleased to state the number of Muslims who came up for examination by the Divisional Selection Boards, or the Head Office Selection Boards, held during the period from 1st January, 1935 to September, 1940, in each Division or the Head Office of the East Indian Railway for the following posts:

1. Lower Gazetted Service;

2. Transportation Inspectors;

3. Commercial Transportation Inspectors;

4. Research Inspectors;
5. Publicity Inspectors;
6. Inspectors "Transit", Grade Rs. 280—20—500;
7. Divisional Transit Inspectors, Grade Rs. 280—20—500;
8. Assistant Van-Goods Inspectors, Grade Rs. 180—10—800;
9. Claim Inspectors;
10. Re-weighment Inspectors;
11. Chief Controllers;
12. Deputy Controllers;
13. Section Controllers, Grade 'A' and 'B';
14. Supervising Station Masters, Grade 'A' Rs. 400, Grade 'B' Rs. 250;
15. Assistant Station Masters and Yard Masters, Grade Rs. 350;
16. Luggage and Parcel Supervisors, Howrah;
17. Chief Accountant and Booking Clerk, Howrah;
18. Office Superintendents;
19. Head Establishment Clerks;
20. Chief Clerks;
21. Assistant Head Clerks;
22. Sub-Heads of Establishment Section;
23. Passenger Superintendent, Howrah;
24. Personnel Inspectors;
25. Labour Inspectors;
26. Labour Advisers;
27. Goods Clerk and Goods Supervisors;
28. Goods Accountants;
29. Weigh Clerks; and
30. Shed Foremen?

(c) Will the Honourable Member be pleased to state the number of Muslims in all Divisions of the East Indian Railway who are drawing pay between Rs. 80 and Rs. 800?

The Honourable Sir Andrew Olow: (a) No.

(b) I regret it is impracticable to undertake the research necessary to secure and compile the information.

(c) The information available with Government is contained in Appendix CII of Volume II and the statements at pages 100 and 101 of Volume I of the Report by the Railway Board on Indian Railways for 1939-40.

PERCENTAGE OF MUSLIMS IN CERTAIN GRADES ON EAST INDIAN RAILWAY.

73. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Railways be pleased to state the percentage of Muslims in all the Divisions of the East Indian Railway drawing pay between Rs. 80 and Rs. 800 in comparison with the percentage of staff of other communities drawing pay between Rs. 80 and 800?

The Honourable Sir Andrew Olow: I would refer the Honourable Member to my reply to part (c) of the preceding question.

PROMOTION TO POSTS OF SECTION CONTROLLERS, GRADE "A", IN HOWRAH DIVISION, EAST INDIAN RAILWAY.

74. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Railways be pleased to state the number of the staff who have been promoted to the posts of Section Controllers, grade 'A' (Rs. 400) in Howrah Division, East Indian Railway, in the year 1940, and further state the position on the combined seniority list of grades from which staff are eligible for promotion to the posts of Section Controllers, grade 'A'?

(b) Is it a fact that there was no Selection Board for the examination of the staff who are eligible for promotion to the posts of Section Controllers?

(c) Is it a fact that a person drawing Rs. 150 as a Section Controller, grade 'B', has been promoted to the posts of a Section Controller in the grade of Rs. 400?

The Honourable Sir Andrew Olow: I have called for information and a reply will be laid on the table of the House in due course.

STAFF SELECTED FOR POSTS OF PERSONNEL INSPECTORS ON EAST INDIAN RAILWAY.

75. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Railways be pleased to state the number of the staff selected for the posts of Personnel Inspectors on the East Indian Railway during the year 1940?

(b) Is it a fact that no Muslim has been selected for the post?

(c) Is it a fact that non-Muslims drawing less pay than Muslims have been selected for the said posts?

The Honourable Sir Andrew Olow: (a), (b) and (c). Four men have been selected and placed in a panel for appointment to these posts; they include one Muslim. Two have been actually appointed so far; they were senior to the Muslim in question.

PROMOTION OF INFERIOR STAFF TO CERTAIN POSTS UNDER THE POWER SUPERINTENDENT, HOWRAH DIVISION, EAST INDIAN RAILWAY.

76. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Railways be pleased to state the number of inferior staff who have been promoted to the post of Fireman Grade 'A' (European), Coal Checkers, Fitters and Examining Fitters, under the Power Superintendent, Howrah Division, East Indian Railway, during the period from 1st August, 1934 to 1st February, 1941, with particular references to their dates of appointments and their original posts and pay on their appointments?

(b) Is it a fact that the promotion of inferior staff to the posts mentioned in part (a) is considered direct recruitment?

(c) If the reply to part (b) be in the affirmative, will the Honourable Member be pleased to state the dates when communal quota was obtained

from the General Manager, East Indian Railway, during the period from 1st August, 1934 to 1st September, 1940?

(d) Is it a fact that direct recruitment to the post mentioned in part (a) was made without any advertisement and Selection Board?

The Honourable Sir Andrew Olow: (a), (c) and (d). Information that is readily available has been called for and will be laid on the table of the House in due course.

(b) Yes, but there does not appear to be any category "Examining Fitters".

NON ADVERTISEMENT FOR CERTAIN POSTS IN HOWRAH DIVISION, EAST INDIAN RAILWAY.

77. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Railways be pleased to state the circumstances which prevented the Divisional Superintendent, Howrah Division, East Indian Railway, from advertising the posts of Firemen (European Grade), Coal Checkers, Fitters, and Examining Fitters during the period from 1st August, 1934 to 15th February, 1941, and making recruitment through examination-cum-selection method according to communal allotment?

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

MUSLIMS EXAMINED OR CONSIDERED FOR CERTAIN POSTS IN HOWRAH DIVISION, EAST INDIAN RAILWAY.

78. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Railways be pleased to state the number of Muslims who were examined or considered suitable for the posts mentioned in the preceding two questions during the period from 1st August, 1934 to 15th February, 1941?

The Honourable Sir Andrew Olow: It will not be possible to secure the information required by the Honourable Member without extensive research which I regret I cannot authorise.

ADVERTISEMENT FOR POSTS UNDER THE POWER SUPERINTENDENT, HOWRAH DIVISION, EAST INDIAN RAILWAY.

79. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Railways be pleased to state the dates when any subordinate posts under the Power Superintendent, Howrah Division, East Indian Railway, were advertised for general recruitment subject to communal allotment during the period from 1st August, 1934 to 15th February, 1941?

The Honourable Sir Andrew Olow: I have seen no such advertisement and if any were issued, I doubt if records are now available for the earlier years. If it would serve the purpose of the Honourable Member I could ascertain if any such advertisement has recently been issued and if so on what date.

REVISIONS OF SCALES OF PAY OF CERTAIN STAFF ON EAST INDIAN RAILWAY.

80. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member in charge of Railways be pleased to enquire and state:

- (a) whether it is a fact that before the introduction of the new scale of Rs. 18-1-27 for the sorters on the East Indian Railway the scale of this category of staff (known as letter delivery clerks, or train despatch clerks, etc.) used to be Rs. 28-2-50 and Rs. 26-2-40 as stated in this House on 7th February, 1939, in reply to unstarred questions Nos. 86, 87, 89 and 41;
- (b) whether it is a fact that ex-brakesmen of the East Indian Railway, who were fixed in the new scale of Rs. 18-1-27, were re-fixed in the scale of Rs. 26-2-40 from the date they were brought on to the new scale of Rs. 18-1-27;
- (c) whether it is a fact that some of the Ticket Collectors who were drawing Rs. 52, or Rs. 64, in the II and III grades of the cadre were demoted as letter sorters and fixed in the scale of Rs. 18-1-27 (new);
- (d) whether it is a fact that, on a re-examination of the position, they were subsequently fixed in the old scale of Rs. 26-2-40 like the ex-brakesmen of the late Oudh and Rohilkhand Railway;
- (e) whether it is a fact that, unlike the ex-brakesmen, these Ticket Collectors were not fixed in the old scale with retrospective effect, viz., from the date they were wrongly fixed in the new scale of Rs. 18-1-27; if so, why;
- (f) whether it is a fact that these old Ticket Collectors now employed as letter sorters on their fixation in the old scale of Rs. 26-2-40 are allowed to contribute to Provident Fund;
- (g) whether it is a fact that while employed in the scale of Rs. 18-1-27, they were not allowed to contribute to Provident Fund;
- (h) whether Government are aware that during the period they drew Rs. 27 and were re-fixed on Rs. 42, they suffered a heavy loss by not being able to contribute to Provident Fund and this loss has not been compensated as in the case of the ex-brakesmen by re-fixing their pay with retrospective effect; if so, why;
- (i) the rules regarding the payment of arrears in respect of pay and travelling allowances drawn by employees under circumstances mentioned in the previous parts of this question; and
- (j) whether it is a fact that during the period these old Ticket Collectors were paid Rs. 27 in the new scale against Rs. 40 in the old scale, they were paid annas six per day as travelling allowance against annas twelve per day; if so, how this loss has been compensated; if not, why not?

The Honourable Sir Andrew Olow: (a) and (b). Yes.

(c) to (j). I have called for information and will lay a reply on the table of the House in due course.

ALLEGED BOGUS APPOINTMENTS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

81. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member in charge of Railways be pleased to enquire and state whether it is a fact that in Howrah Division of the East Indian Railway several bogus appointments of commercial staff were made?

(b) Is it a fact that some of the office clerks were prosecuted for this?

(c) Is it a fact that the accused pleaded that it was with the consent and knowledge of the Personnel Officer that these appointments were made by them?

(d) Is it a fact that most of the bogus letters of appointments were signed by the Personnel Officer?

(e) What are the full facts of the case, and will the Honourable Member be pleased to lay on the table a copy of the judgment in this case?

The Honourable Sir Andrew Olow: (a) Yes.

(b) One office clerk was prosecuted.

(c) I have called for information and will lay a further reply in due course.

(d) I believe they purported to be so signed.

(e) I have not yet seen either of the judgments of the case and am not prepared to lay these on the table but a reply giving the main facts will be laid on the table at a later date.

GUARDS IN MORADABAD DIVISION, EAST INDIAN RAILWAY.

82. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member in charge of Railways be pleased to enquire and state whether it is a fact that senior grade guards were imported into Moradabad Division from the old East Indian Railway sections?

(b) Is it a fact that this arrangement has resulted in the supersession of guards of Moradabad Division who have been blocked on the maximum of their grades for years?

(c) How many such guards were imported and why?

(d) What was the rate of mileage allowance drawn by them while employed on the old East Indian Railway section, and what is the rate of the said allowance drawn by them in the Moradabad Division?

(e) What is the total enhancement in the mileage allowance earned by these imported guards per month?

(f) Is it a fact that some of the staff of the Loco. Branch were similarly imported from the old East Indian Railway sections and they were subsequently transferred back to their own sections (old East Indian Railway)? If so, why?

(g) Will the Honourable Member be pleased to state why this extra expenditure has been condoned by the East Indian Railway administration, which can be easily reduced by transferring back the said guards to their own sections?

The Honourable Sir Andrew Olow: I have called for information and a reply will be laid on the table of the House in due course.

TRAFFIC APPRENTICES ON EAST INDIAN RAILWAY.

83. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Railway Member please state whether it is a fact that a category of Traffic Apprentices has recently been created by the East Indian Railway administration?

(b) Is it a fact that these Traffic Apprentices will be given training and they will ultimately be employed as Inspectors?

(c) What are the reasons for not affording similar facilities to the existing staff of better status and with long experience of Railway work?

(d) What is the strength of such Traffic Apprentices and how many of them are Anglo-Indians and Europeans and what are the educational qualifications of each?

(e) Is it a fact that this arrangement is recurring?

The Honourable Sir Andrew Olow: (a) Yes.

(b) The answer to the first part is in the affirmative; as regards the latter part, the apprentices have only been guaranteed posts of the status of guard grade I on the satisfactory completion of their apprenticeship.

(c) There is no impediment in the way of deserving employees obtaining promotion through selection, and the administration felt that there were advantages in having a grade of young men of this type.

(d) Ten, of whom four are Europeans or Anglo-Indians; seven are graduates, and three have passed the Senior Cambridge Examination.

(e) It is still an experiment.

COMMERCIAL GROUP STAFF *vis-a-vis* THE TRANSPORTATION STAFF ON EAST INDIAN RAILWAY.

84. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Railway Member please state whether it is a fact that staff of the Commercial Group on the East Indian Railway are given preference over more qualified Transportation staff when vacancies occur in the upper subordinate rank?

(b) How many members of the Commercial group were absorbed in the Transportation Branch against posts carrying emoluments above Rs. 100 per month during the last five years in the Moradabad Division?

(c) How many Transportation hands were absorbed in the Commercial Branch against posts mentioned in part (b) above?

(d) How many senior grade guards and Station Masters were absorbed in the Commercial Branch against posts carrying emoluments above Rs. 100 per month during the last five years?

The Honourable Sir Andrew Olow: I have called for such information as can readily be received and a reply will be laid on the table of the House in due course.

GUARDS IN MORADABAD DIVISION, EAST INDIAN RAILWAY.

85. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Railway Member please state how many members of various other branches have been utilised as guards for an aggregate period of two years or more and are not provided in permanent vacancies in Moradabad Division of the East Indian Railway?

(b) Is it a fact that people from outside and other branches are being recruited as guards against permanent vacancies?

The Honourable Sir Andrew Olow: I have called for information in respect of appointments made in 1940 and 1941 and a reply will be laid on the table of the House in due course.

MUSLIM STAFF AT PATIALA RAILWAY STATION, NORTH WESTERN RAILWAY.

86. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Railway Member please state:

- (a) the number of Muslim staff of all categories employed at the Patiala Railway Station of the North Western Railway on the 1st January, 1939;
- (b) the number of Muslim vendors, contractors and coolies employed on the same date at that station;
- (c) the strength of the Muslim staff, vendors and coolies, separately, on that station on the 1st September, 1940;
- (d) whether there has been an agitation over the proposed demolition of a praying platform in the railway limit of that station for the last two years or so;
- (e) whether the decrease in the strength of Muslims on that station is on account of this agitation;
- (f) if the reply to the part (e) above be in the affirmative, whether the railway authorities had no other alternative except the transfer of the entire Muslim staff of that railway station;
- (g) whether the praying platform referred to in part (d) has been demolished since the transfer of the Muslim staff; and
- (h) whether Government propose to consider the advisability of re-transferring the Muslim staff to that Railway Station?

The Honourable Sir Andrew Olow: (a) 84.

(b) Vending Contractor one, Cooly Jemadar one—the number of Muslim coolies and salesmen is not available.

(c) Muslim staff 21, Vending Contractor Nil, Cooly Jemadar Nil. The information about coolies and salesmen is not readily available.

(d) and (e). Yes.

(f) The entire staff was not transferred, but the administration considered that the transfer of some of the staff would facilitate an equitable settlement.

(g) I am making inquiries and shall lay a reply on the table of the House in due course.

(h) No.

REDUCTION IN THE NUMBER OF POSTAL DELIVERIES AT SIMLA LAST WINTER.

87. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Communications be pleased to state whether Government are aware that this winter in Simla the delivery of letters, etc., was curtailed to one delivery at twelve hours instead of three as hitherto?

(b) Is it a fact that the business community in Simla has represented against this reduction in the number of deliveries of dak, as they are unable to reply to dak the same day, owing to the posting hours of letters having been changed to 15-30 P.M. from 5 P.M. which was the hour up to the last winter?

(c) Has the Postal Department considered this complaint of the Simla merchants and, if so, with what result?

(d) Is it a fact that with the above arrangements the dak from Simla Hills will be kept in the Simla General Post Office for more than twenty-two hours for delivery by the postman? Has the Department considered whether some more satisfactory arrangements can be made for delivery of the Hill Dak at Simla?

Sir Gurunath Bewoor: (a) Yes, but there is also a window delivery at 4 P.M.

(b) Some people belonging to the Simla Hills represented to the Postmaster, Simla, that there should be a regular delivery by the postmen at 16 hours instead of only a window delivery. The posting hour was 3-30 P.M. and not 5 P.M. in the preceding winter.

(c) Yes. Arrangements have been made for the mail from Simla Hills to reach Simla at 11-35 so that it may be included in the 12 o'clock delivery.

(d) The reply to the first part is in the negative; as regards the latter part, I would refer the Honourable Member to the reply given to part (c).

REDUCTION IN CERTAIN POSTS IN THE GENERAL POST OFFICE, SIMLA.

88. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Communications please state the percentage of reduction made in the upper grade clerical, supervisory and lower grade posts as compared with that in the gazetted posts in the General Post Office, Simla?

The Honourable Sir Andrew Olow: As compared with the staff employed in the summer months, there has been a reduction of 46 per cent this winter in the total staff of clerical (including supervisory) and lower grade posts. There is only one gazetted post and it has not been reduced.

TRANSFER OF POSTAL STAFF FROM SIMLA TO NEW DELHI AFTER CLOSE OF THE SEASON.

89. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Communications please state the principle of transfer of Postal staff from Simla to New Delhi after the close of the Simla season?

(b) Is it a fact that last year only the juniormost postmen and packers were selected for transfer to New Delhi?

(c) Is it a fact that no provision exists for quarters for the staff at New Delhi and they work at New Delhi without being provided with quarters?

Sir Gurunath Bewoor: (a) The practice in the past was to select the staff from volunteers; and if no volunteers were forthcoming or the number of volunteers was insufficient, to select men who were not sent down during the previous year. The arrangement has been reviewed by the Postmaster-General and the following principles have been laid down:

- (1) Officials with service of 20 years and above will be exempted from seasonal transfer to Delhi.
- (2) Volunteers will be called for and sent first.
- (3) If the number of volunteers is insufficient, the remaining staff, with less than 20 years' service, will be sent in rotation, juniors being required to move first.

(b) No.

(c) Yes; but the staff transferred for the winter season to New Delhi draw the compensatory allowance and house rent allowance admissible to them.

RETENTION OF A FIRST GRADE POSTMASTER AT SIMLA AFTER THE CLOSE OF THE SEASON.

90. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Communications please state whether it is necessary to retain a first grade postmaster at Simla when half the staff has gone away from Simla?

The Honourable Sir Andrew Olow: Yes.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 89 asked by Mr. Muhammad Azhar Ali on the 18th November, 1940.

WORKING OF THE PAYMENT OF WAGES ACT, 1936, ON THE STATE RAILWAYS.

(a) The number of cases of delayed payments reported by the Inspectors of Railway Labour over a period of 3 years, since the enforcement of the Payment of Wages Act, 1936, are as under:—

Eastern Bengal Railway	...	...	...	...	95
East Indian Railway	...	...	...	...	1,147
Great Indian Peninsula Railway	...	...	...	...	852
North Western Railway	...	...	...	...	1,863

Most of these cases relate to payments of officiating, overtime and running allowances and leave salaries where pre-audit, or sanction of an authority higher than the one authorised to draw ordinary wages, was necessary. With very few exceptions the delays did not exceed one wage period. Nor were there many delays in the payment of substantive wages.

(b) The Supervisor of Railway Labour brought these cases to the notice of the Administrations concerned and impressed upon them the necessity for avoiding delay in payments.

(c) Without being invested with statutory powers under the Payment of Wages Act the Inspectors are able to carry on their work of inspection. They are able to rectify defects on the spot in many cases in collaboration with local Railway Officials and in more important cases they can write to the Supervisor of Railway Labour for taking necessary action.

Information promised in reply to part (c) of unstarred question No. 11 asked by Dr. Sir Ziauddin Ahmad on the 17th February, 1941.

RESTRICTION IMPOSED ON MUSLIM SALESMEN BY THE WESTERN W. I. COMPANY BAREILLY.

It has been reported that the Western India Match Company allot to each dealer a quota based on the average sales made by him during the period from January to August 1940. This is the only factor taken into account.

MOTION FOR ADJOURNMENT.

RIGHTS OF INDIANS IN CEYLON.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the business of the House from Mr. Govind V. Deshmukh, who wishes to discuss a definite matter of urgent public importance, namely, the proposed introduction on March 4 in the Council State, Ceylon, of the two Bills affecting the rights of Indians overseas, one for regulating and controlling the entry of non-Ceylonese into Ceylon and the other for registration of persons in Ceylon who do not possess Ceylon domicile or origin, approved by the Board of Minister, Ceylon.

I take it the Honourable Member recognizes that this is not really a responsibility of the Government of India and moreover, the whole matter—although the Bills had not then been actually introduced in the Ceylon Council—of the relations between Indians in Ceylon and the Ceylon Government was discussed fully the other day.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I submit, Sir, that the responsibility certainly is with the Government of India—because the interests of the Indians overseas forms a portfolio . . .

Mr. President (The Honourable Sir Abdur Rahim): Yes, but the matter was really discussed the other day. It was public knowledge that Bills like these were going to be introduced there.

Mr. Govind V. Deshmukh: Sir, in spite of the debate on the last occasion, the Ministers are going ahead and I submit that by means of an adjournment motion we would be strengthening the hands of the Government . . .

Mr. President (The Honourable Sir Abdur Rahim): Besides, the Governor of Ceylon said the other day that he was watching the situation and would take appropriate steps.

Mr. M. S. Aney (Berar: Non-Muhammadan): May I ask whether the Secretary would be willing to accept a short notice question in view of this?

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Yes.

Mr. Govind V. Deshmukh: Then, I do not move it.

ELECTION OF THE STANDING FINANCE COMMITTEE.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move:

"That this Assembly do proceed to the election, for the financial year 1941-42, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

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

"That this Assembly do proceed to the election, for the financial year 1941-42, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, may I ask a question? Our practice in previous years has been that the Members were elected after the Budget has been discussed in the Assembly, but my friend has adopted the method of having the election in the earlier part of the Session. I should like to say in this connection that he has already convened a meeting of the Standing Finance Committee on the eighth of this month, and suppose the election takes place before the 8th, what will happen? Will the new Members sit on the Committee on the 8th or the old Members?

The Honourable Sir Jeremy Raisman: The motion is "to proceed to the election for the financial year 1941-42". I have no intention to depart from the practice in this matter and any meetings of the Standing Finance Committee held during the month of March will obviously be meetings of the existing Standing Finance Committee.

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

"That this Assembly do proceed to the election, for the financial year 1941-42, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members for the Standing Finance Committee for the financial year 1941-42, the Notice Office will be open to receive nominations up to 12 Noon on Wednesday, the 5th March, 1941, and that the election, if necessary, will take place on Tuesday, the 11th March, 1941. The election, which will be held in the Assistant Secretary's room in the Council House between the hours of 10-30 A.M. and 1 P.M., will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE MADRAS PORT TRUST (AMENDMENT) BILL.

The Honourable Sir Andrew Olow (Member for Railways and Communications): Sir, I move for leave to introduce a Bill to alter the constitution of the Board of Trustees of the Port of Madras.

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

"That leave be granted to introduce a Bill to alter the constitution of the Board of Trustees of the Port of Madras."

The motion was adopted.

The Honourable Sir Andrew Olow: Sir, I introduce the Bill.

DEMANDS FOR SUPPLEMENTARY GRANTS—RAILWAYS.

DEMAND NO. 1—RAILWAY BOARD.

Mr. B. M. Staig (Financial Commissioner, Railways): Sir, last year on this occasion I was taken gently to task by one or two Honourable Members because of the magnitude of the Demands I then presented to the House. On that score, I am this year in a much happier position. Our revised traffic receipts exceed those in the original Budget by over six crores, but were it not for the provision we are now making for a dearness allowance, our revised estimate of the working expenses would have been substantially lower than the Budget. This is due to the fact that the rise in the price of materials, for which we budgeted, has not been so serious as we anticipated a year ago. Of the Demands I now submit to the House, the two very large ones are those under Heads 10 and 10—A—the appropriation to the Reserve and the withdrawal therefrom for the purpose of writing down part of the capital of dismantled lines.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not yet moved Demand No. 1?

Mr. B. M. Staig: I was going to explain a few points and then to move the Demands. These two demands do not contemplate expenditure in the ordinary sense. The former reflects an act of saving rather than one of spending, and the latter covers accounting transactions. These two proposals were very fully explained in the Budget speech of the Honourable Member for Railways, and yesterday the House voted the Demand for the appropriation to Reserve for next year. The allocation to the reserve this year is based on the same principles and method of calculation. Actually the supplementary demand is less than the amount we are now earmarking in the reserve for the advance payment to general revenues next year. The use of the reserve to write down capital at charge of dismantled lines is in accordance with clause 4 of the Convention of 1924, and both of these measures are directed to strengthening the financial soundness of the Railways. The next largest Demand...

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to explain the individual Demands as they are moved. That is the proper procedure. However, he may go on if he likes, as he has already started.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 71,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Railway Board'."

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

"That a supplementary sum not exceeding Rs. 71,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Railway Board'."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): In the explanatory note it is said "the excess in the voted grant is due mainly to the appointment of officers whose pay is votable in place of officers whose pay was non-votable". I should like to know what the position is. How were these officers appointed in place of non-votable officers? Are they new appointments or old ones and why were these officers placed under votable while the previous officers were non-votable? What was the necessity for making such appointments?

The Honourable Sir Andrew Olow (Member for Railways and Communications): The Honourable Member is doubtless aware that under the present Rules and Regulations certain officers' pay is subject to the vote of the House and the pay of certain other officers is not so subject because under the terms of their appointment their pay is non-votable. In the course of the year naturally changes take place in the incumbency of a number of posts and officers whose pay is votable may replace officers whose pay is non-votable. That leads to an excess in the Budget which has been passed on the assumption that a certain number of posts will be filled by officers whose pay is non-votable. I can mention one recent instance of the appointment of Mr. Wilson whose pay is votable in place of Sir Guthrie Russell whose pay was not.

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

"That a supplementary sum not exceeding Rs. 71,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2—AUDIT.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Audit'."

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

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 5—PAYMENT TO INDIAN STATES AND COMPANIES.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 38,82,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Payment to Indian States and Companies'."

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

"That a supplementary sum not exceeding Rs. 38,82,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Payment to Indian States and Companies'."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I want to know from the Honourable Member details about the worked lines to which this sum of Rs. 38,82,000 is going to be given. There are no details given in this book.

Mr. B. M. Staig: I am afraid I cannot give the Honourable Member from memory details of the big list of lines to which this sum is to be paid. There are worked lines on all the State-owned railways; one, for example, which it has been recently announced will be taken over by Government is the Tapti Valley Railway which is now being operated by the Bombay, Baroda and Central India Railway Company on behalf of the owning company. There are many other worked lines and full information with regard to them will be found in the History of Indian Railways, a publication which will be found in the Library of the House. The additional sum now required arises from the fact that the worked lines have shared in the prosperity of the State-owned lines and the budget provision which now exists is not enough to meet the payments to the companies which will be due to them.

Maulvi Muhammad Abdul Ghani: Are all the worked lines going to be given a share?

Mr. B. M. Staig: I cannot say exactly how much of this total amount will accrue to each individual worked line but the amount will be calculated in accordance with the provisions of the contract.

Maulvi Muhammad Abdul Ghani: I want to know those details. How much will each worked line get? That detail is wanting here.

Mr. B. M. Staig: Those details, I can only discover by reference to the detailed document showing the payments to individual railways. I regret I cannot produce it now, but I have a recollection it is printed up in the numerous budget papers.

Maulvi Muhammad Abdul Ghani: In view of the statement which the Honourable Member made, I oppose the whole demand. This House has always insisted on getting details

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make so many speeches.

Maulvi Muhammad Abdul Ghani: I was only eliciting information.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already spoken.

Maulvi Muhammad Abdul Ghani: I only elicited some information and after what the Honourable Member, Mr. Staig, said, I wish to oppose the demand

Mr. President (The Honourable Sir Abdur Rahim): He cannot make a second speech. The Honourable Member I take it opposes the demand.

The question is:

"That a supplementary sum not exceeding Rs. 38,82,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Payment to Indian States and Companies'."

The motion was adopted.

DEMAND No. 6-D.—WORKING EXPENSES—MAINTENANCE AND WORKING OF FERRY STEAMERS AND HARBOURS.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 2,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

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

"That a supplementary sum not exceeding Rs. 2,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

Steamers plying between Ceylon and India.

Sir F. E. James (Madras: European): Sir, I should like to make two points. This demand includes a sum which is provided for the South Indian Railway in respect of increased cost of coal and oil fuel. My first point is that the arrangements with regard to the service between India and Ceylon from the financial point of view should be looked into. The matter was discussed at the meeting of the Standing Finance Committee the other day. I do not want to go into that matter in detail on the floor of the House, but I should like to have an assurance that the financial arrangements, which seem to me to be unsatisfactory to India in regard to the operation of the ferry service, will be gone into carefully. Secondly, I should like to draw the attention of the Honourable Member for Communications to the unsatisfactory nature, from the passengers' point of view, of the steamers which now ply between Ceylon and India on the south Indian route. I have occasion to travel that way when I cannot get an aeroplane on several occasions during the year and I am bound to say that the condition of the steamers is no credit to this country. After a stay in Ceylon, which is noted for its cleanliness, you realise

at once that you are coming back to India when you step on one of these steamers, for it is full of dust and it is uncomfortable and has all those characteristics which are attached to travel in this large country. I do not think that even Hanuman, when he went to Lanka, would have enjoyed travelling on one of these steamers

Mr. M. S. Aney (Berar: Non-Muhammadan): He jumped over it.

Sir F. E. James: All I can say is that he was fortunate. If he had to travel on one of these steamers, he would never have found Sita. I do hope something can be done. The ordinary accommodation for upper class travel on these steamers is bad: they have a most unfortunate arrangement whereby the chimney of the cook-house below is immediately in front of the passengers; so that instead of enjoying Ceylon's spicy breezes passengers get the smell of the curries down below and the soot from the fire, according as they move your seat across one side or the other. If, unfortunately, it happens to be raining, there is, of course, a small saloon which is usually occupied by the police or other officials, into which passengers can go; but if there are more than about five passengers it gets crowded and there are few comfortable chairs to sit upon. The ordinary upper class passengers as a rule have to sit in a draught on the deck to the lee-side of the aforesaid chimney which blasts soot and curry fumes. One of the steamers I travelled on is called the "Irwin"—I do not know whether the other is called "Gandhi"; but I think this practice of attaching distinguished names to undistinguished modes of locomotion is one that the Communications Department might drop

The Honourable Sir Jeremy Raisman: Evil communications corrupt!

Sir F. E. James: It may be, of course, that this is the real reason for the unfortunate relations between India and Ceylon, and I might suggest to the Secretary for Education, Health and Lands, that a little cleaning up of the ferry steamers might bring about a far better feeling between people of that island and the people of this country. I hope that these remarks will be conveyed to the gentlemen in South India who are concerned with this ferry steamer. It has been bad for years. The South Indian Railway, in calling attention to the delights of travel in Ceylon speak of these steamers as fast twin-turbine steamers offering every comfort. I suppose they occasionally go to Ceylon themselves—the Agent and other officers of the South Indian Railway—but they cannot go as often as I do and I am speaking as one of the many harassed and disappointed passengers.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, may I draw the attention of the House to page 4 of the Supplementary Demands? One of the reasons for this demand is given here as a foot-note: "On all railways provision has been made for the possible payment of war dearness allowance to certain low-paid staff." This is the first time that the vote of the House is invited to pay dearness allowance as a result of the Court of Inquiry. I do not want to discuss the Court of Inquiry's report, as I assume that it has already been discussed yesterday in connection with a cut motion. But there are one or two points to which I would certainly like to draw attention, which have not been discussed on the floor of the House. The first thing is that the

[Sir Ziauddin Ahmad.]

Court of Inquiry, I understand, was appointed, not by the Railway Department, but by the Labour Department of the Government of India. When a question of such importance is initiated, we expect that the matter would be laid before the Standing Finance Committee for Railways or the general Standing Finance Committee; but this question was never discussed by either of these Committees, and the Government undertook to pay the expenditure without any reference to any committee whatever. This is not war expenditure; it is not expenditure of the type which is very urgent or in which you could have dispensed with the opinion of the committee. It was an expenditure which might lead on to bigger commitments, and so I think it was wrong on the part of the Government of India to initiate a very big scheme and appoint a committee of inquiry, which may result in an expenditure of crores and crores of rupees without any reference whatsoever

Mr. President (The Honourable Sir Abdur Rahim): Here crores of rupees do not come in.

Dr. Sir Ziauddin Ahmad: Ultimately it will come in.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really trying to discuss a motion that has already been discussed.

Dr. Sir Ziauddin Ahmad: This particular thing ought not to have been mentioned as a side remark. First, we ought to have discussed this question in principle whether we agree to the dearness allowance at all, and it should not be put in merely as a side remark in a budget which has nothing to do with dearness allowance. Before they put in the budget I think it is fair that we should have been invited by the Government to discuss whether the dearness allowance should be given at all

Mr. President (The Honourable Sir Abdur Rahim): That was done.

Dr. Sir Ziauddin Ahmad: I thought that the report of the Court of Inquiry was not discussed by this House

Mr. President (The Honourable Sir Abdur Rahim): It was fully discussed yesterday.

Dr. Sir Ziauddin Ahmad: What Resolution was talked which was negatived or accepted? It was in connection with a cut motion no doubt, but it is not the Resolution. The point that was not discussed is whether it should affect the railways alone—I say this thing will affect all the servants of the Government of India

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot travel over such a wide field as that on a supplementary grant. The Honourable Member missed the opportunity, and he cannot claim it now.

Dr. Sir Ziauddin Ahmad: I would not like to make commitments on this particular question as it will lead to commitments of a broader nature elsewhere. Had it been a small sum, complete and sufficient by itself, it would have been all right. But it will lead on to other expenditure not only in the railway budget but in the general budget and, therefore it requires very serious consideration and it cannot be passed off in a side remark. I think it is very desirable that before the Government put forward this important Demand they ought to provide this dearness allowance for all the Departments of the Government of India on certain principles. The principle advocated in the Finance Committee by some Members was that if in any province it is found by the Board of Inquiry that a dearness allowance is necessary in certain localities, then all the servants under the Government of India, whether employed in the Railways or in the Post Office or any other Department, should get the same dearness allowance, irrespective of the Department to which they belong. This is the principle on which we ought to work; but if they begin as they have begun on this particular demand, putting it as a side remark "possible payment of dearness allowance", I think it is not just and reasonable. This particular Demand ought to be put as a substantial demand by itself and not shoved in in the middle of a large number of other items of expenditure and taking our votes and committing us to this expenditure, not only here but in all other Departments of the Government of India. I would, therefore, suggest, if the Honourable Member agrees, that he should remove for the present the words "dearness allowance" from this particular Demand and then we will have no objection to pass it as it is.

Sir Gowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I notice that in the foot-note that was referred to by my Honourable friend, Sir Ziauddin Ahmad, it says "possible payment of war dearness allowance." It does not say it is a war allowance—it is a possible payment of a war allowance. They make provision for a possibility that might take place in the future. Now, Sir, several references were made to the debate that took place yesterday. May I point out that the debate that took place yesterday was not initiated by Government but was initiated by the European Group who took advantage of the Budget to move a cut and, thereby, this House got an opportunity to discuss this very important matter. Since it says "possible payment of war dearness allowance",—it may be a possibility that such a provision may have to be made and I presume that Government will give this House an opportunity of discussing this matter on its merits when they have made up their mind as to what they are going to do on the Report. If that is so, and an opportunity will be given before the expenditure already earmarked in the Budget is incurred, I do not think we shall have any occasion to grumble, but if Government make use of this money before giving the House an opportunity of discussing their own proposals on that Report, I think it would be rather unfair to this House, and Government should not take yesterday's debate as a debate on their own conclusions which they have not arrived at. Therefore, I do hope that Government will give an assurance that this House will be given an opportunity of discussing their proposals, and if the House approves of their plans, they may of course take advantage of the Budget provisions they may make on a hypothetical basis.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, there is one point in regard to Dr. Sir Ziauddin's remarks which I feel I ought to intervene to make clear. Dr. Sir Ziauddin Ahmad suggested that we were accepting some new principle in regard to Government servants in general, and that before we committed ourselves to any principle of that kind, we ought to place the whole matter before the Standing Finance Committees for Railways and for general finances. Well, I will not deal at this moment with the question of Railways because it has always been recognised that the case of railway establishments must be considered separately from that of the general body of Government servants. There are special considerations which apply to railway establishments which do not apply or not equally to other Government servants, and I for one would never accept the principle that in agreeing to dearness allowance or dearness allowance on a particular scale for the *quasi*-industrial establishments which are employed on our railway systems I was committing myself to similar compensation to *chaprasis* employed in rural districts and to all the miscellaneous types of inferior Government servants who are employed in the other Departments of the Government. Now, in relation to those general establishments, the point which I wish to make clear is this. It is an old established principle that certain compensations may be given to those establishments when the price of the main staple food stuffs rises above a certain limit. There is nothing new or revolutionary in that; it is embodied in a supplementary rule which is attached to the Fundamental Rules, and at most times the position obtains that when the cost of food stuffs rises above certain fixed points, a large number of inferior Government servants automatically become entitled to certain allowances which are familiarly known as grain compensation allowances. Another practice which is common is that when Provincial Governments have adopted and promulgated certain schemes of grain compensation allowance, then the Central Government servants who are employed in areas under the jurisdiction of those Provincial Governments are normally placed on the same basis, the principle being that a Local Government knows what compensation is appropriate, and that the Central Government may take it that it may rightly be extended to general Government servants. I wanted to make that clear both in regard to the technical position that this is not a new service, and also that I do not accept the suggestion that this analogy is applicable throughout the range of Government servants.

Sir Cowasji Jehangir: I presume the Honourable Member is not talking of the Railways but he is talking of all except the Railways?

The Honourable Sir Jeremy Raisman: Yes. But Dr. Sir Ziauddin Ahmad's suggestion was that we had accepted the principle as applicable to Government servants in general.

Sir Cowasji Jehangir: I would like an answer to the question I put.

Dr. Sir Ziauddin Ahmad: I said that if this principle of giving dearness allowance is accepted, whether it would be restricted to Railways, or extended to all the servants of the Government of India who live under similar conditions.

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural): Sir, there is one point which I should make clear so that there may not be any misapprehension. Probably even the Honourable the Finance Member is not aware of the fact that the matter was placed before the Standing

Finance Committee for Railways which discussed this subject on several occasions. We knew that dearness allowance was going to be given to the minor employees of the Railways. Of course, we had not committed ourselves to any particular scheme as to what kind of relief should be given, but the Standing Finance Committee did commit itself to this proposal that a lump sum may be provided in the Budget so that when the Government comes to a decision as to the quantum of relief, it may be given from this lump sum provision. This was the only commitment of the Standing Finance Committee, and with this object I find it stated here "possible payment of war dearness allowance". This has been put in with the full approval of the Standing Finance Committee for Railways. Now the point is, what is the exact amount of dearness allowance that should be given. I wish the Government had come to a decision on this as soon as possible. It is no use delaying the matter. We all know that the Railways have got a big surplus, and, naturally, the low paid employees expect something on account of the increase in the price of food-stuffs. First of all, there is a big surplus, and this must have been obtained by the hard work done by many of the employees themselves. It may be urged that this hard work was done not merely by the low paid employees but the higher paid people also had contributed a good deal to this surplus; and if it is contended that the higher paid employees also should be given dearness allowance, which may be about Rs. 10 or so a month, it will look ridiculous. But in the case of the low paid employees, the demand is quite justified because the prices of all staple foodstuffs have gone up owing to the war.

With regard to the application of the general principle of granting dearness allowance to low paid employees of all the Departments under Government, I should prefer to wait till this evening. When the Honourable the Finance Member will come out with his Budget and when he lays all his cards, which he is now concealing, on the table this afternoon, I might be able to ask him to come forward with a scheme for granting relief to low paid employees of all the Government Departments. But we cannot postpone consideration or giving help to the low paid employees of the Railways simply because the General Budget has not come for discussion. I am sure everybody can feel that the reason why the Government have not come to any decision here is that they are waiting till the General Budget is presented, and whether the low paid employees will be paid by further taxation or whether there is going to be another surplus in the General Budget also. But here on the Railways there is a surplus and if out of that surplus a certain portion is allowed for the lower paid employees, there is no harm. We are committed in so far as that possible increase may be given, and I think that is perfectly justified and has been fully considered by the Standing Finance Committee for Railways.

Mr. M. S. Aney: I would not have liked to intervene in this debate but for the fact that I find that some misunderstanding has been created amongst the Members here because in the Supplementary Demand an item for dearness allowance is included. You know there was a debate yesterday on the report of the Enquiry Committee. That Committee was mainly intended to investigate into conditions of the railway employees of a particular railway and an admission was made by the Government themselves in the terms of reference that the recommendations of that Committee might have to be extended to other railway lines also. In the course of the debate yesterday it was discovered that at least one section of this House is not satisfied with the method of the investigation. Though

[Mr. M. S. Aney.]

they did not want to enter a direct protest against the findings of that Committee, at the same time they said that the method by which the investigation was conducted and the evidence on which the conclusions were drawn were not satisfactory. In the reply which the Honourable the Railway Member gave to that debate, he also seemed to indicate to us that the appointment of a Committee of Enquiry was not really a very appropriate way of approaching and investigating questions of this kind. On the other hand, he thought that negotiations between parties concerned was a better method of coming to conclusions in matters of this nature. It appears to me so far as the railways themselves are concerned, that they are not prepared to take the report and the conclusions therein in the form as they exist, but they seem to think that they have to approach certain other interests before making up their minds as regards the extent to which they want to give this allowance and so on. So, the matter is not yet settled even for the railways. When the provision was made before the Railway Standing Finance Committee, some objection was taken by the members of that Committee, but it was given out to us that this provision does not commit members of the Committee to anything at all, that it does not commit them to the particular rate at which allowance is to be given, but that it only means this, that in case Government come to any conclusion that certain allowances are to be increased or to be given to the railway employees, a possible provision is being made here; no conclusion is still arrived at. This amount will remain in their hands and the grant to that extent will lapse if no conclusion is at all reached. That is the understanding between the Financial Commissioner and the members of the Standing Finance Committee. The members of the Standing Finance Committee have not committed themselves to any particular rate at which the allowance should be given. They have not even committed themselves as to whether any allowance should be given or not. They have only considered one point, namely, that in case the Government come to that conclusion, the amount is provided for here; but they have reserved to themselves the right of examining the conclusions of Government when they were duly arrived at, and they may express any opinion they like, and this provision may or may not be utilised in accordance with the conclusions that may be arrived at at a later stage. This is the position in which the whole matter stands. Therefore, I had the other day, put a question to the Honourable the Railway Member, although the basis of ascertaining this dearness allowance laid down may not be correct, what is the general trend of the negotiations that have been going on between the Railway Member on the one hand and the All India Railwaymen's Federation on the other? The Honourable Member in his reply stated "The Honourable Member is entitled to draw his own conclusions therefrom", but at the same time he invited attention to the fact that some provision had been made for that kind of expenditure in the Railway Budget. There the matter stands. I, therefore, think that by voting for this supplementary grant we are not virtually committing ourselves to any definite amount being allocated for dearness allowance at all.

The Honourable Sir Andrew Clow: Sir, this debate has followed rather a confusing course. I do not know if the Honourable the Baronet from Bombay was in the House when I spoke on the cut motion that was made yesterday. I find that Mr. Aney who has just spoken was not able to attend the last meeting of the Standing Finance Committee for Railways

Mr. M. S. Aney: I was not.

The Honourable Sir Andrew Clow: at which the position was carried a little further than he indicated. I set out the position before the House yesterday, I thought fairly clearly. I made it clear that we had made certain proposals and we were awaiting their acceptance, and I find from the proceedings of the meeting of the Standing Finance Committee for Railways which was held a few days ago, that the Chairman explained to the Committee the details of the scheme which Government contemplated of giving allowance, and asked that it be kept strictly confidential, a matter which I am glad to say every member of the Committee has very carefully observed. The scheme was approved by all the members of the Committee except two. In consequence we put before the House yesterday in our demands for grants a provision for next year,—not for this year as that amount relates of course to the following year.

Mr. M. S. Aney: May I just ask one thing? Does the Honourable Member mean to say that the scheme which the Government contemplate was placed before the Committee and the Committee accepted the scheme?

Sir Muhammad Yamin Khan: Yes, by a majority.

The Honourable Sir Andrew Clow: This is what I said yesterday.

"I do not think it would be fitting for me at this stage when the negotiations are incomplete to give to the House any indication of our actual views on the conclusions reached by Mr. Justice Rau and his colleagues. I feel sure that the European Group will be the first to recognise that if you can reach a solution by the methods of industrial negotiation that forms a sounder basis than a report on academic and economic lines whatever your views may be on the findings they have reached. We shall endeavour to keep the Standing Finance Committee in touch with any important changes in the situation and I ask the House to defer their conclusions on any decisions we may have reached to a later date."

If the House felt that the line we have taken was wrong, obviously, the provision made for next year should have been cut out and the House should have asked that further proposals should be placed before them.

Sir Cowasji Jehangir: But the Honourable Member never informed the House that the matter had been placed before the Standing Finance Committee for Railways and that the members have committed themselves to that extent?

The Honourable Sir Andrew Clow: Oh, yes.

Sir Cowasji Jehangir: I understood my Honourable friend to say that Government were considering the matter, that they preferred negotiations to merely looking into the report, that they would come to certain definite conclusions and when those conclusions were arrived at—from the few remarks that he has read out, I came to the conclusion that this House would have an opportunity of considering the decisions or the conclusions of Government after the negotiations.

The Honourable Sir Andrew Clow: Well, Sir, I did not, of course, repeat what was contained in this publication which has been presented to every Member of the House and which contains

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[Sir Cowasji Jehangir.]

that we could not have been aware yesterday of the facts as to what took place in the Standing Finance Committee on the 20th February.

The Honourable Sir Andrew Clow: I am very sorry I did not realise that, but the Standing Finance Committee which is very representative of the Honourable Members of this House were fully informed and they must be aware of this fact.

Sir Cowasji Jehangir: It was not mentioned either by the Honourable Member himself or by any other Honourable Member. We could not be aware of the fact when Government circulated the report late last night and the discussion took place yesterday.

The Honourable Sir Andrew Clow: I think I gave sufficient indication in my speech of the position.

Maulvi Muhammad Abdul Ghani: Sir, regarding the dearness allowance, I want to say a word or two. First, that it was not included in the original Budget. This is a new thing after the original Budget was passed, and, secondly, the Department is not definite in saying what amount they are going to pay as dearness allowance. No detail is given. Then, this matter was first brought before the Standing Finance Committee on the 14th February, 1941. Page 2 of the proceedings, paragraph 2, says: "the demands approved by the Committee make no provision for the grant of a war dearness allowance to railway employees". Again this very thing was brought before the Standing Finance Committee on the 20th February, 1941. This shows that the Government are determined to bring this matter repeatedly before the Standing Finance Committee so that the members of the Standing Finance Committee will be compelled to accept this principle. As this is a new item, we are quite unable to give our consent to this principle at the time of the Supplementary Demands. As regards the Demand, I want to say that on the Bengal and North Western Railway at Paleza Ghat they maintain two steamers, one is from Paleza Ghat to Mahendru Ghat and the other from Paleza to Digba Ghat. The former is not worth the name of being called a steamer, as it is not more than the size of a police boat. The passengers are put to lots of inconveniences; there is overcrowding, and there are no proper arrangements for being protected against sun or rain. So I want to draw the attention of the railway authorities so that they may bring the matter to the notice of the Bengal and North Western Railway.

As regards the dearness allowance, I have already said that I am not going to give our consent, and, besides, whenever a schedule of demands is sent to us, detailed information is lacking. In the schedule of the Supplementary Demands for Grants, foot-note (b) on page 4 says, "additional quantities of wire ropes, zinc tiles and other consumable stores purchased as a measure of war emergency". It has not been made clear to us whether there was sufficient material in stock or not so that we may be in a position to judge whether this expenditure should or should not be sanctioned. Similar is the case as regards the nature of repairs; no detail is given to us and we are taken by surprise. We resent this sort of procedure on the part of the Department concerned.

Mr. B. M. Stalg: Sir, with regard to the remarks that have fallen from the last speaker, I am afraid I have not much information about the details of the ferry administration to which he referred, but when I see his remarks in print, I shall give them careful consideration. He complained also about the absence of details in regard to the purchases of wire ropes, zinc tiles and other consumable stores purchased as a measure of war emergency. The Standing Finance Committee has given careful consideration to all these items and I think their general conclusion would be that the Railway Administration was very wise, in a war emergency, in laying up additional supplies of stores of the kind mentioned.

An Honourable Member: We can't hear you.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better speak up.

Mr. B. M. Stalg: In connection with this particular item of a dearness allowance, exception has been taken to my use of the word "possible". The Honourable Member for Railways has explained that negotiations are still in progress and have not yet been completed. Even if they were completed tomorrow, it is very doubtful if the mere routine procedure which has to be gone through before the payments actually involved could be carried out before the 31st March; we are now at the end of February; therefore, I feel that on these grounds the use of the word "possible" was justified.

Maulvi Muhammad Abdul Ghani: On a point of personal explanation. Sir, the Honourable Member has just said that in his opinion I have not gone through the proceedings of the Railway Standing Finance Committee where the matter was fully explained, but . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make another speech.

Maulvi Muhammad Abdul Ghani: But if the Honourable Member does not give any further details beyond . . .

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

"That a supplementary sum not exceeding Rs. 2,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Working Expenses—Maintenance and Working of Ferry Steamers and Harbours'."

The motion was adopted.

DEMAND NO. 6-F.—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

Mr. B. M. Stalg: With your approval, Sir, I do not propose to move the Demand under the head No. 6-E; with your permission I shall proceed to move the Demand under 6-F. I beg to move:

"That a supplementary sum not exceeding Rs. 4,45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Working Expenses—Expenses of General Departments'."

[Sir Andrew Clow.]

all they can to mitigate its results and to clear the track and it is not generally possible for us to get ahead of the Press in this matter, so they generally publish information rather earlier. Sir Ziauddin Ahmad complained that we did not publish a full report on the accident. That is correct; there are reasons for it and the main reason is this. Two officials of the Railway were prosecuted before a judicial authority and they were sentenced to imprisonment. Their appeals are now pending before a higher court and I believe that while appeals are pending before a higher court, the publication of a report of the kind might very well be regarded as contempt of court. Even if that view is not correct, it would obviously be undesirable for us to publish comments of this kind, which may not accord with the findings of the judge who will finally pronounce on the guilt or innocence of the men, before the final decision had been given. We shall consider after the results of the appeal are available the question of whether we should not publish fuller information regarding this accident than has yet appeared.

Mr. M. S. Aney: What are they being prosecuted for?

The Honourable Sir Andrew Clow: For conduct in respect of the accident. I have not the precise sections under which they were convicted.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): With regard to (b), I should like to know what was the amount paid as compensation and what was the amount paid as arrears of tax to the Bombay municipality? I should like to know how many persons were compensated and also how much money was paid as tax. We want to know why this tax was in arrears even by the Railway who ought not to have been in default in paying tax to the Corporation. As regards (c), the Majdia accident, I should like to know how many persons were compensated, what was the amount paid and also the amount of arrears of tax to the Calcutta Corporation and other municipalities. Railways are very bad payers of tax as this head shows. In (d) we find again two items, payments on account of rents, rates and taxes and increased expenditure on account of air-raid protection works. Were these protection works carried out and what were the amounts? I should like to have information on these points from the Honourable Member.

Mr. B. M. Staig: I cannot give all the details which the Honourable Member desires, but I can give him some information. It is not in the public interest that very much should be said about the air raid protection works but the bulk of these are being carried out on the North Western Railway. The amount asked for is 1½ lakhs. In regard to the arrears of municipal taxation, there have been one or two disputes between the local authorities concerned and the railways in regard to the amounts payable and in certain cases an officer has been appointed under section 135 of the Railways Act to settle the matter and payments are now being made; the delay has arisen because there was a dispute as to the actual amount considered to be payable. In regard to the accident on the Bombay Baroda and Central India Railway, I understand that the compensation paid up to date amounts to 1½ lakhs; in regard to the Majdia accident on the Eastern Bengal Railway, I cannot give the figure but the amount of the supplementary demand is between two and three lakhs. I hope this covers the information which the Honourable Member wants.

Mr. President (The Honourable Sir Abdur Rahim): Are not these figures given to the Standing Finance Committee for Railways?

Mr. B. M. Staig: At the meetings of the Railway Standing Finance Committee, I have always supplied all the information in regard to supplementary demands that members have asked for. I always keep the papers ready there.

Mr. President (The Honourable Sir Abdur Rahim): Were they not actually supplied to the Members of the Railway Standing Finance Committee?

Mr. B. M. Staig: If they ask for the figures they are supplied. I cannot remember Sir, if these particular figures were asked for. I do not bring here all the details of the Budget relating to a particular railway administration. But I have them at the meetings of the Standing Finance Committee.

Mr. M. S. Aney: I do not think particulars regarding the amount involved in these accidents were supplied.

Mr. B. M. Staig: All I can say is that the information would have been made available had it been called for.

Mr. M. S. Aney: The Honourable the President wants to know whether they were supplied to individual Members.

Maulvi Muhammad Abdul Ghani: The proceedings of the meetings of the Standing Finance Committee do not contain all these details.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member, Dr. Sir Ziauddin Ahmad, want to withdraw his motion?

Dr. Sir Ziauddin Ahmad: I am not pressing it to a Division. This may be put to vote.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not want any reason. The ordinary procedure is that if any motion is moved and put to the House, then the only way not to get the vote of the House on it is to withdraw it by leave of the House. The leave of the House is to be obtained.

Dr. Sir Ziauddin Ahmad: I do not want to withdraw the motion.

Mr. President (The Honourable Sir Abdur Rahim): Then the Chair has got to put the motion to the House. The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 17,65,000 in respect of 'Working Expenses—Miscellaneous Expenses' be reduced by Rs. 100." The motion was negatived.

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

"That a supplementary sum not exceeding Rs. 17,65,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

DEMAND NO. 10—APPROPRIATION TO RESERVE.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,64,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Appropriation to Reserve'."

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

"That a supplementary sum not exceeding Rs. 1,64,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Appropriation to Reserve'."

There is a motion in the name of Dr. Sir Ziauddin Ahmad to reduce the sum to nil. That is out of order. The Honourable Member can throw out the demand, but he cannot move such a cut motion.

Dr. Sir Ziauddin Ahmad: Then, I oppose the entire demand. I would first draw the attention of the House to the Convention of 1924. This used to be published as Appendix D in the Administration Report. But in the present Administration Report, the Appendix D is not there. It may be on account of economy or it may be due to other reasons.

The Honourable Sir Andrew Clow: This is still published in the Administration Report which has been circulated to Honourable Members. It will be found on page 136.

Dr. Sir Ziauddin Ahmad: That is all right. I will read the Convention from my book:

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is reading any extract from any book, he ought to give reference to the House.

Dr. Sir Ziauddin Ahmad: I am reading from the Administration Report of the Railway Board. This is the Convention which was established in 1924:

"The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines. . . ."

Afterwards it says clearly:

"... if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good."

I am quoting from Article II of the Convention of 1924. That is unless it has paid all the arrears of the general revenues, the sum is not accrued for the purpose of division between general revenue and reserve fund. That is the clear understanding. After that the Railways were in arrears to the extent of about 37.74 crores. Then we had in the first instance a moratorium in 1937. A Resolution was brought forward by the Honourable the Finance Member in which he demanded that the payment of the arrears should be postponed till 1940. This was the first

moratorium proposed in 1937. Again later on in 1939 they brought forward another Resolution by means of which they extended the moratorium up to 1941. The Honourable the Finance Member moved the following Resolution on the 4th September, 1939:

"That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable, before the 1st April, 1942, or before the fixation under section 187 (1) of the Government of India Act, 1935, of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned railways, the balance outstanding on the 1st April, 1937, of loans taken from the fund to meet railway deficits or to pay to general revenues any contributions or deficiency in contributions due under the Resolution of this Assembly of the 20th September, 1924, in respect of the period beginning on the 1st April, 1931, and ending on the 31st March, 1939."

So we had a moratorium first in 1937 extending up to 1940 and it was repeated in the year 1939 extending it up to 1942, by means of which the railways were declared to be insolvent—that is, unable to pay their obligations to the general revenues. That was the position in 1939 when this Resolution was passed. But when the Honourable Member last year raised rates and fares by two annas and one anna in the rupee, then the position changed, and you cannot say that the railways are now insolvent: they showed a surplus of 14 crores. Therefore it was the business of the Finance Member, as representative of the taxpayers, as the chief director of a company whose shareholders are the taxpayers, to have seen that this railway company being no longer a bankrupt company but having got an enormous profit, on account of special taxes then the moratorium ought to have been rescinded and should no longer hold good. In that case we would have been entitled to get the arrears of the general revenues, and all the proposals which my Honourable friend has got up his sleeves to let slip at 5 o'clock this afternoon will no longer be required, because he will have a very big amount which he can realise from our *bona fide* debtors who are now in a position to pay, but who were not in a position to pay in 1939.

The other thing which strikes me is this: the moratorium is either existing or it is not existing. Will the Honourable the Finance Member please state whether it exists today or not? If it does exist, then the Honourable Member is not entitled to get anything whatever as regards the arrears which amount to 37.74 crores; but I see in the Budget that some amount is to be paid towards the arrears. This really means that the moratorium is not in existence. If the moratorium does exist, then we cannot ask for any money from the railways besides the one per cent. on the capital at charge and one-fifth of the surplus profits. But if it is not in existence—and it ought not to be in existence when our debtor is in a very flourishing condition on account of the special taxes which were imposed last year in the shape of increased rates and fares—then, it is very desirable that the Honourable Member should come forward and demand the rescinding of the resolution of 1939 and demand full payment. But this present procedure is neither one nor the other. He can neither say that the moratorium is in existence because he has taken some money out of the profits—and if he has taken some money why not take the full amount? Under section 2 of the Convention of 1934, what was the occasion to put a very large amount

Sir Cowasji Jehangir: May I ask the Honourable Member, how much more, according to him, should have gone to the general revenues than is already allowed by the Government?

Dr. Sir Ziauddin Ahmad: According to the Convention, no money can be put in the reserve fund till the arrears have been paid. That is Article II of the Convention. Our arrears are 37.74 crores

Mr. M. S. Aney: Including the contribution to general revenues and the depreciation?

The Honourable Sir Andrew Clow: That goes away.

Dr. Sir Ziauddin Ahmad: The contribution is different. In the year 1941-42 the first charge that was made was a contribution to the general revenues of one per cent. This they have paid; but whatever surplus is left ought to go to general revenues and nothing to the reserve fund; Article II clearly says that unless the previous years' arrears which have not been paid to the general revenues should be paid, nothing can be deposited in the reserve fund

Mr. President (The Honourable Sir Abdur Rahim): This being Friday, the House has to be adjourned now; it will meet at a quarter past two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. M. S. Aney, (one of the Panel of Chairmen), in the Chair.

Dr. Sir Ziauddin Ahmad: Sir, the point that I was discussing before lunch, and which I wish to press now is, that we are about to levy fresh taxation to meet the deficit of our expenditure, and before we ask the taxpayer to pay the additional taxes, we must ask our Director, who is the Finance Member in this case, to realise the debt from our debtors, that is the Railway Companies, when they are in a position to pay us. If they had not been in a position to pay us, I would not have pressed this matter at all. But since they are in a position to pay us, I feel that they ought to pay us according to the Convention of 1924. That Convention clearly says that after paying one per cent of capital at charge, if any profit is left over, then it should be divided in certain proportion between the reserve fund and the general revenues. Up to three crores our share is one fifth, and beyond that, our share is one third, but it clearly says that this profit is not supposed to have been accrued till our arrears, which amount to 37.74 crores, have been paid up. So I say the surplus shown is 6.25 crores, and so out of this not only one fifth according to the Convention should be paid back, but the entire amount ought to be paid back to the general revenues, and we are entitled to it according to Article 2 of the Convention of 1924. But the only thing that stands in the way is certain Resolutions which were passed in the Assembly in 1939. My grievance is that the Honourable the Finance Member ought to have come forward this week before the Railway Budget was presented and rescinded the Resolutions passed here in 1937 and 1939, and then we should have gone ahead and followed the Convention of 1924. We would have welcomed such a step, but I think our Director who is responsible for this did not carry out the wishes of the shareholders who in the case are the taxpayers. If he had done so, he would have got about six crores extra, and the taxation which will fall on us two

hours and forty minutes later would probably have diminished by such amount. So I oppose this motion in the interest of the taxpayers, and I think it is reasonable that we should ask our debtors to fulfil the promises and pledges that were given on the floor of the House in 1924. Until that is done, nothing should be put in the reserve fund.

Then, Sir, there is one more point. I admit that very prudent company should keep a reserve to be used in bad times. But during war time when we want money, we have really to make every penny available for war expenditure, and I feel that this is not the opportune time to build up reserves, it is the time to spend the reserve. The time for building up reserves will be when we are better off. At present when we are in the midst of a gigantic struggle, and when our military budget is enormous, it is not fair to keep unnecessary reserve in our business undertaking. It is really a big amount which we have put down, which is about 6.25 crores this year. This ought to be made available to us for general revenues for the prosecution of the war, otherwise we will be called upon to pay additional taxation. That is why I oppose this and press that the entire amount should be transferred according to the Convention of 1924 to the general revenues and thereby diminish the quantum of taxation by this particular amount, and if any Resolution which we have passed here stands in the way of doing so, the Honourable the Finance Member should have come forward with another Resolution before the Railway Budget was presented here rescinding the previous Resolution. When Government requires at this time of war every available penny, why should we put anything in the reserve fund. With these words, I oppose the motion.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, though I have tried very hard indeed to follow the arguments of my friend, Dr. Sir Ziauddin Ahmad, I have found it at times rather difficult to do this. Of course, the subject he is discussing is a very large and a very difficult one, and the terms of the Convention to which he has so frequently referred are extremely complicated. It is not unnatural, therefore, that it should be a little difficult to follow what my Honourable friend is driving at. At the same time, if I have understood him correctly, what he says, in effect, is this.

"We do not want to make any provision for Railway Reserves; we want to go back to the Convention and enforce its terms, and if those terms are not satisfactory, then the Honourable the Finance Member should come to this House with a new Resolution cancelling the previous moratorium and asking for a new one."

I hope I have understood my Honourable friend correctly. He suggested that every penny that was raised today was required for the prosecution of the war, and that consideration should be given to the general taxpayer who is, as he said, a shareholder, in a sense, in the Railways

Dr. Sir Ziauddin Ahmad: May I make a personal explanation, Sir? What I really meant is this, that the Resolution of 1924 should be observed; that is point No. 1. If any Resolution of the Assembly is standing in the way, then that Resolution should be rescinded, and the Convention of 1924 clearly says that whenever any surplus is available, then it cannot be divided between the general revenues and the reserves until all

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the arrears in the general revenues are paid up. I only want that this Convention should be followed and any Resolution that we may have passed should be rescinded

Mr. Chairman (Mr. M. S. Aney): The Honourable Member already said all that.

Mr. T. Chapman-Mortimer: I now understand what, I think, my Honourable friend was driving at. In that case I suggest the best thing he could do would be to withdraw his opposition altogether; because, as he pointed out in his speech, what he wants to do is to help the general taxpayer. In these circumstances,—if Honourable Members will reflect on the exact terms of the Convention,—they will realise that if we go back to the terms of the Convention, the general taxpayer this year and in the coming year will get precisely nothing from the Railways. I think that is correct. If we go back to the terms of that Convention, central revenues will get nothing this year or next, and the reason why it is so is this; that my Honourable friend has overlooked the fact that, apart from the arrears of contribution, there are arrears,—very considerable arrears—caused by withdrawals from the depreciation fund, and until these are repaid, obviously “the contribution” arrears cannot be paid. It is precisely because of that difficulty that the Honourable the Finance Member of that day introduced the Resolution providing for the moratorium under which we are now working. By reason of that moratorium, we are now in a position in which the Railways are able to make a substantial contribution to the central revenues, at a time when it is very necessary that they should do so. Moreover, if my Honourable friend will look at the explanatory memorandum of this year’s Budget, he will find that,—so far so good,—we have been relieved of paying to the depreciation fund certain debts which the Government of India owe to that fund. But even so, we cannot avail ourselves of all that portion of the surplus from the railways that the Honourable the Finance Member requires for the purposes of his General Budget, if we stand even on the moratorium Resolution of 1937. It is precisely for that reason, that the subject now under discussion is so involved and so complicated, and I really suggest that our distinguished friend from Aligarh should withdraw this cut motion.

Mr. Chairman (Mr. M. S. Aney): He has moved no cut motion. He has just opposed the grant.

Mr. T. Chapman-Mortimer: Well, he should withdraw, then, his opposition!

Mr. Chairman (Mr. M. S. Aney): You may defeat him if you like.

Mr. T. Chapman-Mortimer: We hope to do that shortly! My Honourable friend wants money for the general taxpayer; and yet the very thing that he is proposing defeats that very object which he says he is aiming at! I cannot see myself any sense in a proposal of that kind, nor do I see what useful purpose would be served in coming to this House now with another Resolution cancelling the moratorium and

substituting something else in its place. Some years ago,—in fact, in that very debate to which Dr. Sir Ziauddin Ahmad has referred,—this Group suggested that the time had perhaps come when Government should review the terms of that Convention. Unfortunately, circumstances beyond the control of Government and of this House have made it extremely difficult for Government to take any steps in that connection, and it is certainly most undesirable that they should do so at a time like this. No one can say for certain, until after the war is over, what the best terms would be for a revised convention. In these circumstances, Government have rightly decided to take the line that they have adopted this year. They have availed themselves of the moratorium, and in addition taken still further sums from the railway surplus for general revenues. In addition to that, they propose to transfer to the reserve a sum which will, we know, be taken out again next year against the contribution from the railways in the year 1942-43. Sir, I support the supplementary demand.

The Honourable Sir Andrew Clow: I have very little to add to what my Honourable friend, Mr. Chapman-Mortimer, has said, but I feel sure that the learned Doctor opposite will realise that this money is not coming to the reserve. The point that he has raised would have been much more appropriately raised last year when the House voted three crores on this very grant. Now, although we have a very much larger surplus than I expected, I expect to get from the reserve, if our estimates are correct, less than that three crores, and this grant represents the sum, that one fifth amounting, I think, to Rs. 1,82,00,000 which I am being allowed to hold in my hand for a few months before passing it over to the Finance Member.

Dr. Sir Ziauddin Ahmad: For general revenues.

The Honourable Sir Andrew Clow: For general revenues. In other words, this is not money which I am going to be allowed to retain.

Sir Cowasji Jehangir: Will the Honourable Member kindly explain what changes have been made in the Conventions which were agreed to in 1924 and 1937?

The Honourable Sir Andrew Clow: I took 4 or 5 paragraphs of my original Budget speech to explain the arrangement which is a complicated one, but if I can put it briefly without danger of misrepresenting the position, the changes are these. We find ourselves in possession of a very much larger surplus as a result of which, in the ordinary course, we should get a much larger sum into our reserve.

Sir Cowasji Jehangir: Depreciation.

The Honourable Sir Andrew Clow: Not depreciation, but into our railway reserve. Out of that sum a sum of Rs. 1,82,00,000 was due to be paid to the Finance Member two years hence, so that the net amount that the railways were going to receive out of it was, I think, Rs. 5,62,00,000. The two changes which we have made since last year are these. We have proposed to the House that the Rs. 1,82,00,000, instead of being paid in the year after next, should be paid next year,

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and I have also agreed to surrender half the amount that would be permanently retained by the railways, to the general taxpayer in the form of a payment against the debt to which Sir Ziauddin Ahmad referred. This sum here, therefore, represents that Rs. 1,82,00,000, less a small difference between the three crores which I expected to get when I presented the budget last year, and a slightly smaller sum which on the basis of the accounts I presented to the House in the opening speech we now expect.

Sir Cowasji Jehangir: What about your depleted depreciation fund?

The Honourable Sir Andrew Clow: That is receiving nothing beyond the regular contribution, and my Honourable friend, Mr. Chapman-Mortimer, was expressing the view that I put in my preliminary Budget speech, that that is technically the first charge on our surplus.

Sir Cowasji Jehangir: Which you have not done on account of the war.

The Honourable Sir Andrew Clow: No, on account of the moratorium. Had it not been for the moratorium the whole of our surplus would have gone to replace the money which was abstracted from the depreciation fund in order to meet deficits in bad years. So that the House has really already last year accepted the principle embodied here by voting three crores to the reserve. It has also yesterday accepted the new arrangement for next year by voting the demands for grants, and the money actually coming in here is money going precisely in the direction that my Honourable friend wants it to go, namely, to the general taxpayer.

Mr. Chairman (Mr. M. S. Aney): The question is:

"That a supplementary sum not exceeding Rs. 1,64,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Appropriation to Reserve'."

The motion was adopted.

DEMAND NO. 10-A—WITHDRAWAL FROM RESERVE.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,00,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Withdrawal from Reserve'."

Mr. Chairman (Mr. M. S. Aney): Motion moved:

"That a supplementary sum not exceeding Rs. 1,00,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Withdrawal from Reserve'."

Babu Baijnath Bajoria: I oppose this motion. If we vote for this motion, this sum of one crore will practically be a dead loss. This is said to be loss on the dismantled lines. First of all, over 300 miles of railway lines have been dismantled without the consent of this House. This House had voted for the construction of these lines and I think the Government had no right whatever to dismantle them without the consent of this House. Then the Honourable the Railway Member in his Budget speech said that the dismantled lines on State-managed railways represent a capital of Rs. 1,90,00,000. Out of this amount, he goes on to say that he expects to get only Rs. 50 lakhs from the sale proceeds of the materials which have been shipped abroad. Then Rs. 40,00,000 is the amount which is said to have already been deposited in the depreciation fund during all these years, and the balance of Rs. one crore represents the loss which he wants to write off by this motion. I think I am correct.

The Honourable Sir Andrew Clow: It is not a question of writing it off. It is proposed to be written off otherwise. This is the place where it is coming from. In other words, the capital has got to be written off, and this is a provision to meet the necessary writing off.

Babu Baijnath Bajoria: It is the same thing. In my opinion if these lines were dismantled then the total original cost ought to have been paid by His Majesty's Government or His Majesty's Government ought to have given an undertaking that when these lines are again laid the cost of restoration of these lines will be paid by His Majesty's Government. In my opinion at the present moment the cost of steel has soared so high that the price of even these old rails is at the present moment much higher than the original price at which these rails were bought. It is always said that railways are a commercial concern and if they are a commercial concern I do not understand why they just gave away this big sum of money to His Majesty's Government.

An Honourable Member: It is war.

Babu Baijnath Bajoria: My friend says it is war. Is it a war gift to His Majesty's Government? Then they ought to have said so. There seems to be no justification for writing off of this one crore. This must come from His Majesty's Government and we must have an assurance from the Railway Member that these lines will be restored when rails and the necessary materials are available, because the dismantling of these lines is causing considerable inconvenience to the public. It is 305 miles, the distance from Delhi to Cawnpore. It may be in small bits here and there but it has the total length from Delhi to Cawnpore.

Mr. J. Ramsay Scott (United Provinces: Europeans): . . . and a bit more.

Babu Baijnath Bajoria: I do not know how my friend, Mr. Ramsay Scott, will feel if the line from Delhi to Cawnpore is dismantled. There seems to have been a great bungling in this matter but still it can be rectified if the Honourable the Railway Member presses his claim on His Majesty's Government and as such I strongly oppose this motion.

Dr. Sir Ziauddin Ahmad: Sir, I oppose this motion. My first reason is this. If you dismantle any line for war purposes, we have nothing to say, because that is a temporary measure and the cost of removing and the cost of restoring will fall on His Majesty's Government by any financial arrangement that may be made. But if the Railway Board decides to dismantle a line for revenue reasons, because it is not paying, then I think it is fair that this thing should be brought before the Assembly by means of a Resolution—that such and such a line ought to be dismantled and the profit and loss account ought to be shown very clearly. We should be able to criticise this thing, whether it is or it is not a profitable concern. That is really one point which I want to press. We should establish a tradition in this House that no dismantling should take place, which means loss of capital, without the vote of the House and the reason for dismantling ought to be explained very clearly. This has not been done in this case.

Now, the second thing which I would like to press is that in the case of a company you can write off capital. This means that the shareholders will suffer and their capital value will diminish but I do not understand what is the meaning of writing off in this case because they have borrowed from general revenues. The whole of this interest will have to be paid. What is written off? It is a thing which I do not think I am clear in my mind and I am certain that the Railway Board is not also very clear in their mind. Because in one of the speeches of the Financial Commissioner where he dealt with this point, he says this. Speaking on the 20th February, 1940, he said:

“These were not, I believe, written off prior to 1924, but since the introduction of the Convention in that year, on State-managed railways, it has been the rule to write down capital in respect of such assets by charge to the depreciation fund or to revenue.”

This was in connection with the Kangra Valley Railway that was being dismantled. That was the financial policy of the Railway Board in February, 1940. After all, when we dismantle a line, then the capital should be charged either to depreciation or it may be charged to revenue. Now, it is proposed to change the policy that this particular item should be charged to the reserve fund. I do not understand why the change in the policy. What is the meaning of charging it to the reserve fund? It may as well be said that you are charging it to the Railway Board. That is, there should be a cut motion and money should be collected from all the employees of the railway from their salary or it should be charged from the taxpayers. That is a special tax levied on every rupee and my friend, Sir Cowasji Jehangir and myself, will have to pay for the dismantling of a particular line. That is a thing which I can understand but if you say this I cannot visualise who is to pay for the loss. The dismantling is there. The capital has disappeared. You cannot pay it back to the capital, unless you get the money from the savings of the revenue. That will also come from one per cent. of the capital at charge and certainly this thing will have to come from some external source. In the case of a company, writing off capital really means that you are writing off against

the shareholders as their capital value is diminished but here the capital value remains the same. You will have to pay interest on the total amount. I thought that the correct financial policy would have been

Sir F. E. James: The Financial Commissioner explained this most carefully in the Standing Finance Committee at which this appropriation was approved. Perhaps my friend was not there at that time.

Dr. Sir Ziauddin Ahmad: I just now quoted a speech by the Financial Commissioner in which he said that this thing can be charged to depreciation fund.

The Honourable Sir Andrew Clow: Depreciation fund or revenue.

Dr. Sir Ziauddin Ahmad: Yes, to one or the other. But here the charge is on the reserve fund. That is the proposal in this particular case.

The Honourable Sir Andrew Clow: It is coming out of revenue.

Dr. Sir Ziauddin Ahmad: Everything comes out of revenue. They are not paying by a cut in salaries or by additional taxation. I do not really know in what way this thing should be financially adjusted. That is the real point at issue. I was always under the impression that we ought to establish an amortisation fund or like the one we have in the general revenue, Payment and Avoidance of Debt and if you establish a fund of that kind, this will be a legitimate charge on that fund. This also will come out of the revenues, though there should be some method by which it may be adjusted and I thought to pay it out of the reserve does not mean anything.

Sir F. E. James: If it does not mean anything, why bother

Sir Cowasji Jehangir: What is the point?

Dr. Sir Ziauddin Ahmad: The point is this. Whenever any line has been removed, in that case the capital is written off amounting to the total cost of that particular line. Our total burden of interest is not lightened. The point is whether it should be written off against the depreciation fund or the general revenue or whether it should be against the reserve fund. That is really the point at issue, and I should have thought that for this purpose we should establish a fund to be called “the amortisation fund” by means of which you can pay off capital whenever the circumstances may permit and this is to be utilised for that purpose. Whatever method you adopt, you are not relieved from the burden of its interest.

Now, the next thing I should like to point out in this connection is this. Whenever you calculate the losses of a particular line, you must keep in mind, as regards whatever you pay, that the interest on that will continue to be paid from the revenues of the Railways, even if you pay it out of the reserve fund, or any other fund.

Sir Cowasji Jehangir: It is paid out of profits. It is a loss, you write off and pay out of profits which you might have allocated to some other head.

Dr. Sir Ziauddin Ahmad: The next point is that whenever you calculate whether a particular railway line is or is not a profitable concern, you keep one thing in mind. If you remove that line altogether, the interest on the capital will still have to be paid

Sir Cowasji Jehangir: It is written off.

Dr. Sir Ziauddin Ahmad: But you write off out of the profits all these things, and the profits, instead of being kept either in the reserve or in the depreciation fund, disappear altogether; therefore the interest

Sir Cowasji Jehangir: That is one way of allocating the profits. You give so much to general funds, so much to reserve. You give a crore of rupees to write off this loss.

Dr. Sir Ziauddin Ahmad: You had better make a speech when your turn comes. If you pay out of reserve, you lose interest on it. Hence the interest on the written off capital is indirectly paid by the interest on the reserve fund. I just want to say that whenever you calculate whether a particular line is or is not a profitable concern, you have to keep this in mind, viz., that the interest on that capital will still be borne by the revenues—in whatever way you have cleared off your capital, and then the interest still falls upon us, so that you must calculate that. The interest continues to fall. Sir, I have not been able to see profit and loss accounts of any of these lines which are being dismantled; otherwise I would have drawn attention to it. Now, as regards the point raised by my Honourable friend, Mr. Chapman-Mortimer, that this is out of the Depreciation Fund, well, that is really my grievance, viz., that they are building up, under the false name of a depreciation fund, a special reserve fund and putting on one side about five and a half crores in addition to their requirements. That is a thing which I always pressed and shall always press in future, viz., that that is a sort of method of cheating the general revenues. If you put anything into the Depreciation Fund, that comes under the regular expenditure. Now, you are putting five and a half crores more than you require and in that case it means that the money available to the general revenues will be lost by this particular method. What is the meaning of building up a capital of about sixty-two crores under that head of Reserve after paying all these expenses? What for? I say that this written off capital ought to have been paid out of the Depreciation Fund.

The Honourable Sir Andrew Clow: Sir, I was a little surprised to hear from my Honourable friend, Babu Baijnath Bajoria,—who is himself I believe a very successful business man—a very strange financial proposition. He said that, because these lines had originally cost one crore and ninety lakhs, therefore, we should endeavour to recover the whole of that sum from His Majesty's Government. But the fact is of course that we have lost most of that one crore and ninety lakhs already. Let me take a small analogy. Suppose my Honourable friend, Babu Baijnath Bajoria, wanted to put up a little factory and he acquired the land and

he levelled the ground and he put up a building and he put in some machines and started his factory; and suppose that after seven or eight years' working, he found that, so far from getting any profit out of this factory, he was only having to pay out every year a larger amount than he received, without getting any interest on his capital at all. Naturally, he would look round and say, "I must close this building." And when a gentleman came along and saw that there were some good bricks and other remains and said, "I should like to make an offer for what is left and take it away", I am pretty sure my friend wouldn't turn down the offer and say, "I have put into it things which cost Rs. 1,00,000; now you are only offering Rs. 20,000 for the bricks

Babu Baijnath Bajoria: If the market is high, why not get more?

The Honourable Sir Andrew Clow: Exactly. I hope we will get a little more from the fact that steel commands better prices than we have paid for it, but that one crore and ninety thousand rupees does not represent the cost of the rails even in their new state, still less the cost of the rails that we are giving to His Majesty's Government. It is not a war gift. We have lost most of this money; and I think we are fortunate in having a purchaser who needs the material—a purchaser who I think will pay a reasonable price for it.

Now, to come to the involved financial disquisition of my Honourable friend, Sir Ziauddin Ahmad

An Honourable Member: Financial conundrums.

The Honourable Sir Andrew Clow: He asked me just a short time ago to adhere rigidly to the Convention of 1924. I think if he will refer to it . . .

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): I should like to know from the Honourable Member with regard to this dismantlement of certain lines, is it a dead loss financially, or can it be converted into money? Of course, the dismantled lines will, I take it, bring in some revenue. So why regard it as a dead loss?

The Honourable Sir Andrew Clow: It is not an entirely dead loss; we are going to get some value for the materials. A quite big loss of course is involved in the other expenditure which, owing to the whole speculation proving unprofitable, we cannot recover.

Babu Baijnath Bajoria: You are also dismantling many station buildings and permanent way?

The Honourable Sir Andrew Clow: In some cases, not in others. Sir, in paragraph 4 of the Convention my Honourable friend will find certain purposes for which the railway reserve "shall be used" and the purposes include "for writing down and writing off capital", which is precisely the purpose for which we are proposing to use it now.

Sir Cowasji Jehangir: What do you mean by writing off?

The Honourable Sir Andrew Clow: Writing off is reducing our capital debt by the payment of that sum and we are not paying interest on debts which we have repaid.

Dr. Sir Ziauddin Ahmad: But you lose interest on that Reserve?

The Honourable Sir Andrew Olow: We reduce our capital at charge by a corresponding amount. We, therefore, reduce the interest charges that we pay. In other words, our capital will be one crore less and that crore is being written off from the reserve and is coming indirectly from the revenue of the year in question. I hope that makes the position clear. I venture into these complicated financial questions with diffidence in the presence of my Honourable friend, Sir Cowasji Jehangir, who could explain them much more lucidly than I can.

Sir Cowasji Jehangir: He (Dr. Sir Ziauddin Ahmad) is consulting some more books.

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

"That a supplementary sum not exceeding Rs. 1,00,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1941, in respect of 'Withdrawal from Reserve'."

The motion was adopted.

THE BERAR LAWS BILL.

The Honourable Sir Muhammad Zafrullah Khan (Law Member): Sir, I beg to move:

"That the Bill to extend certain Acts to Berar, as reported by the Select Committee, be taken into consideration."

Sir, I explained on a previous occasion, when I was moving for consideration of this Bill, that this Bill was of a purely formal character, having been necessitated by the changes made in 1937. The object of the Bill is to place the application of these Acts to Berar on a uniform basis. On that occasion some Honourable Members were doubtful with regard to the actual object of the Bill and desired to examine the matter further in Select Committee. The matter has now been examined in Select Committee and the Select Committee's report is before the House. Honourable Members constituting the Select Committee professed themselves satisfied with the provisions of the Bill. The only amendment made in the Bill was a change in the date which had become necessary owing to the passage of time. From one point of view, Sir, it is unfortunate that you happen to be in the Chair because if there were any criticism of the provisions of this Bill, I am quite certain that had you been in your seat you could have dealt with it very much better than I could.

Mr. Chairman (Mr. M. S. Aney): Motion moved:

"That the Bill to extend certain Acts to Berar, as reported by the Select Committee, be taken into consideration."

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, I was a member of the Select Committee which was appointed by this House to consider this measure. From the very first I have been opposed to the manner in which this law is being applied to Berar without consulting the Nizam's Government and without obtaining their consent at first. Although the persuasive eloquence of my Honourable friend, the Leader of

the House, compelled me, as it compelled others, to put down our signatures on the report of the Select Committee, our doubts still remain. Sir, I think the main support that is lent to the tottering edifice of British Imperialism in India is by Indian States, and the only thing that comes between the complete independence of India, as pointed out by the Secretary of State from time to time, is the insistence of these Indian States . . .

Mr. Chairman (Mr. M. S. Aney): The Honourable Member is requested to confine his remarks to the motion before the House?

Maulana Zafar Ali Khan: I am confining myself to it. The British Government has held us from time to time that the interests of the Indian States must be protected by it. From the days of the East India Company, when the responsibilities of the Company were transferred to the Crown, the Indian States have always been the first concern of the British Government. If they have any sense of gratitude and if they really feel something for these Indian States which have done so much for Great Britain and especially during the present war when crores and crores of rupees are being given by these States to the British Government, they must look really to the interests of these Indian States. Hyderabad, as you know, is the premier Indian State of India. We are told that the British Government are fighting Hitlerism and Germany in order to obtain independence and freedom for the whole world. Now, apart from the consideration whether this war is going on in the interests of India also, I think the Indian States have some claim upon the attention of the British Government. When I asked my Honourable friend, the Leader of the House, what is the position of His Exalted Highness the Nizam, he said he is the Sovereign of Berar. Then I asked him: "What does the sovereignty of Berar mean?" He said: "The sovereignty of Berar means that the State flag will fly if the Nizam went to Nagpur."

Mr. Chairman (Mr. M. S. Aney): Order, order. The Chair must rule that all discussion with regard to the sovereignty of His Exalted Highness the Nizam over Berar or any other conditions that pertain to the Treaty between His Exalted Highness and the Government of Great Britain is entirely irrelevant to the consideration of this Bill.

Maulana Zafar Ali Khan: With due deference to the Chair, I should like to know how the question of sovereignty does not arise when the question of the promulgation of certain laws is being considered?

Mr. Chairman (Mr. M. S. Aney): Order, order. This House cannot consider those questions. That is the difficulty of it. Apart from this being relevant or not, the House cannot consider the relations between an Indian State and the British Government in any debate in this House.

Maulana Zafar Ali Khan: This means that British Imperialism is gagging us and is snatching away the sovereign territory from the Nizam. Sir, Berar is the property of the Nizam. You took it away from him and when we ask you to return it to him, you say this cannot be done in this House. This is the parliamentary position of India for which the British Government is fighting. Why are you fighting Hitlerism? I ask the Secretary of State for India and the Prime Minister of England why are

[Maulana Zafar Ali Khan.]

you fighting? You want that the freedom of Poland, Czecho-Slovakia, Norway, Denmark, Belgium and France should be restored to those countries. Why should not the freedom of the Nizam be restored to him? Why should not the freedom of the Hyderabad State, which is in complete alliance with the British Government, be restored to that State? The State had been fighting for the British and spending their money and life-blood for them. And when the question of the restoration of Berar comes before this House, you say that this question relates to the sovereignty of Berar and, therefore, should not be discussed.

Mr. Chairman (Mr. M. S. Aney): Order, order. The Chair has really to ask the Honourable Member not to discuss the question of the restoration of Berar which is entirely irrelevant. The Chair cannot allow discussion of that point to go on on this motion.

Maulana Zafar Ali Khan: I knew it from the very first, and so with a plaintive cry of "Restore Berar to the Nizam", I sit down.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, last time I asked the Honourable the Leader of the House to accept my motion for reference of the Bill to the Select Committee. After the reference of the Bill to the Select Committee, I sent a copy of the Bill to the Nizam's Government asking them whether it will affect them adversely. I tried my level best to put myself in communication with their officials but I regret to say that no response was made. How long can we go on with this spoon-feeding when the States themselves are not in a position to correspond with the Members of this House? We know that the sovereignty of Nizam is over Berar and also that agitation is being carried on for the restoration of Berar, we are helpless and we cannot do anything further here. I do not like, therefore, to oppose this motion.

Mr. Chairman (Mr. M. S. Aney): The question is:

"That the Bill to extend certain Acts to Berar, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill, as amended by the Select Committee, be passed."

Mr. Chairman (Mr. M. S. Aney): The question is:

"That the Bill, as amended by the Select Committee, be passed."

The motion was adopted.

THE DELHI RESTRICTION OF USES OF LAND BILL.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to regulate in the Province of Delhi the use of land for purposes other than agricultural purposes be referred to a Select Committee, consisting of Sir Muhammad Yamin Khan, Sved Ghulam Bhik Nairang, Maulvi Muhammad Abdul Ghani, Mr. J. Ramsay Scott, Mr. S. H. Y. Oulsnam, Mr. Basanta Kumar Mukharji, Mr. Lalchand Navalrai, Mr. Govind V. Deshmukh and the Mover, with instructions to report on or before the 15th March, 1941, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the object of this Bill is to establish control over the development and use of land in the neighbourhood of roads inside the Delhi Province and the intention is two-fold: firstly, to prevent what has come to be known as "ribbon development", building in narrow strips along main roads,—which is happening of course outside the municipal area; and secondly, to set up an effective check on the use of land for brickfields and kindred purposes. Ribbon development, that is development along road frontages instead of in more compact blocks, is no new phenomenon and is not peculiar to Delhi. The process is encouraged by modern developments in the art of locomotion, but I venture to think it springs from a desire deeply implanted in human nature to make the best of two worlds, to "have it both ways",—to enjoy the amenities, without submitting to the discipline of town life.

Sir, what happens is briefly this. Thanks to improvements in communication by road, well-to-do people are tempted to build houses outside, but in fairly close proximity to, the town in which they earn their daily bread. They may even be tempted to remove their places of business outside the municipal limits. Land is cheaper there, there is more variety to choose from and there is freedom from municipal control and from municipal taxation. For facility of access the tendency is to choose sites in close proximity to main roads. Each man has to go further out than the man before him and the process is carried further and further out into the country, building taking place, as I have said, not in compact blocks, but in strips bordering on the main roads, and becoming more and more continuous, and stretching out over many miles. In this way the town spreads out long tentacles into the country,—tentacles composed very often of single rows of buildings on each side of the road, with open country behind. To supply the needs of the residents in this area, small shops and small places of business grow up alongside the line of the road, again without any control as to style or to the lay-out or to hygiene, and markets are established and in time the main roads leading out of your town or city—I am speaking quite generally at present—tend to resemble narrow elongated suburbs of ill-regulated lay-out and of insanitary character. That state of affairs is bad enough in itself, but when an expansion of the municipal limits to meet the needs of a growing town or city is contemplated, such expansion can only be achieved by the absorption of the nearer sections of these badly laid out and insanitary suburbs, and the cost of cleaning them up and replanning them will, by that time have become very often prohibitive.

Apart altogether from insanitary conditions, when it becomes a matter of extending your municipal limits, the cost of providing amenities and

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municipal services is very much greater when you have had this development in long narrow strips than would be the case if you were absorbing a compact block. Then, again, there is the question of access to land behind these long narrow strips. I have said already that they tend to become continuous and when you wish to develop the land behind, on extending your municipal boundaries, you have to acquire land which has increased in price, having buildings on it and you have to acquire the buildings as well.

So much as regards uncontrolled developments of buildings. As regards brickfields which are also dealt with in this Bill, we have to recognise, of course, that bricks have to be made somewhere, but brickfields are unsightly and I am afraid that unsightliness is not the least part of the objection to them. The use of land for brickfields makes it generally unsuitable either for return to agricultural use or for building purposes, at all events until you have spent a great deal on cleaning it up and levelling it; and perhaps the most serious objection of all to uncontrolled use of land for brickfields is from the health point of view. Excavations commonly associated with brickfields tend to become very prolific breeding-places for mosquitoes. In the interests, therefore, both of future town planning and of health the location and working of brickfields in areas adjoining towns and cities requires to be controlled.

I have been dealing with the problem in a general way and I think I should now say that we have all the makings of this problem in the Delhi area. I am thinking particularly of the area outside municipal limits because we have control in municipal limits but we have very little outside. Any one motoring along either the Muttra Road or the road to the Kuth cannot fail to be struck by the presence of brickfields, either in use or abandoned; and though the building menace, ribbon development by building in long strips, is not at present so obvious because the houses are not yet going up, the records do show that a considerable quantity of agricultural land has changed hands of recent years and I believe that the speed at which this process is going is increasing. As land is being bought along the main roads, this can only be with a view to building, leading to ribbon development. There is time fortunately for us to stop that process happening here, if we attack it at once; but it is only fair, if we are going to impose control, to do so before building becomes well advanced or the process goes too far.

Coming now to the Bill before the House, Honourable Members will see that the main proposal is one to empower the Chief Commissioner to declare any land adjacent to and within a distance of 440 yards from the centre line of any road to be a controlled area for the purposes of the Bill. The word "road" means a metalled road maintained by the Central Government or by a local authority. That is an important definition to which I particularly invite the attention of Honourable Members. Before making a notification declaring the area to be controlled, it will be seen that the Chief Commissioner has to obtain the previous sanction of the Central Government, and he must also give three months' notice to allow time for objections. Once an area is controlled the previous permission in writing of the Deputy Commissioner will be required for the erection or re-erection of any building—those terms are again all defined—or to make or extend an excavation or to lay out any means of

access to a road as defined in the Bill. Such permission may be granted or granted under conditions or refused. That is of course the position under the Municipal Act as well: there is nothing new there. There is a saving with regard to buildings required for the purposes subservient to agriculture—we are very anxious not to interfere with the agriculturist along these extra-municipal roads—and there is another saving as regards buildings in existence when the area becomes controlled. There is yet a third saving, in clause 16 of the Bill, saving buildings in inhabited village sites and also excavations, e.g., wells, for agricultural purposes. If permission for a building or excavation or a lay-out for access is refused by the Deputy Commissioner or is granted only subject to conditions, there is a right of appeal to the Chief Commissioner.

The Bill also provides for compensation in certain cases where applications have been rejected. On receipt of a claim the Chief Commissioner may either within a year acquire the land in question under the Land Acquisition Act, whose provisions are not ousted by this Act, or he may transfer the claim for compensation to an officer exercising the powers of a collector under the Land Acquisition Act; and from that stage the procedure as regards compensation will be that of the Land Acquisition Act. The Bill gives guidance regarding the limits within which and the conditions under which compensation can be awarded.

Finally, as regards excavations, excavations generally are covered by clause 4 of the Bill; but the term excavation covers a multiplicity of activities, not all of them equally open to objection. Some excavations, the making of quarries for example, are left to be governed by the same procedure, except as regards compensation, as is laid down for permission to erect buildings. The use of land within a controlled area for burning charcoal or pottery or for a lime kiln will require a licence from the Chief Commissioner, and the use of land for the purpose of brickfield or brick kiln, which we must regard as the most objectionable use in an inhabited area, will require such a licence either inside or outside a controlled area anywhere in the province of Delhi. Clause 12 is the sanctions clause of the Bill and Honourable Members will see that clause 14 provides that no court inferior to that of a magistrate of the first class shall try any offence punishable under the Bill.....

Mr. Chairman (Mr. M. S. Aney): The Honourable Member may not explain in detail all the clauses: he may confine himself to the principle of the Bill now.

Mr. J. D. Tyson: I have finished, Sir. I am afraid I have taken the time of the House much longer than perhaps the importance or the complexity of the measure justifies; but my excuse must be that I understand this is the first measure of this kind to be brought forward in a legislature in India. Sir, I move.

Mr. Chairman (Mr. M. S. Aney): Motion moved:

"That the Bill to regulate in the Province of Delhi the use of land for purposes other than agricultural purposes be referred to a Select Committee, consisting of Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Maulvi Muhammad Abdul Ghani, Mr. J. Ramsay Scott, Mr. S. H. Y. Oulsnam, Mr. Basanta Kumar Mukharji, Mr. Lalchand Navalrai, Mr. Govind V. Deshmukh and the Mover, with instructions to report on or before the 15th March, 1941, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Mr. Chairman.]

There is an amendment in the name of Qazi Muhammad Ahmad Kazmi. Does the Honourable Member want to move it?

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th July, 1941."

Looking at the nature of the Bill, my submission is that my motion is a very modest one. There seems to be no hurry for passing this legislation without ascertaining the opinion of the persons who are to be affected by it.

Mr. Chairman (Mr. M. S. Aney): May I ask the Honourable Member if he wishes to confine his motion for circulation to the people of the Delhi province or Delhi city?

Qazi Muhammad Ahmad Kazmi: Yes.

Mr. Chairman (Mr. M. S. Aney): Can he make it clear in his amendment?

Qazi Muhammad Ahmad Kazmi: I will make it in the motion itself—I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon of persons in Delhi Province."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): On a point of order, Sir. As in my humble opinion the Bill affects generally Muslims and Hindus alike, because religious institutions are going to be affected by this measure,—it is not so innocent as it seems to be in its present form. It is a question of controlling certain areas which contains certain religious institutions, and, therefore, I think that the motion as moved by the Honourable Member should be retained as it is.

Mr. Chairman (Mr. M. S. Aney): The Chair leaves it to the Honourable Member to see what he should do.

Qazi Muhammad Ahmad Kazmi: If the Government are prepared to accept the motion as it is amended, it is all right; but if they are not prepared to accept it, then I move the motion as it stands.

Mr. Chairman (Mr. M. S. Aney): There is no such suggestion from the Government. The Chair only wanted to draw the attention of the Honourable Member to the fact that the Bill deals with the development of land in the Delhi province, and the Chair leaves him to consider whether or not to accept the suggestion of his friend. There is no suggestion from the Government side at all.

Qazi Muhammad Ahmad Kazmi: It may be necessary to amend it later on if the House so desires it, but at present I will proceed with the motion. My submission is that it is only proper that people who are going to be affected by this measure should be consulted. Unfortunately, for Delhi, the sole representative for Delhi province in this House, is in jail, and it has fallen on me to represent the people of this province.

Now, Sir, I admit that everybody is interested in the development of Delhi, and it is becoming more and more beautiful everyday, but the question is, at whose cost is all this beauty brought about? If the people of Delhi are suffering as a result of the expansion and beautification of Delhi, then some compensation should be paid to them. The Honourable Member said that those people who are living by the side of the roads are enjoying certain amenities of life while they are not paying any municipal taxes. If that is the case, why don't you extend the limits of the municipality to those areas and have the whole municipal law made applicable to those places? I have no hesitation in saying that Government have got full power to do it, and they need not come to this House for that purpose. If they are prepared to provide all the facilities and amenities to persons living at a distance of 8 or 9 miles from Delhi, and if Government wishes to include those areas within municipal limits, they can easily do so, but the question is without extending to them all the facilities or providing all the amenities of life which ought to be provided to them by a municipality, have Government the right of imposing the laws of the Municipality? In this case, as I shall show presently, the restrictions that are proposed to be imposed on the people are much greater than those contemplated by the Municipalities Act. So on one side Government are not prepared to meet the liabilities which are generally undertaken by Municipalities before exercising control over the buildings of other people, while they want to have greater control over the lands and buildings of those people. Now, the proposition seems to be quite an attractive one, that Government will take powers either to allow or disallow the construction of particular buildings on particular areas, and that area is contemplated to be about two furlongs on each side of the road. I submit that if only the Municipalities Act were extended, the Government can get the necessary powers. Under the U. P. Municipalities Act,—and almost all the Municipal Acts are more or less similar to this,—the Government have got ample powers. This is what section 178 of the U. P. Municipalities Act says:

"178. (1). Before beginning, within the limits of the municipality:

- (a) to erect a new building or new part of a building, or
- (b) to re-erect, or make a material alteration in, a building, or
- (c) to make or enlarge a well,

a person shall give notice of his intention to the Board.

(2) The notice referred to in sub-section (1) as required in the case of a building shall only be necessary where the building abuts on, or is adjacent to a public street or place, or properly vested in His Majesty or in the board, unless by a byelaw applicable to the area in which the building is situated, the necessity of giving notice is extended to all buildings."

Therefore, Sir, the Municipalities Act contemplates notice and sanction of the Government only for buildings which abut on or are adjacent to a public street or place. It does not contemplate a general sanction throughout the whole area, and if Government were to extend the Municipalities Act to that side also, then in spite of their being subject to the liability of providing the amenities to the residents of those buildings, they will only be getting a restricted control. Not only this, Sir, but the Municipality is bound by certain regulations not to interfere with the construction of the buildings unless they contravene any of the laws of the municipality in respect of health and sanitation. So far as I know, if a building does not contravene the provisions of any law in respect of health or sanitation of a place, permission is always granted, and section

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183 of the Municipalities Act contemplates compensation in cases where the Municipality refuses to accord its sanction. This is what section 183 says:—

“Notwithstanding anything contained in section 125, a person giving notice under section 178 shall not be entitled to any compensation for damage or loss sustained by reason of an order passed by a board under section 180, unless—

- (a) the order is passed on some ground other than that the proposed work would contravene a byelaw or be prejudicial to the health or safety of the public or any person, or
- (b) the order contains a direction of the nature specified in clause (b) of sub-section (1) of section 180, or
- (c) the order is an order of refusal to sanction the re-erection of a building on the ground that it is unsuitable in plan or design to the locality, or is intended for a purpose unsuitable to the locality, or contravenes a byelaw under sub-head (f) of heading A of section 298.”

Therefore, it is mostly on account of health and safety of the public that the Municipality exercises its discretion in not allowing the construction of a particular building in a particular locality, but the powers that are intended to be conferred by the present legislation are much wider than that.

Now, Sir, since 1937 Delhi has got an Improvement Trust, and they have passed an Act called the Delhi Improvement Trust Act, under which they have taken this province under the Improvement Trust. The Government have given the Trust certain powers, and we find that this Trust is working greatly to the detriment of the people of Delhi. The Improvement Trust are entrusted with so much power and they have so many schemes on hand that they cannot possibly develop the province in the interests of the people outside the Delhi limits. As far as I know, there are at present eight schemes under contemplation of the Delhi Improvement Trust having more than 50,000 acres to be developed, while they have not been able to develop even 10,000 acres. From 1935 onwards keeping in mind the creation of the Improvement Trust the Chief Commissioner of Delhi has been serving notices on the inhabitants of Delhi under section 4 of the Land Acquisition Act. Section 4 of the Land Acquisition Act says:

“Whenever it appears to the Provincial Government that land in any locality is needed or is likely to be needed for any public purpose, a notification to that effect shall be published in the Official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.”

As soon as a notification under that section is published, Government acquire a certain right so far as that particular land is concerned. They can enter on the land, they can excavate the land, they can test the land and so on, I need not elaborate them, they are given here. But the first effect of that notification is that the land ceases to have any saleable value because it is according to certain standards that the price is fixed by the land acquisition officer. Supposing the land produces nothing, then it has got no value. The value that may be awarded by the land acquisition officer would be almost nil, but being in the vicinity of Delhi the land may be used for residential purposes and as such may have a much higher value. Sir, what is happening now? Since 1934 they have

served notices on the inhabitants of Delhi under section 4 of the Land Acquisition Act. There was no question of acquisition of those lands and no scheme of improvement has been sanctioned up to 1940. The Town Improvement Trust has got eight schemes in hand but it has not worked even one. They have one scheme known as the Karol Bagh scheme. In Karol Bagh the land was mostly Government land in respect of which they did not have to pay much compensation. Yet, they had to incur an expenditure of about Rs. 40 lakhs on that scheme and the scheme is not complete. They have not got back that Rs. 40 lakhs from the sale of the lands and so they are not in a position to carry on the scheme further. By extending these schemes which are only on paper, they have extended the operation of this Act to almost 5 or 6 miles of Delhi and have rendered the land absolutely unsaleable. They are not purchasing the land themselves, but they say:

“Whenever we get any money, we will purchase the land, or allot the land to persons in a way which will be profitable to us, in addition to beautifying the city of Delhi.”

No doubt, the beauty of Delhi is one consideration, but profit to the Improvement Trust is a greater consideration, because, had it not been so, the Improvement Trust could easily have laid out a plan and asked the owners of the particular pieces of land, “You should have so many roads. You should have buildings of this type. Any person who wants to construct in that area should construct according to rules, should leave 7 feet all round, and so on.” But they have done nothing of the kind. Sometimes they think of purchasing the land themselves. But they find that funds are not sufficient. They give up the scheme. Therefore, their idea is to get greater profit by stopping people from going outside the town of Delhi. People of moderate means cannot afford to pay high prices that are demanded by the Improvement Trust for land. A man having to carry on his business in Delhi may take a place 8 or 9 miles from the city and build his own house there and carry on his business here. There is no question of the centre of business being shifted 8 miles away, as is suggested by the Honourable the Secretary. As every one knows, no such law was ever applied to the suburbs of Calcutta or the suburbs of Bombay, and still the centres of business have not been ousted from Calcutta proper to Tollygunge or Kidderpore or any other place. So, to say that the centre of business will be shifted from the city of Delhi and therefore in the interests of the investments that have already been made in Delhi, they are interested in stopping the development of Delhi outside is not the real reason. The real reason is that they want to stop a person with moderate means from going outside Delhi and making a house and living there. He must either spend a considerable amount of money and live in the congested areas of Delhi and buy their land, or he will not be allowed to have any building outside whatsoever. They wish to deprive the landowners of the income that they can possibly get by change of lands in different hands. It prevents a man of moderate means from enjoying the open fresh air of places outside the congested city itself, and it is intended to force people to spend a greater amount of money and live inside the city itself. I do not say and I do not think that this is the intention of Government. It may be from a purely aesthetic point of view that the Government have come before this House, but probably they do not know the implications thereof. They do not know the character of the Improvement Trust which is before our very eyes.

[Qazi Muhammad Ahmad Kazmi.]

They do not know what this extraordinary power of restriction on construction of buildings means in actual practice. The Town Improvement Trust, according to the Act which is in force in Delhi, is under section 24 entitled to make improvement schemes.

The Honourable Sir Girja Shankar Bajpai (Member for Education, Health and Lands): I just want to find out from the Honourable Member as to what exactly was the point he was making.

Qazi Muhammad Ahmad Kazmi: My point is that this is such a Bill that it requires that the opinion of the people concerned should be taken about it.

The Honourable Sir Girja Shankar Bajpai: I fully appreciate that. That is the motion. I merely wish to find out what this elaborate reference to the activities of the Improvement Trust was leading up to. My Honourable friend has been speaking at some considerable length about the powers of the Improvement Trust, about the activities of the Improvement Trust of Delhi. We do not propose that the Improvement Trust of Delhi should have any jurisdiction with regard to this matter at all.

Qazi Muhammad Ahmad Kazmi: My submission was that in the Statement of Objects and Reasons, they have said this:

"At present there is no legal power to control building development along main roads in the Delhi Province outside the Delhi and New Delhi municipal areas."

I say that it is not correct to say that. They have got an Improvement Trust which can make the necessary schemes for this purpose.

The Honourable Sir Girja Shankar Bajpai: The Improvement Trust is designed primarily to submit schemes within already declared and recognised municipal areas.

Qazi Muhammad Ahmad Kazmi: Then, if the Government considers that the amenities of municipal life should be enjoyed by those persons who are living outside the municipal limits, then why not extend the Municipalities Act? Why come before this House and ask for uncontrolled power to stop the construction on land, without any liability on your part? If you want to control the construction of buildings, then you have got to pay for it. What are the benefits that are to be conferred on the owners of that property, to compensate for the amount of control that is to be exercised by the Board? It is an absolutely one-sided transaction. You want to meet your aesthetic tastes without paying for it. If you have got an aesthetic taste, then you must pay for it. If you want land for your own development, then Government should come forward and pay the price for these lands and acquire them under the Land Acquisition Act. You don't pay for the land and still you want to control it. If you want to provide the amenities and facilities of life, then apply the Municipalities Act and then you can have the control. You cannot have control without paying for it. That is the principle. I referred to the activities of the Improvement Trust. In that Act, you will find that whenever a person is stopped from constructing a house on a land which is to be declared under one of the schemes, then it is necessary for the Government to acquire that land within a period of one

year or six months. Anyway, I think we must have time to consider the implications of this more or less complicated Bill. This is not a Bill which we must rush through, without consulting the people of Delhi.

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

You must give an opportunity to the people who are likely to suffer on account of the provisions of this Bill to have their say. For us, who do not belong to Delhi itself, it may not be easy to understand the implications of it and as Maulvi Abdul Ghani has said, this is a matter of interest to the whole of India but even if it be a matter of local interest, the Bill must be circulated to the people of Delhi before we can take it to the Select Committee.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th July, 1941."

Discussion will now proceed both on the original motion and the amendment moved.

Maulvi Muhammad Abdul Ghani: The Bill appears on the face to be innocent but is not so in actuality. We have bitter experience of the administration of the Improvement Trusts. We find that even religious properties are not spared. The Bill says there will be a controlled area from the centre line of any road up to a distance of 440 yards either side. Delhi being an old city, there are several religious institutions. There are temples, mosques and grave-yards. The Bill, does not make any exception of these charitable institutions. It says that all lands within 440 yards on either side of the road from the centre of the road will be declared a controlled area and it further says that whenever the Chief Commissioner will have to acquire any land, the proceedings of the Land Acquisition Act under section 5-A will be dispensed with. So far, I understand that section 5-A provides simply for giving out notice to the person interested or the owner of the property. That being so, the rights and privileges existing under a certain legislation is going to be taken away.

Mr. J. D. Tyson: If I may explain that, the procedure under section 5-A of the Land Acquisition Act is omitted in this Bill, because it will have already been gone through under the procedure of this Bill. The Chief Commissioner must give three months notice and consider all objections and that is the same process as is provided for in 5-A of the Land Acquisition Act.

Maulvi Muhammad Abdul Ghani: Yes, but you know, Sir, there are two kinds of lands. One is under direct ownership and the other which is owned by persons of a particular community. Here the Bill provides that the person interested shall have a right to file objection and it gives the definition of the person interested as one who can make claim for compensation; but the persons interested in a charitable institution like a mosque or a graveyard or other religious buildings, have no right under Muslim Law to claim compensation for such property and thus there will be no proper person to file objection in case of such properties and the Chief Commissioner shall thus have an easy walk over in making his declaration as absolute. Thus when the charitable property will be declared as controlled one, it can be acquired easily without any objection. Besides

[Maulvi Muhammad Abdul Ghani].

people of Delhi, people of other parts of India have the equal right of being owner of such charitable institutions. But there is legislation which provides that no property like mosques and graveyards can be acquired. There is no provision in this Bill to exclude such property, and my friend, Qazi Muhammad Ahmad Kazmi, has very rightly moved his motion for circulation of the Bill for eliciting public opinion on this point, so as to ascertain what the public has to say about the safety of their religious institutions. The Bill entirely includes everything and is silent altogether regarding religious and charitable institutions. I think it would be better if the Bill is circulated; there is no hurry about it; nothing is going to be lost and the Government should reconsider their position and accept this motion.

Sardar Sant Singh (West Punjab: Sikh): Sir, I just want to intervene to make a few observations on the scope of this Bill. I really would like to support, in principle, the motion for circulation of the Bill within the Delhi area but not beyond that; I do not see any reason why this Bill should be circulated in far-flung Provinces and be published in the various local gazettes. The principle of the Bill is a sound one, there is no doubt about it. I wonder if my Honourable friend, Mr. Kazmi, had anything to do with municipal affairs very much, as otherwise he would have come to know that whenever a town gets developed beyond the limits of the municipal committee and when that area is brought within the municipal limits, what trouble the municipality feels on account of the existing buildings that have sprung up all about the town. My town of Lyallpur is a newly-built town and it is a progressive town too.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): It is an upstart.

Sardar Sant Singh: Well, that is a town which feeds you all with wheat, don't you worry, it gives you cotton for your textile factory, it gives you oil for your various purposes . . .

An Honourable Member: All that is in the villages—not in the town.

Sardar Sant Singh: However, that is beside the point. The position is this, that recently we had to deal with the progressive nature
4 P. M. of the town; several areas which lay outside the municipal limits have been brought within the municipal limits, with the result that the very persons, the owners of the land are feeling difficulty in getting municipal sanction for building thereon, because the areas built and the areas left unbuilt are so confused with regard to conservancy, with regard to the style, with regard to the nature of the streets and the lanes laid down that the owners of the sites have applied to the Municipal Committee and through the Municipal Committee to the Public Health Department of the Government of the Punjab to come to their help for the planning of those areas.

Qazi Muhammad Ahmad Kazmi: Which municipal committee is that?

Sardar Sant Singh: That of Lyallpur of which I happen to be the President for the time being. So I know the difficulty. The owners of those sites are actually going out of their way to approach the Public Health Department to make planned schemes for the development of those areas.

It will be in the interests of the owners of the property themselves if such controlled areas are made so that the latter development may go on on some planned scheme. This is not against the interests of those persons; it will be to their interest if these areas are controlled and some sort of planning is adopted. But, at the same time, I quite see the force of the argument that the persons who are to be affected should be consulted on principle of the Bill. My own experience is that it will be to the good of the owners themselves. It will probably raise the values of these sites which are to be developed later on if some sort of planned scheme is made at the very beginning. With these words, I commend the principle of the Bill to this House.

The Honourable Sir Girja Shankar Bajpai: Mr. President, I am glad to gather from what fell from the Honourable Member who preceded me that the principle of the Bill is considered to be a salutary one. The only question is, first, whether circulation is preferable to reference to a Select Committee, and, secondly, whether there are any *lacunae* in the Bill which need to be closed up. From the point of view of what fell from my Honourable friend, Maulvi Muhammad Abdul Ghani, *viz.*, the protection of religious buildings and graveyards and things of that sort.

Mr. M. S. Aney (Berar: Non-Muhammadan): Mostly graveyards, I think.

The Honourable Sir Girja Shankar Bajpai: Well, there are shrines also. I agree that you have to take that matter into account. In so far as the first part, *viz.*, circulation is concerned, I think Mr. Kazmi seems to have taken little note of the fact that the Delhi Province, though spelt with a big P, consists of the Old Delhi city, the Notified Area Committee, the New Delhi Municipal Committee, jurisdiction extending to a little bit on the other side of the river, and that is about all. Now, if there were such a recognized body as a Ratepayers' Association or a Builders' Association or a Land Buyers' Association or something of that kind, I should have said that this motion for circulation, even though limited to the Province of Delhi, was likely to have some useful effect or serve some useful purpose. As it happens, there is no such Association, and seeing that my Honourable friend, even though he does not belong to Delhi, has proved such a vigorous champion of these presumably voiceless people whose interests are going to be adversely affected, why should he assume that those Honourable Members who we propose should sit on the Select Committee would be less solicitous of the interests of these voiceless gentlemen?

Qazi Muhammad Ahmad Kazmi: You have not heard their voice yet?

The Honourable Sir Girja Shankar Bajpai: But I have heard their views through my Honourable friend?

Maulvi Muhammad Abdul Ghani: The time also is very limited.

The Honourable Sir Girja Shankar Bajpai: Well, the Select Committee should report by the 15th March. My Honourable friend is aware of the limited geographical area of the Province of Delhi. Within a fortnight it is possible for anybody interested in the provisions of the Bill to send his representations to the Select Committee: there is nothing to prevent that

[Sir Girja Shankar Bajpai.]

being done. Then, to sum up, really, I do not think there is a case for circulating this Bill, because I do not think that you have got a sufficiently wide area to cover, or you have got a specified set of people whom you cannot consult with regard to the provisions of this Bill. As regards the other point my Honourable friend, Mr. Abdul Ghani, raised, I quite appreciate the importance of it; but it seems to be a Select Committee point and the Select Committee will not be precluded in the course of their examination of the Bill from considering whether any safeguards with regard to the protection of the legitimate interests or rights of religious or other institutions are needed or they are not needed. So far as the Government representatives on the Select Committee are concerned, they are not going to make any difficulty in points of that kind being taken into account. I submit, therefore, that it is not necessary either to circulate the Bill for the purpose of eliciting opinion thereon or to postpone the consideration of the motion which has already been moved by my Honourable friend, the Education Secretary. I think that points of detail alone need examination and that task can best be left to the Select Committee which we propose to set up. I hope that the House will give its blessings to that motion.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th July, 1941."

The motion was negatived.

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

"That the Bill to regulate in the Province of Delhi the use of land for purposes other than agricultural purposes be referred to a Select Committee, consisting of Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Maulvi Muhammad Abdul Ghani, Mr. J. Ramsay Scott, Mr. S. H. Y. Oulsnam, Mr. Basanta Kumar Mukharji, Mr. Lalchand Navalrai, Mr. Govind V. Deshmukh and the Mover, with instructions to report on or before the 15th March, 1941, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

Mr. O. K. Caroe (Secretary, External Affairs Department): Sir, I understand that there is a feeling that before the budget speech there should be a short adjournment. Therefore, I am not moving my motion.*

The Assembly then adjourned till Five of the Clock.

The Assembly re-assembled at Five of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

THE BUDGET FOR 1941-42.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I present the statement of the estimated expenditure and revenue of the Governor General in Council for the year 1941-42 in respect of subjects other than Railways.

*"That the Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles be taken into consideration."

The task which falls to me of placing before this House an account of the main developments since the last annual budget was discussed, has on the present occasion been somewhat lightened by the fact that I made a financial statement during the last Session in November, 1940, in the course of which I drew the picture of our finances as it then presented itself. As the facts then brought out will be relatively fresh in the minds of Honourable Members, I shall today devote myself largely to bringing that account up to date, and in particular to a description of the progress of India's war effort in the field of the defence services and of supply. This course, in addition to meeting what I am sure is the desire of this House, will also furnish the most suitable basis for an understanding of our financial position. I shall also take this opportunity of furnishing a fuller explanation of the operations recently announced in connection with the repatriation of a large part of our sterling debt.

2. When speaking of the Indian economic situation in my first Budget Speech, I qualified my reference to the favourable features which were then manifest by emphasising the extent to which the continuance of prosperity was dependent on our ability to export freely overseas. The events of last spring and summer deprived us of our markets on the European Continent and caused a serious deterioration in the volume and facility of the shipping services available for our use. These factors, together with a temporary decline in confidence, which reduced the willingness to hold stocks, resulted in a marked fall of prices in the summer of 1940. This recession has, however, been magnified in some quarters to undue proportions, and it is well to view the facts in proper perspective. In the first nine months of the fiscal year 1938-39, our exports to all destinations amounted to 122 crores; in the first nine months of the present fiscal year they amounted to 144 crores. Thus the development of new export markets very largely compensated for the loss of old ones. In the second place, prices as a whole are still some fifteen per cent higher than they were at the beginning of September, 1939, and those of certain commodities, e.g., raw materials, are considerably higher. Thirdly, such indices as are available of general economic conditions in India, such as railway traffic and postal receipts, continue to reflect an improvement over pre-war conditions.

3. To this improvement the steadily growing war effort most powerfully contributes. Last year that effort, on the side of the production of stores and of commodities required in connection with the war had barely begun; the tide of production is now rising rapidly and may be expected to exercise a generally beneficial effect upon the volume of employment and therefore upon the size of the national income. The holding of the Eastern Group Conference in this country and the establishment, consequent upon the deliberations of that Conference, of an inter-Imperial Supply Council at Delhi, illustrate in striking manner the position of India in the present war. No one would wish to see repeated the period of hectically inflated prices which ruled towards the end of the last war, but we can rely upon steadily increasing industrial effort during the present one, with consequences which seem likely permanently to affect India's position among the industrial nations of the world. The expansion in the demand for the products of Indian industry and the organized efforts which Government are making to increase the supply of trained workers must create an enhanced productive power which will be available in the period after the war, to improve the standard of life in India and to help to lessen the dependence of its growing population upon agriculture and secondary employment.

[Sir Jeremy Raisman.]

FINANCIAL YEAR, 1939-40

4. I will now recapitulate briefly the results of the financial year 1939-40. As I explained in the course of my statement last November, the surplus of that year which in our revised estimates we had taken at Rs. 91 lakhs, actually increased to Rs. 7.77 lakhs and the amount transferred to the Revenue Reserve Fund was thus augmented by as much as Rs. 6.86 lakhs. This was the result of an improvement of Rs. 6.81 lakhs in revenue and a reduction of Rs. 5 lakhs in expenditure.

On the revenue side Customs receipts, after the sharp drop that had occurred at the outbreak of war, not only recovered to their previous level but during the closing months of the last financial year, were abnormally high. This was in large part due to the laying in of stocks, the effect of which is seen in corresponding decreases in the receipts of the following year, so that for a fair comparison the estimates and returns of both years should be considered together. In the same way the very large receipts from the abnormal Salt clearances of last winter were off-set by a corresponding reduction in receipts in the current year; the actual receipts last year exceeded our revised estimate by Rs. 1.86 lakhs while those for the current year are likely to be half a crore below the budget estimate based on the normal annual consumption.

The profits from small coin increased by a further Rs. 37 lakhs. Railway earnings also recorded a further improvement so that the surplus payable to general revenues, though still short of the full contribution, increased by Rs. 72 lakhs.

In addition there were increases of Rs. 21 lakhs under Corporation Tax and Rs. 1.07 lakhs under Income-Tax over our revised estimates, which themselves allowed for an appreciable rise over the new high level established by the actuals for the previous years. To some extent this increase may be taken to reflect the additional revenue due to the provisions of the Income-Tax Amendment Act, the yield from which was bound to be a matter of conjecture.

This increase in Income-Tax raised the divisible pool of the total taxes on income other than Corporation Tax from Rs. 13.76 lakhs to Rs. 14.66 lakhs. While we had expected that Rs. 2.38 lakhs would be payable to the Provinces from 1939-40, the amount actually turned out to be Rs. 2.83 lakhs. In addition to this the arrears due on account of 1938-39 were finally certified as Rs. 39 lakhs instead of Rs. 41 lakhs as provisionally reported. As the sum distributed to the Provinces in March 1940 was Rs. 2.79 lakhs, there is a balance of Rs. 43 lakhs to be paid to them along with their share for the current year.

FINANCIAL YEAR, 1940-41

5. I come now to the current year 1940-41. Our revised estimates for revenue, excluding the additional Rs. 6.86 lakhs available in the Revenue Reserve Fund show a net improvement of Rs. 4.21 lakhs compared with the budget estimates. Against this, however, our revised estimates for expenditure show a net increase of no less than Rs. 19.54 lakhs, of which Rs. 18½ crores are on account of the Defence Services and Rs. 1.04 lakhs are for expenditure borne by the Civil Estimates, mainly on account of schemes connected with the war. Thus while the budget estimates provided for a nominal surplus of Rs. 5 lakhs and last November I put the estimated deficit, before taking into account the revenue from the fresh taxation then imposed, at about Rs. 13 crores, we now estimate that the deficit on the current year will be Rs. 8.42 lakhs. The improvement is due to the additional revenue that has since accrued, including

the further payment of Rs. 2.81 lakhs from the Railways as a refund of arrears of contribution, which has already been explained to the House in the speech of the Railway Member.

Revenue

6. War time conditions are naturally reflected in our reduced receipts from Customs. Against actuals of Rs. 45.88 lakhs for 1939-40, we had estimated for 1940-41 a total of Rs. 39.16 lakhs, while we now estimate this year's receipts at only Rs. 37.75 lakhs. Our receipts under this head are of course affected not only by the cessation of trade with enemy countries but also by the interruption and deflection of shipping. In addition we have had to conserve our resources by restricting imports of many commodities in order that the foreign exchange so saved may be available for the more urgent requirements of the war. Under Excise there is a drop of Rs. 2.10 lakhs from Sugar. As the House is aware, the sugar industry in the main producing areas of the United Provinces and Bihar has during the present year been beset with difficulties. The maintenance in the previous season of artificially high prices for cane together with over-production led during the summer months to a situation in which large stocks were held up in the factories. The industry accordingly found itself in difficulties in the matter of finance and revenue was slow to come in. As a remedy for this it was urged upon us that there should be either a reduction in the duty or that collection of a portion of it should be postponed. After negotiations with the two Provincial Governments a scheme was finally adopted under which the Government of India undertook to lend to the Provincial Governments funds sufficient to enable them to advance to the industry a sum equal to Re. 1 per maund on existing stocks, to be used in part payment of duty. This, combined with some lowering of prices, helped to alleviate the position, though the industry in those two provinces continues, for reasons unconnected with the Central Excise, to be faced with problems of great difficulty. In consequence, we do not now expect that the collections of sugar excise duty in the current year will exceed Rs. 3.15 lakhs as compared with our budget estimate of Rs. 5.25 lakhs.

7. I have already mentioned that our revenue from Salt in the current year is expected to be Rs. 50 lakhs less than the budget estimate. Railway earnings have, however, come to our assistance and the sum they are now expected to pay to Central Revenues under the Railway convention is Rs. 7.15 lakhs, which with the additional refund of Rs. 2.81 lakhs is Rs. 4.65 lakhs more than was provided in the budget estimates. The sum of Rs. 7.15 lakhs is made up of the full contribution of Rs. 4.63 lakhs, which is 1 per cent of the capital at charge less the loss on strategic railways, Rs. 30 lakhs as arrears of contribution from the previous year, and a further Rs. 2.22 lakhs as one-third of the excess over the first Rs. 3 crores of the remainder which would normally be transferred to the Railway Reserve Fund. Other increases are Rs. 92 lakhs under Currency and Mint mainly from the larger circulation of small coin and Rs. 65 lakhs in the surplus of the Posts and Telegraphs Department; while Taxes on Income other than Corporation Tax, including Excess Profits Tax and the Central surcharge imposed during the year show a rise of Rs. 3.30 lakhs, a part of which goes to increase the share of the Provinces from the budgetted sum of Rs. 3.00 lakhs to Rs. 3.73 lakhs.

As regards Excess Profits Tax the extent of the preliminary work proved even greater than had been expected with the result that returns were not due from assesses before the end of November. The subsequent stages of the assessment proceedings bristle with practical difficulties owing to the complexity of the computations. And to the difficulties ordinarily associated

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with Excess Profits Tax there is the added difficulty of a separate depreciation computation owing to the change over in the Income-tax law to the written down value basis for depreciation. For these reasons the progress of Excess Profits Tax assessment work has been, and is, very slow and therefore the actual receipts in the current financial year are not expected to exceed Rs. 2 crores. A substantial portion of the original estimated receipts for 1940-41 will accordingly go to swell the collections of 1941-42. This sum may be taken as of the order of Rs. 1 crore.

Expenditure

8. *Defence Services.*—Turning to the expenditure side of the current year, I will now deal with the aspect which overshadows all others, namely, the Defence Services. In my speech introducing the Supplementary Finance Bill last November I gave the House an indication of the extent to which our budget estimate of defence expenditure for 1940-41 was likely to be upset as a result of the momentous developments in the war situation during the early months of that year. I described in some detail the various activities in which India was engaging to meet the direct and indirect threats to her security arising out of the changed conditions. At that time it was estimated that India's share of the financial commitments involved in those activities would amount eventually to roughly Rs. 33 crores on account of initial outlay and Rs. 16 crores per annum on account of recurring charges, while the budget estimate of Rs. 53½ crores for defence expenditure during 1940-41 would be exceeded by at least Rs. 14½ crores. The three months that have passed since then have been a period of steady and rapid progress in the development of India's war effort and I propose at this stage to give the House some particulars of this progress and the achievements already secured or in prospect.

In the interests of security it is not possible for me to bring the figures in every case up to date but what I am going to say will, I hope, show clearly enough that the immensely complicated business of producing efficient modern forces is going forward with speed and energy. In some directions we are, it is true, still held back by the difficulty in obtaining materials which we cannot as yet produce in India and also by the shortage of skilled personnel of various categories. Subject, however, to these limitations, the resources of India are being intensively utilised and developed.

9. The total strength of our armed forces is now well over half a million men of all arms and further expansion is proceeding. Provision has been made for the raising of new armoured and mechanised cavalry regiments; new Indian field artillery regiments, regular infantry battalions, engineer units, more M. T. Sections and all the highly trained and specialised ancillary troops required for modern warfare. The Fighting Vehicles School has continued to expand; a new Cadet Wing has been opened at the Artillery School and an anti-aircraft training centre has been established which is designed to train several hundred students a month. The R. I. A. S. C. Officers' Technical School has been further expanded and its output is now seven times what it was at the outbreak of war. Mechanical transport training establishments have still further increased and apart from mechanised cavalry, artillery and infantry, who train their own men, the output of trained drivers has grown to 40 times what it was in August 1939. Two new Signal Training Centres have been opened and the training establishments of Sapper and Miner Units have more than doubled since November last.

10. It is impossible to exaggerate the importance of adequate training establishments in an expansion of the scale of that which we are now carrying out. Troops may be gallant and well equipped but they are not likely to succeed in modern war unless their standard of training is very high indeed. The training of the Indian Army has, it is admitted on all sides, been shown to be excellent. This has been proved beyond question by the part which they have played in the recent great victories, where they overcame a well armed and numerically far stronger enemy at surprisingly small cost to themselves. I have dwelt at some length upon this aspect of our war efforts as it is upon this that the pace of our expansion depends. We have no intention of sacrificing efficiency for mere numbers but are determined to follow as closely as possible the high standards which have been set and which have so dramatically and decisively proved their value in the past few weeks.

11. Many of the new units we have raised are now completing their training and a number have already taken up active rôles. When the expansion of the army in India began, owing to difficulties in obtaining equipment, the number of armoured units and artillery regiments included was less than we would have desired. Improvements in the supply situation, however, both in India and the United Kingdom, have now made it possible to remedy this deficiency and our plans include the transformation into armoured and light-armoured regiments of the whole of the existing cavalry and the raising of additional regiments of this kind. With regard to artillery, increasing assistance from His Majesty's Government, both in personnel and equipment, has made it possible to ensure that we do not fall short in this component.

12. With regard to equipment generally His Majesty's Government have recently agreed to a standing arrangement under which India will receive a substantial fixed proportion of the output of the United Kingdom. As a result of this arrangement, steady supplies of all kinds of equipment unobtainable in India, such as guns, machine tools, optical instruments, wireless and other signalling equipment and anti-gas equipment are now forthcoming and will enable us to push forward with the modernisation of our normal defence garrison, and with the equipment of the forces now being raised on a scale adapted to the requirements of modern war.

13. The growth of the Royal Indian Navy which I summarised last November, has continued unchecked; the programme of ship-building in India has been further expanded and the recruiting and training of officers and men to man the new construction is proceeding apace. All instructional establishments have been greatly increased in capacity; a new Signal School is being built and a start has been made with a large new Gunnery School. Other new Naval establishments are in process of development. Some idea of the increase in work being carried out in the Government Dockyard may be gathered from the figures of workmen of all classes and trades employed there. Before the war, the figure was 1,168; it has now risen to nearly 5,000. In addition to meeting our own requirements, a great deal of work has been carried out on behalf of His Majesty's Government in connection with the arming and protection of both British and Indian merchant shipping, and also in the provision of repair facilities to ships of the Royal Navy.

14. As regards the Air Force the difficulties arising from deficiencies of equipment and experienced technical personnel which I mentioned on the last occasion as holding up the expansion of this Arm have recently been considerably lessened. A number of modern aircraft and connected equipment are in sight from American sources and further supplies are expected which will go a

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considerable way towards completing and modernising the equipment of the squadrons now in India, as well as setting free machines for the training of new squadrons. The arrangements for training personnel have also been considerably improved. Close liaison between the civil and air force training schemes has been established and a proposed amalgamation and re-organization of all available facilities will provide Air Force elementary flying training schools formed around existing flying clubs and an expanded service flying training school. All these institutions will be operating to full capacity in the near future. A start has been made with the formation of the reserve to which I alluded and the training both of officers and airmen is being pushed forward as rapidly as the capacity of the schools permit and as fast as instructional and maintenance personnel and equipment become available. The scheme for establishing aeroplane manufacture in India has reached a new stage and there is now little doubt that the year 1941 will witness the appearance of the first aeroplanes to be produced in India. This achievement, memorable in itself, should prove of great value in speeding up the expansion of India's air force—a development to which we attach supreme importance.

15. The position in regard to the vital matter of supplies has, I am glad to say, substantially improved since I last addressed the House. The Government Ordnance and Clothing factories have been working at the highest pressure for some time past and an indication of what this means can be gathered from the fact that whereas before the war the average number of workmen employed in those factories was under 17,000, the number has now risen to over 45,000 and the curve of production is still rising. Steps have recently been taken to supplement the output of these factories by taking over railway and private workshops and utilising their resources for the production of munitions of war. The Roger Mission, which has been investigating the possibilities of expanding India's output of war supplies has now submitted its reports to His Majesty's Government who are giving them their urgent consideration. We hope that the result will be that India will before long be able substantially to increase her output of munitions.

With a view to stimulating private enterprise and co-ordinating the resources of the country to the fullest extent possible a thorough reorganisation of the Supply Department has been carried out during the last few months and this is already resulting in an increasingly close liaison and co-operation between that Department, other Departments of Government and Indian industry.

16. Mention may also be made here of another important development which is likely to lead to a great improvement in the supply field. Until recently the work of the Supply Department, in so far as it related to compliance with overseas demands was seriously hampered by the fact that the placing of orders in this country to meet such demands was dependent on the receipt of firm indents. Owing to the enormous fluctuations in the demands so placed on the Supply Department and the immediate urgency attaching to most of them it was found impossible to ensure prompt compliance or to make forward arrangements in such a manner as to prevent dislocation of the productive activities of the country and ensure that supplies were obtained at reasonable prices. These difficulties were represented to His Majesty's Government who have now agreed to a forward programme of supply covering the estimated requirements over a period of about two years ahead. The Department of Supply is thus able to enter into forward commitments within the limits of this programme and so maintain an even flow of production.

17. A further improvement in the supply position has been rendered possible by the receipt of authority from His Majesty's Government to purchase vehicles, machine tools and other essential war requirements in the United States and Canada, to the extent necessary to meet our needs for a considerable period ahead. The restrictions previously placed on such purchases owing to the difficulties regarding dollar exchange had been seriously hampering the process of modernising our Army in India and equipping the newly raised units. An officer has been placed on special duty in America with the object of discovering and effecting purchases of such supplies as are available to India from this source.

Last, but certainly not least in this tale of progress, the deliberations of the Eastern Group Conference are now bearing fruit in the shape of the institution of an Eastern Group Supply Council to be located in India which will in due course co-ordinate the requirements of various Empire countries and forces operating east of Suez and will ensure that the resources of the participating countries are utilised to the fullest advantage for the successful prosecution of the war.

18. These tremendous developments in the supply field must necessarily give a great stimulus to Indian industries. One of the most important results has been the investigation of the possibilities of establishing new industries in India for the production of stores that have hitherto been imported. The list of stores required both in India and to meet overseas demands is constantly under review and items formerly placed in the category of imported stores are continually being transferred to the indigenous category, as a result of the discovery either of methods of producing them in India or of suitable domestic substitutes. As typical examples of this I may mention web equipment, and lubricating oil, bichromates, and acetic acid, which formerly imported, are now being produced in India, while the substitution of cotton canvas for flax canvas, fish oil for codliver oil, and various Indian varieties of drugs for those previously imported has enabled us to transfer their source of supply from abroad to India. This process has been particularly marked in the case of medical stores and whereas prior to September, 1939, 77 per cent of the items included in the priced vocabulary of medical stores were imported the corresponding percentage after 18 months of war is only 46.

From this brief review it will, I think, be realised that India has in addition to providing for her own local defence been able to make a noteworthy contribution to the success of the common cause in the provision both of highly trained troops and high grade material. That contribution is increasing rapidly in quantity and is not diminishing in quality.

19. I must now revert to the purely financial aspect of this remarkable picture of India's war activities. As a result of the further measures which I have just described coupled with the general improvement in the supply position, the estimates of extra cost that were given to the House last November are out of date. Our latest assessment of the cost of all measures to which we are now committed and which were not envisaged at the time of preparing the defence budget for 1940-41, indicates that they will ultimately involve initial outlay of approximately Rs. 52 crores and Rs. 19 crores additional recurring expenditure per annum. The initial outlay and full recurring cost will not of course all come forward in the first year but it is estimated that during 1940-41 the increase in India's defence expenditure on account of these measures will amount to roughly Rs. 17½ crores.

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20. I may perhaps remind the House here that the allocation of war expenditure between India and His Majesty's Government is still governed by the settlement arrived at between the two Governments which was fully explained in my budget speech of a year ago. In accordance with the principles underlying this settlement any forces now being raised that India may agree to send for service overseas cease to be an Indian liability on leaving India and the whole initial cost of raising, training, and equipping such forces as well as the subsequent recurring charges are borne by His Majesty's Government. The details of the revised estimate of defence expenditure for 1940-41 amounting to Rs. 72.02 lakhs are as follows :

	(Rs. in lakhs)
(1) Basic normal budget	36.77
(2) Effect of rise in prices on (1)	2.53
(3) India's war measures	24.31
(4) Non-effective charges	8.41
	72.02

The increase of Rs. 53 lakhs in item (2) over the corresponding budget figure is mainly due to the increases of emoluments granted during 1940-41 to British and Indian troops as a war concession. In so far as these increases would have raised the cost of India's normal garrison the extra cost is included under this head. The increase of Rs. 17½ crores in item (3) has already been explained. Out of the total provision of Rs. 24.34 crores for India's war measures approximately Rs. 15 crores represents the initial cost of such measures; the balance consists of recurring expenditure. The revised estimate for non-effective charges—item (4)—has for the present been fixed at the normal budget level of 1939-40 but discussions are in progress with His Majesty's Government with a view to reaching a settlement that will regulate the allocation of these charges as has already been done for effective charges. The effect of the war on these charges obviously cannot be foreseen though happily there has so far been no appreciable increase owing to the absence of heavy casualties. I should here point out that the increase of Rs. 24.31 crores shown against item (3) over our normal defence expenditure by no means reflects the full magnitude of India's war effort since it excludes the cost of supplies and services rendered by India to His Majesty's Government, which is substantially greater than this amount.

I should also mention here that His Majesty's Government besides paying in full for all such supplies and services are providing free of charge much of the equipment needed for the modernisation of the Army in India and for the initial equipment of units now being raised in pursuance of our expansion scheme.

Civil Estimates

21. The principal items mainly responsible for the increase in Civil expenditure, such as the schemes for the training of the Air Force Reserve and that for war technicians, were explained in some detail in my Statement last November and I will not repeat the account which I then gave to the House. Though the additional civil expenditure then accounted for was approximately Rs. 2.30 lakhs, the actual net increase in civil expenditure works out at only Rs. 1.04

lakhs. In the first place there is a reduction of Rs. 71 lakhs in Interest charges. This is mainly due to smaller payments on account of Post Office Cash Certificates and Savings Bank Deposits and to lower interest rates on our short-term debt, the volume of which has also been reduced in recent months by the success of the Indian Defence Loans. Again, on account of a change of accounting procedure, which also brings about a corresponding reduction on the revenue side, the amount of Rs. 67 lakhs received from Burma as her share of pensionary charges is now to be taken in reduction of expenditure instead of as a revenue receipt under Payments by Burma.

22. Thus our Revised Civil Estimates for the current year are expected to amount to Rs. 40.11 lakhs as compared with the Budget Estimate of Rs. 39.07 lakhs. With the net Defence Expenditure placed at Rs. 72.02 lakhs our total expenditure is estimated at Rs. 112.13 lakhs as against our total revenue of Rs. 103.71 lakhs. We are therefore left with a deficit of Rs. 8.42 lakhs in the current year. As, however, the amount provided for the reduction or avoidance of debt was Rs. 3 crores, the net addition to our indebtedness is only of the order of 5½ crores.

FINANCIAL YEAR, 1941-42

23. I now come to the financial year, 1941-42. Our total revenue estimates amount to Rs. 106.39 lakhs as compared to Rs. 103.71 lakhs in the revised estimates of this year. Though there is no further balance available in the Revenue Reserve Fund, which provided Rs. 7.77 lakhs in the current year, this is more than made up by the first full year's receipts from the Excess Profits Tax and the Central Surcharge imposed last November. We have to allow for a further drop of 3 crores under Customs, but larger receipts are anticipated from Central Excise Duties and Salt. Also the contributions to be paid to General Revenues by the Posts and Telegraphs Department and Railways are estimated at Rs. 38 lakhs and Rs. 22 lakhs respectively higher than their increased contributions in the current year.

Revenue

24. Against our current year's estimate of the yield from Customs duties of Rs. 37.75 lakhs, we have taken for 1941-42 the still lower figure of Rs. 34.75 lakhs. War time factors already described in connection with the current year's receipts must be expected to continue to affect our revenue from Customs adversely, and under present conditions no one can foresee when the process will end, or the extent to which these factors may operate in the coming year. I can only say that our estimates are based on the assumption that present tendencies will continue and that there will be no violent change.

25. Our total estimates for Central Excise Duties show an increase of Rs. 1.75 lakhs almost entirely on account of sugar. We have raised our next year's estimate of the total yield from ordinary Corporation Tax and Income-Tax by approximately half a crore to Rs. 21½ crores taking account of the fact that the assessments will be based on incomes derived from a full year of war profits. At the same time the surcharge imposed for Central purposes is expected to produce Rs. 5.68 lakhs. In the light of general trading conditions during the current year the yield from Excess Profits Tax for the year 1941-42 is estimated at Rs. 7½ crores, which with the carry-over of Rs. 1 crore from the current year gives a total estimate of Rs. 8½

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crores. Though Excess Profits Tax receipts are included in the total Taxes on Income, the share payable by Companies, which is roughly estimated at five-sixths, falls under Corporation Tax and thus goes in full to Central Revenues. The Excess Profits Tax on incomes other than those of Companies is expected to yield Rs. 1,42 lakhs and the divisible pool of Income-Tax to increase on account of this from Rs. 16,47 lakhs to Rs. 17,93 lakhs. The share of the Provinces is thus expected to reach the figure of Rs. 4,46 lakhs as compared with Rs. 3,73 lakhs this year.

26. There is also an increase of Rs. 60 lakhs under Salt as compared with the Revised. With the utilisation of the large stocks carried over from last year, we count on the usual demand for fresh supplies next year and in consequence take our estimate of Salt revenue at the average figure of Rs. 8,30 lakhs. We are allowing for a decrease of Rs. 1,21 lakhs in Mint receipts as compared with our revised estimates for 1940-41. We have now decided that from next year an average figure of Rs. 45 lakhs from the profits from the circulation of small coin is to be taken to Revenue and any balance over this figure credited to a Suspense Account which will be available to even out the receipts over a series of years. For in years when there is a large demand for small coin the profits are abnormally high, while in others when there is a net return from circulation there is a loss to Government. The new procedure will tend to keep the revenue receipts from this source stable from year to year and will mitigate instead of aggravating the difficulties experienced in years of depression on this account. Under Currency however there is an increase of Rs. 1,25 lakhs. We are taking the Government's share of the Reserve Bank's profits, Rs. 1,17 lakhs higher on account of the higher interest which will be earned on the rupee securities held by the Bank in place of their sterling balances, and the receipts from the Currency Note Press are expected to improve by Rs. 8 lakhs. Included under Other Sources of Revenue are Rs. 63 lakhs on account of War Risk Insurance premia, the payment of which into the Fund created for this purpose is provided under expenditure.

27. *Posts and Telegraphs*.—For next year the revenue of the Posts and Telegraphs Department is expected to be Rs. 13,49 lakhs and expenditure Rs. 12,09 lakhs. The larger revenue is almost wholly due to the effect of the increases in rates. The expenditure reflects the normal growth of pay and pensionary charges in an expanding service, with some additions to maintenance charges and to the contribution to the Renewals Reserve Fund due to the rise in the prices of stores and in the value of the assets.

In my last Budget Speech I reminded Honourable Members that under the system of commercialisation of accounts of the Posts and Telegraphs Department the surplus of the Department forms a reserve for it on which interest has to be paid by General Revenues. I also indicated that the procedure by which the general tax-payer obtains immediate relief by incurring a future liability could not be extended indefinitely. The recent increase in rates being a measure of taxation the Posts and Telegraphs Department cannot claim the extra revenue on this account as part of its ordinary surplus. The estimated extra revenue due to this factor, namely, Rs. 33 lakhs in 1940-41 and Rs. 1,00 lakhs in 1941-42, will therefore be transferred outright to general revenues. Further the recent surpluses of the Department are due largely to war conditions, and Government traffic has contributed substantially to them. It has been decided that on the accumulated surplus beyond Rs. 1,00 lakhs the Department will not be credited with any interest. For the present this change in the former procedure is considered a sufficient adjustment to war circumstances.

The licences of the Bengal, Bombay and Madras Telephone Companies expire in 1943. It has been decided not to renew the licences and negotiations are in progress to acquire by purchase the shares of the companies in order that the change-over may be effected smoothly. A "Government Telephone Board" has been formed to run the business in the interim period. The new arrangement is expected to start functioning about the beginning of the next financial year. An addition of Rs. 4,75 lakhs to the Telephone Development Fund will be necessary to finance the "Government Telephone Board". A proposal for a supplementary grant for this purpose will be brought forward later in this Session.

Expenditure

28. *Defence Services*.—The Defence Budget for 1941-42 amounts to Rs. 84,13 lakhs made up as follows:—

	(Rs. in lakhs)
(1) Basic normal budget	36,77
(2) Effect of rise in prices on (1)	3,55
(3) India's war measures	35,40
(4) Non-effective charges	8,41
	84,13

The increase over the revised indicated at item (2) is due to the fact that the increases in emoluments granted as a war concession to British and Indian troops took effect from various dates in 1940-41 whereas they will be in force throughout 1941-42.

The growth of expenditure on India's war measures has already been explained at length. The effect of this growth on the defence budget for 1941-42 is shown at item (3) the increase over the revised being Rs. 11,09 lakhs. Approximately half the total amount of Rs. 35,40 lakhs provided for India's war measures represents the initial cost of these measures, the balance consisting of recurring charges. I should like here to impress upon the House the fact that in these estimates of Defence Expenditure only such specific schemes and measures as are definitely under way or in sight have been provided for. Our Defence plans have to be adapted from time to time to meet the ever changing war situation, which means that additional projects are constantly being undertaken, and it is clearly impossible to make any forecast of the cost of such unforeseeable items. The provision for non-effective charges has been retained at the normal figure for 1939-40 for the reasons already given. Here too as I have remarked in connexion with the revised estimates the figures exclude the value of supplies and services rendered by India to H. M.'s Government. The charges borne by that Government on this account during 1941-42 are expected to be more than double the amount of India's war expenditure.

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Civil Estimates

29. Our Civil expenditure estimates show increases amounting to Rs. 2,61 lakhs in all as compared with the current year's revised estimates. There are first the additional sums on account of the full year's working of the various schemes arising out of the war which were started in the course of the current year. Thus next year the training of the Air Force Reserve is expected to cost Rs. 33 lakhs and the Scheme of Technical Training to provide the needs of skilled labour of the technical branches of the Defence Services and Ordnance and munitions factories a further Rs. 93 lakhs. Under this scheme, which provides for the training of 15,000 men by the end of March 1942, nearly 2,000 men are already being trained at different training centres and their number is increasing every day. Of the total cost of Rs. 1 crore, over 85 per cent of which is for stipends to trainees and their training fees, it is now estimated that Rs. 7 lakhs will be spent in the current year and the remainder next year. Then there are a number of new items of essential expenditure which the Standing Finance Committee have approved for inclusion in the budget. These include the share of the subsidy to this year's Haj pilgrimage to be paid by the Government of India to meet the extra cost attributable to war conditions, the establishment of a new Broadcasting station at Karachi, and a further programme of Civil Aviation Works. Rs. 5 lakhs are to be spent in the course of next year on the new Broadcasting House to be built at Delhi. Rs. 9 lakhs are being provided for a new high power transmitter for broadcasts to countries outside India, intended for the benefit of Indian nationals abroad and to enable India to present her point of view, as well as to counter-act enemy broadcasts in those countries. A third Mint is to be constructed to cope with the present large coinage demand, which has increased so enormously as the result of the war. As soon however as the situation returns to normal, it is proposed to close down the existing Calcutta Mint and to transfer all serviceable plant to the new Mint so that the present valuable but congested site can be sold to defray a large part of the cost of the scheme. A substantial share of the new expenditure included in the Budget is on account of the Department of Supply which has continued to expand throughout the year to meet the ever growing demands. The great developments in the production of war material, as well as the re-organisation of the Department carried out last December have already been described in connection with Defence. As regards the effect on industry of the orders placed on behalf of overseas Governments it may be mentioned that these have included 2½ million yards of jute canvas, 3½ million yards of a new jute and cotton fabric, 12 million yards of khaki materials, as well as 14 million yards of canvas valued at over Rs. 1,40 lakhs. At the same time the woollen industry's whole production has been absorbed to meet war demands. The production of army boots, harness, saddlery, and leather equipment which is now 30 times the pre-war average, has resulted in large orders for the tanning industry and increased demands for hides. New manufacturing plant to meet the requirements of chemicals formerly drawn from Europe are under construction. 400,000 tons of timber and over a million railway sleepers have been purchased for military requirements while wooden articles like tent poles, camp furniture and packing cases to the value of Rs. 60 lakhs have been made by Indian workmen from timber grown in the country. The total value of all these orders placed on behalf of His Majesty's Government and other allied Governments up to the middle of January exceeded Rs. 82 crores. This gives some indication of the necessity for the expansion of the Department's purchasing organisations. The expenditure on this account has increased from the figure of Rs. 23 lakhs

originally provided in the budget for the current year to Rs. 58 lakhs as now estimated for next year.

SUMMARY

30. I can now summarise the figures for 1941-42. The expenditure detailed in the civil estimates comes to Rs. 42,72 lakhs as compared with Rs. 40,11 lakhs for the current year, and with the provision for the Defence Services placed at Rs. 84,13 lakhs, our total expenditure estimates amount to Rs. 126,85 lakhs. The figures are therefore :

	(Lakhs)
Revenue	106,39
Expenditure	126,85
Prospective Deficit	20,46

WAYS AND MEANS

At this stage I propose to deal with the Ways and Means position as it has developed in the course of the last twelve months, when despite the grave repercussions of the war the credit of the country has been fully maintained at its previous high level.

31. *Defence Loans.*—Our loan programme for the year was merged in the Indian Defence Savings Movement which was launched early in June with the issue of Six Year Defence Bonds, Ten Year Defence Savings Certificates and Interest-free Bonds. From the 1st August we made these Six Year Defence Bonds the mainstay of our loan programme and removed the previous maximum on individual holdings. These Defence Bonds met with a ready and increasingly popular reception, and when we closed them on the 25th January, subscriptions totalled nearly 45 crores, 31½ crores having been tendered in cash and the balance by conversion of the 5 per cent Loan, 1940-43. As from 1st February we issued on terms slightly more favourable to the tax-payer a second 3 per cent Defence Loan with a longer currency and repayable at par. The results of these Defence Loans, the total receipts from which in a period of eight months have amounted to over Rs. 50 crores, testify to the strength of India's financial credit and are a good augury for the future. But I must take this opportunity of emphasizing the desirability of an even more intensive mobilisation of the country's savings if India's war effort is to continue to be financed in the most satisfactory way. However generous the donations for war purposes may be—and no one can fail to be impressed with the response so far made—it is obvious that the total of the sums received as donations can only form a very modest fraction of the amount required to finance the war effort. The fulfilment of that requirement calls for the efforts of every individual to save to the best of his capacity and to invest his savings in one or other of the different types of Defence Loan, which we have instituted to serve different needs. In addition to the Loans already described, we have started a Defence Savings Provident Fund for all Government servants which makes it easy for these classes to make regular investments. Subscriptions to this are already approaching the scale of half a crore a year. We shall shortly have in operation a simple system of facilitating popular saving by means of a new scheme of Post Office Savings Bank Accounts, the amounts in which will be repayable not on demand but a year after the end of the war. This will afford further facilities to those of limited means who

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desire to invest their savings so as to assist the war effort. In order to encourage deposits of this kind, the rate of interest has been fixed at one per cent higher than the existing rate on ordinary Postal Savings Banks Accounts.

During the current year Government exercised their option of repaying the 5 per cent Loan, 1940-43 and thereby effected an appreciable saving in our interest charges. Next year we are making provision for the repayment of the 3 per cent Bonds, 1941, the outstanding balance of which, about Rs. 10½ crores, falls due for payment on the 15th September next.

32. *Sterling Position.*—Owing to the continued improvement in the country's balance of trade, the Reserve Bank have been able to purchase large amounts of sterling which in the first ten months of the current year aggregated approximately £47 millions. At the same time with large payments being received in the United Kingdom on account of recoverable war expenditure and the cost of supplies made to His Majesty's Government the amount of remittance required by Government has diminished to vanishing point. For our ordinary sterling requirements, excluding the amount that will be required to finance the debt redemption operation now pending, are now expected to amount to no more than £1 million in the current year, while next year instead of having to remit funds to the Secretary of State we actually expect a refund of £26 million.

33. *Repatriation of Sterling Debt.*—As I explained in my Budget Speech last year, these acquisitions of sterling continued to enable the Reserve Bank to put large amounts at our disposal for the repatriation of our sterling debt. Considerable open market purchases were made in London, particularly in the early months of the year and the total acquired in this way now stands at approximately £28½ million. As the securities market improved, however, and as the floating stock was removed, it became increasingly obvious that purchases on this scale would no longer be possible except at a cost of pushing prices up beyond a reasonable level. In these circumstances, the British Government came to our help by issuing orders under their special war powers compelling holders resident in the United Kingdom to sell their stocks to them for delivery to us at the market prices prevailing at the time of the order. The Reserve Bank agreed to provide the sterling and to guarantee the immediate financing of a scheme framed on these lines to cover all our terminable obligations, that is to say, all our sterling debt which has to be repaid on fixed dates, amounting to a total which at the prices of acquisition may be taken as approximately £90 million or Rs. 120 crores. The whole of this will, of course, not have to be paid in sterling because a certain amount, though how much we do not know yet, is held by persons who are not legally considered as resident within the United Kingdom and to whom, therefore, the order does not apply. These may be residents either in India or elsewhere. As regards the latter, the Reserve Bank has made arrangements with the Bank of England that, subject to the English regulations regarding export of capital abroad they will make an offer to non-resident holders to sell their securities on the basis of the prices fixed for their compulsory acquisition. I anticipate that many of the holders will avail themselves of this offer because once the bulk of the debt has been paid off the remaining stocks will not be easily marketable in London and it would therefore be to the advantage of the holders to dispose of them and choose some other investment. We had also to decide what terms should be given to these stocks when held by residents in this country and we decided that we would pass a corresponding compulsory order of acquisition at the same prices as those

fixed in London. To avoid disturbing the portfolios of insurance companies and other investors, however, we decided that we would elaborate the scheme which I mentioned to you last year of creating rupee counterparts so as to give Indian holders the option of taking over such counterparts to the extent of the nominal value of their holdings worked out at the rate of 1s. 6d. to the rupee. I hope that this offer will be largely accepted as it will be both to the holders' advantage and ours: it will be to our advantage as it naturally lessens the immediate payments which we have to make and it will be to theirs, because the sterling prices of these loans were slightly lower than those of corresponding rupee securities, so that they should gain to a slight extent on the change.

34. This brings me to the machinery for financing the operation. There are clearly two stages: first, we buy the sterling from the Reserve Bank and secondly, we have to obtain rupees to pay for that sterling. It would be obviously quite impossible to attempt to borrow this immediately from the market even apart from our Defence borrowing requirements, and it would be inconsistent with the policy which we are following with the co-operation of the Reserve Bank of maintaining money at as cheap a level as is possible without inflation so as to minimise the burden of the war. We have found it impossible, within the limited time at our disposal, and in the absence of more definite information than is available at present of the amounts held by investors in the United Kingdom, in India and elsewhere to decide on the permanent arrangements for this purpose, but for budgetary purposes and as an interim measure pending more detailed consideration, we are adopting the procedure of maintaining the *status quo*, and of issuing in lieu of these sterling loans rupee counterparts which will bear the same rate of interest and be payable on the same dates, the only difference being that, in future, they will be payable in rupees and not in sterling. Later we shall have to determine, in consultation with the Reserve Bank, a procedure which will be simple and fair both to the general tax-payer and to the Bank, which has co-operated so readily and promptly with the Government in financing this important transaction, and which will at the same time avoid any necessity for an automatic increase in our short-term debt which might entail dangerous inflationary consequences later.

35. The proportion in which the Reserve Bank will distribute the securities taken up by it between its Issue and Banking Departments as a longer range holding is for that bank to determine in the light of circumstances as they develop and in co-operation with Government. It is obvious, however, that the cancellation of this large block of sterling liabilities with its reduction in our overseas obligations to the extent of well over £3 million a year does permanently strengthen our external position and consequently makes it reasonable for the Reserve Bank to hold a somewhat lower proportion of external assets than previously. There is, of course, no necessity or intention of reducing the minimum percentage of the external assets which they must hold under the Act, that is to say, 40 per cent of their note liabilities, nor is there any necessity, as has been suggested in some quarters, to effect a statutory revision of the prices at which they hold their gold. All that was necessary was to remove the restriction on the maximum amount of Government securities which the Reserve Bank can hold in their Issue Department and that has been effected by the abolition of the proviso to Section 33 (3) of their Act. This does not in any way affect their statutory responsibilities under the Act. It merely gives them a freedom of choice which they did not have in the past, as to the proportions in which they should hold Government securities or internal trade bills. It is also unnecessary, and we do not propose, to alter the

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limits on the Government securities which they can hold in the Banking Department.

I am afraid that it will not be possible to give precise figures until the 10th March when the returns asked for by the Bank of England and ourselves will have been received, but we are confident that the Indian securities market is so healthy that the finance of this large operation can be effected without detriment to Indian security prices and that, on the contrary, the effect on them is more likely to be stimulating.

36. The House will no doubt appreciate fully to what extent this single operation, which is the largest of its kind ever carried out in this country, will improve the financial position of India. When it is complete, we shall not only have reduced the Government of India's external debt by about Rs. 120 crores, by replacing the sterling liabilities thus cancelled with corresponding rupee liabilities, but shall also have reduced such of our interest charges as are payable in sterling by as much as 50 per cent over the last six years. Taking the whole period since 1935, and including the amounts of sterling Railway annuities and debentures discharged each year and the transfer of our liabilities in respect of sterling family pensions, we shall have reduced our sterling obligations by over Rs. 220 crores, of which about Rs. 145 crores will have been repatriated since the beginning of the war.

37. In the past, Indian opinion has been much pre-occupied, perhaps unduly so, by the so-called "drain", that is, the sum-total of the external obligations, on capital and interest account, which had of course to be met by providing sterling in London—the counterpart of the physical exports out of the sale proceeds of which these amounts were raised. It will be obvious to the House that the conversion of external into internal debt will diminish the strain upon the ultimate cash-reserves of the country—our holdings of gold and other external assets—which tends to manifest itself when, in consequence of world-events over which we have no control, the value of our overseas trade declines. There has been in certain quarters a disposition to doubt the value of these conversion operations, since they have involved a reduction for the time being, at least, in the size of the sterling holdings of the Reserve Bank. These holdings have risen greatly since the outbreak of the war, an increase which has given rise to much criticism. Even after the reduction involved in the present operations, our sterling reserves will still be in the neighbourhood of Rs. 80 crores, a figure almost exactly the same as the average sterling holdings during the last full pre-war year. But, in fact, it is not the absolute size of the reserve which matters, but the size of the reserve in relation to the magnitude of the most pressing liabilities against which it is held. Our cash reserves are held in the first instance as a protection against external liabilities, failure to meet which would instantly react upon India's financial credit. By these operations we reduce the size of our external obligations and therefore permanently strengthen our position. I may emphasize again that these operations do not affect the size of our gold reserves in the least and do not involve any change either in monetary policy or in the day-to-day operations of the currency system.

38. The immediate object of the transactions was the replacement of sterling by rupee obligations and the real gain to the country lies in the liquidation of external obligations which might prove an embarrassment in future. Even otherwise Government are likely to be immediate gainers.

though at present it is not possible to estimate with any approach to accuracy the immediate effect on our revenue position. The profit due to the difference between the rate of interest earned by the Reserve Bank on its sterling investments and the redemption yield of the securities acquired at the prices paid must ultimately accrue, practically entirely, to Government either through the increase in the profits of the Reserve Bank, to the extent to which these securities are held by it, or directly to the extent to which Government hold these in their own portfolio, or cancel them from the funds which they borrow from the market. Later as the market gradually absorbs these liabilities in whatever form they will ultimately take, whether as rupee counterparts of the sterling loans they replace, or in the form of a simpler scheme of converted loans of suitable maturity, the gain may be reduced but against such reduction will, of course, be set off the increased receipts from income-tax.

39. In my judgment these operations cannot fail greatly to strengthen India's credit. There can be few countries in the world to-day fortunate enough to possess sufficient liquid resources to repatriate a large portion of their external debt, whilst leaving their Central Bank in a position of unchallengable strength. In relation to the growing resources of India our external debt will now be of remarkably modest proportions. Should a situation ever arise in which India were required to raise capital abroad—a contingency which I for one do not foresee—the fact that our existing external liabilities are so small would obviously be of the greatest importance in determining the rate of interest which we would be required to pay.

40. There is of course another aspect of our repatriation operations at the present time and that is the manner in which they assist His Majesty's Government to finance the prosecution of the war. It is obvious that if India repays her creditors in London, then particularly at the present time and in the present conditions of the London money market the greater part of the sums so disbursed will be re-lent to His Majesty's Government probably in the form of investment in the Defence loans and will thus become available for Britain's use in a more permanent form than when they formed part of the balances of the Reserve Bank and were invested in sterling Treasury Bills. To this extent we may well feel gratified that India in improving her own position has also contributed to facilitating the war-time problems of Britain.

41. *Treasury Bills*.—Apart from financing these repatriation operations, we would have reduced the value of treasury bills outstanding by about eight crores in the current year, despite the large expansion in Defence expenditure and the heavy outgo from Postal Savings Banks and Cash Certificates which would ordinarily have necessitated a large increase in our floating debt. For these factors have been largely offset by the favourable response given to our Defence Loans, the capital receipt of Rs. 12 crores from the Reserve Bank on account of the Re. 1 notes and silver rupees issued to them and the fact that the payment of five crores to the Reserve Bank provided for against a return of surplus rupee coin was not required. For the moment we are reckoning on a decrease in Treasury Bills of Rs. 3½ crores during the two years taken together.

42. *Post Office Cash Certificates and Savings Banks*.—It will be observed from the Ways and Means statement, which is printed with the Explanatory Memorandum on the Budget, that the figure for net repayments of Post Office Cash Certificates has been increased in the revised estimate for the current year from Rs. 1½ crores to Rs. 10 crores, while for Postal Savings Banks deposits we are providing for a net outgo of Rs. 19 crores against the receipt of Rs. 2 crores.

THE TYRES (EXCISE DUTY) BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, with your permission, I wish to move for leave to introduce a Bill which is included in the Budget proposals and mentioned in my speech, but which could not be put down on the agenda for today's meeting because, to do so, would have prematurely disclosed one of the Budget proposals.....

Mr. President (The Honourable Sir Abdur Rahim): The Chair finds that this is not to come into operation until the 1st April?

The Honourable Sir Jeremy Raisman: No, Sir, it is only for a technical reason that it cannot be part of the Finance Bill, but it is part of the legislative proposals which accompany the Budget.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): When is it going to take effect?

The Honourable Sir Jeremy Raisman: It has not got a certificate under the Provisional Collection of Taxes Act upon it today, but with your permission, Sir,.....

Mr. President (The Honourable Sir Abdur Rahim): The Chair wants to know why it was not included in the list of business.

The Honourable Sir Jeremy Raisman: It could not have been put on the agenda, because the mere title of it would have indicated the nature of the Bill before the Budget was presented. That is the difficulty.

Mr. President (The Honourable Sir Abdur Rahim): But the Bill will not be collected until the 1st April?

The Honourable Sir Jeremy Raisman: That is so, Sir, but I submit that it is more appropriate that the whole of the proposals for all extra taxation should be laid before this House at the same time.

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

Pandit Lakshmi Kanta Maitra: Personally, I do not think, Sir, we should make a departure from the usual practice, because, once we do it, we do not know that this will not be made the rule.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know how the Government will be prejudiced, supposing it is introduced later on.

Pandit Lakshmi Kanta Maitra: They can introduce it on Monday?

The Honourable Sir Jeremy Raisman: I submit, Sir, that the House should realize that a situation must arise in which Bills may have to be introduced on the occasion of the presentation of the Budget without

their being put down on the agenda beforehand: and since the Standing Orders provide that, with your permission, such a concession may be given, I strongly submit, Sir, that this, if any, is the kind of occasion on which a discretion of that kind should be exercised in my favour.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, it will cause no hardship if it is allowed to be introduced. There is no harm. No prejudice will be caused if it is allowed to be introduced now.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has considered this matter and finds that there is a precedent for a Bill being introduced without being placed first on the agenda. That happened at the time of President Patel and, according to that precedent, and in the exceptional circumstances of this case,—and the Chair takes it that the other case also happened under special circumstances—the Chair allows the Honourable Member to move this motion.

The Honourable Sir Jeremy Raisman: Sir, I move for leave to introduce a Bill to provide for the imposition and collection of an excise duty on tyres.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to provide for the imposition and collection of an excise duty on tyres."

The motion was adopted.

The Honourable Sir Jeremy Raisman: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 3rd March, 1941.

LEGISLATIVE ASSEMBLY

Monday, 3rd March, 1941.

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.

MEMBER SWORN.

Mr. John Francis Sheehy, C.S.I., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS

RESTRAINT ON POWERS OF APPOINTMENT VESTED IN AN OFFICER OF THE ARCHÆOLOGICAL DEPARTMENT.

224. *Sir Syed Raza Ali: (a) Will the Education Secretary please state who is the appointing authority under the Civil Service Classification, Control and Appeal Rules in respect of non-gazetted subordinate posts under the control of Circle Superintendents of the Archæological Department?

(b) Do the rules empower the Director General to interfere with appointments made or proposed to be made by Circle Superintendents to posts mentioned in part (a) above? If so, will the Secretary please quote the rule?

(c) If not, is it a fact that the Director General recently ordered the Superintendent, Archæological Survey, Agra, to abstain from exercising the power legally vested in the matter of filling the vacant post of Gallery Assistant?

(d) Are there any instances in other Departments of the Government of India in which the head of a department has put a similar restraint on the powers of appointment vested in an officer?

Mr. J. D. Tyson: (a) The Circle Superintendent.

(b) The Governor General in Council has made no rule on the subject but subordinate authorities in the exercise of the executive powers delegated to them are always subject to the direction and control of the head of the Department.

(c) Yes: he drew the attention of the Circle Superintendent to a circular issued in 1935 by the then Director General of Archæology, Mr. Blakiston, to all Circle Superintendents requiring them not to fill certain technical posts, of which the post of Gallery Assistant was one, without obtaining the Director General of Archæology's previous sanction. The present Director General of Archæology's order to the Superintendent was mainly due to the fact that control of the museum was shortly to pass to the Director General of Archæology.

(d) Yes.

Sir Syed Raza Ali: Will my Honourable friend explain whether Mr. Blakiston's Circular issued in 1935 did not go against the provisions of the Classification and Appeal rules?

Mr. J. D. Tyson: I have already said that the Governor General in Council has made no rule on the subject. We do not regard it as contrary: it is supplementary to the Governor General in Council's rules.

Sir Syed Raza Ali: I take it that these Classification, Control and Appeal rules were duly formulated and published by the Government of India under their own authority?

Mr. J. D. Tyson: I have no information on the subject.

Sir Syed Raza Ali: May I take it that the Honourable gentleman is not aware that rules known as the "Classification, Control and Appeal Rules" exist on the subject?

Mr. J. D. Tyson: Yes, Sir. I have referred to the rules by implication in my answer to part (a). These rules certainly exist, and I have a copy in my hand.

Mr. Lalchand Navalrai: Has the head of the office given any instructions with regard to the procedure which should be observed? If so, under what conditions?

Mr. J. D. Tyson: I could not answer that without notice. The Circular to which I have referred refers specifically only to the question of appointments. There may be other Circulars.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the rules which the Honourable gentleman has got in his hands were framed under the authority of the Government of India, and that they are still in force?

Mr. J. D. Tyson: Yes, Sir. They were framed by the Governor General in Council under rule 44, and they are still in force.

Sir Syed Raza Ali: Will my Honourable friend inform me whether the posts of the Curator of the Lucknow Museum and that of the Curator of the Taxila Museum are included in the list issued by Mr. Blakiston in 1935?

Mr. J. D. Tyson: No posts were included by name at all. The Circular referred to certain categories of posts, such as Assistant Curators, Gallery Assistants, Munshis, Custodians, Epigraphical Assistants, Junior Assistants, Readers, Conservation Assistants and Sub-Overseers.

Sir Syed Raza Ali: Can the Honourable Member inform me as to who is the man appointed to the post of the Gallery Assistant, and what were his technical qualifications?

Mr. J. D. Tyson: Nobody has been appointed to the post of the Gallery Assistant yet. The clerk in the Museum is holding charge of the post in addition to his own duties.

Sir Syed Raza Ali: When do Government propose to fill up this post? It is a very important post, as my Honourable friend will realise.

Mr. J. D. Tyson: The post will be filled after advertisement.

EMPLOYMENT OF ADDITIONAL STAFF IN THE ARCHÆOLOGICAL DEPARTMENT.

225. *Sir Syed Raza Ali: (a) With reference to the answer to starred question No. 566, dated the 28th March, 1940, regarding transfer of the charge of ancient monuments in Delhi will the Education Secretary please state whether the following staff has been employed in the Archæological Department and, if so, which of them is employed as a sequence to the transfer of the work of Delhi monuments to the direct charge of the Director General of Archæology:

- (1) Clerk of Works, Agra,
- (2) Sub-overseer at Delhi (Mr. Dass), and
- (3)—(6). Three temporary draftsmen?

(b) Is it a fact that a number of sub-overseers and mistries have also been employed and included in estimates for Delhi monuments? How many such men are employed, what are their salaries and which of these posts were provided for in the estimates when the work was being executed by the Public Works Department?

(c) What is the total expenditure involved in these appointments?

(d) Is it a fact that the post of "Clerk of Works" at Agra was sanctioned in lieu of the post of the clerk transferred from Agra to Delhi as a sequence of the transfer of the Delhi monuments, and was that post sanctioned by Government or the Director General? If by the latter, is he authorised to sanction the creation of posts for clerical work?

(e) Did the Department of Education, Health and Lands receive any unfavourable report of Government engineers, through the Labour Department on the maintenance and condition of ancient monuments in Delhi? If so, will the Education Secretary please place a copy of the report on the table of the House?

Mr. J. D. Tyson: (a) and (d). When the maintenance of Delhi monuments was transferred from the Superintendent, Northern Circle, to the Director General of Archæology in India, a clerk was transferred from Agra to Delhi. The Superintendent, Northern Circle, had, however, frequently brought to notice the insufficiency of his staff and it was finally decided that the most suitable relief for him would be the appointment of a Clerk of Works. The post was sanctioned by the Director General of Archæology in India in exercise of the powers delegated to him to sanction temporary technical staff.

No sub-overseer of the name of Mr. Dass has been employed at Delhi. Temporary draftsmen are employed from time to time at various places as necessity arises. No draftsmen have been employed as a sequence to the transfer of the Delhi monuments.

(b) Sub-overseers and mistries are employed from time to time when works are in progress. At present one overseer and one mistry on Rs. 50 and Rs. 45 per mensem, respectively, are employed at Delhi. A similar establishment was provided for by the Public Works Department in the estimates for repairs to Delhi monuments when the work of maintenance was in their charge.

(c) About Rs. 400 during the current financial year.

(e) No such report was received but the Chief Engineer in 1940 drew attention to certain monuments in Delhi which in his opinion required

conservation work. His comments were transmitted to the Archaeological Department. The second part does not arise.

Sir Syed Raza Ali: Will the Honourable Member be pleased to state as to what were the duties of this Clerk of Works who was employed by the Director General on his own authority?

Mr. J. D. Tyson: To supervise works at headquarters and to help in the preparation and copying of estimates and the submission of accounts in the form required by the Accountant-General, Central Revenues, under the recently introduced Archaeological Works Code.

Pandit Lakshmi Kanta Maitra: Is it not a fact that the post of the Clerk of Works is of a technical nature and that it is not a ministerial job? It is concerned with the technique of conservation.

Mr. J. D. Tyson: Yes, Sir, it is mainly a technical job, but it has certain accounts aspects too : but they also are of a technical nature.

Sir Syed Raza Ali: Does my Honourable friend realise that the nature of the duties of the Clerk of Works given by him comprise exactly the duties that are performed in other Circles and Public Works Department offices by the clerical establishment? Is it not a fact that in every other office such duties are performed by the clerical establishment?

Mr. J. D. Tyson: No, Sir, I do not understand that at all.

Sir Syed Raza Ali: Will my Honourable friend please make inquiries whether the duties of this Clerk are not the duties that in other offices are performed by the clerical establishment, and not by a technical man?

Mr. J. D. Tyson: Yes, Sir, I will make inquiries, but it is not my present information.

Sir Muhammad Yamin Khan: I hope the Honourable Member will take due care that in the Delhi Fort Museum the man who is appointed is able to understand and explain the articles which are there and that he is not an ordinary man imported from some other office?

Mr. J. D. Tyson: That is one of the reasons why the appointment has not yet been filled. We want to get a man of very high qualifications.

Sir Muhammad Yamin Khan: Is it not a fact that there is already a trained man who has been there for a very long time?

Mr. J. D. Tyson: The other man there is a clerk who has been there for a very long time, but in the opinion of the Director General he has not got the qualifications of a Gallery Assistant.

Sir Muhammad Yamin Khan: Has the Honourable Member also verified whether the opinion of the Director General is really sound on this matter especially in view of the fact that the previous Directors General have spoken highly about this clerk?

Mr. J. D. Tyson: The appointment is made not by Government at all. The appointment is made by the Circle Superintendent with the concurrence of the Director General, Archaeology. We have certainly not gone into the merits of the case in the Department of Education, Health and Lands.

Sir Muhammad Yamin Khan: I only ask the Honourable Member to see that unnecessary hardship is not caused in order to favour somebody to the great inconvenience of those people who really go and take interest in the museum and want to find out something for their benefit and that through favouritism another man is not imported at all?

Mr. J. D. Tyson: There is no question of favouritism. There is nobody in mind, but the post has not yet been advertised.

Sir Syed Raza Ali: Has the Honourable Member satisfied himself that the estimate of works now, namely, since the maintenance of the Delhi Monuments was transferred to the Director General, does not exceed the estimate of works when this maintenance was under the Central Public Works Department?

Mr. J. D. Tyson: I have not satisfied myself, but this question does not seem to arise out of the original question.

Sir Syed Raza Ali: It arises out of part (b).

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

COMPETENCY OF THE DIRECTOR GENERAL OF ARCHÆOLOGY FOR CREATING CLERICAL POSTS.

226. *Sir Syed Raza Ali: (a) Will the Education Secretary please state if the Archaeological Superintendent, Madras, applied in the beginning of the year 1939 for the creation of an additional post of accounts clerk in his circle? If so, is it a fact that the Director General of Archaeology sanctioned an overseer's post for six months and directed the Superintendent to employ him on accounts work?

(b) Is it a fact that in August or September 1939, the Superintendent applied for the extension of the services of the overseer on the ground that the accounts work in his office continued to be heavy? If so, is it again a fact that the Director General thereupon sanctioned the extension?

(c) Is it a fact that the Director General is not empowered to sanction the creation of posts of clerk, but is authorised to sanction technical posts like overseers?

Mr. J. D. Tyson: (a) The Archaeological Superintendent, Madras, drew attention to difficulties which had arisen over the construction of the museum at Nagar-janakonda and mentioned that the Head Clerk could not handle the technical work,—for example check of measurements and of muster rolls (imposed by the introduction of the Archaeological Works Code). He asked for "an extra hand". The Director General of Archaeology in India sanctioned the temporary employment of a sub-overseer in recognition of the inability of the Superintendent's office to "cope with the technical part of the work". There was no direction that the sub-overseer was to be employed on accounts work and in fact he has been employed both on supervision of conservation work and on accounts work.

(b) The answer to both parts of the question is in the affirmative.

(c) The Director General is empowered to sanction the creation of temporary posts up to a period of one year for technical men and inferior servants for the work of conservation. He has no power to sanction the creation of posts of clerks.

Sir Syed Raza Ali: Can the Honourable Member inform the House whether the duties of this additional man entertained at the request of the Circle Superintendent, Madras, mainly consisted of accounts work, and very rarely were his duties of a technical character?

Mr. J. D. Tyson: I have no information as to the apportionment of his time between the two branches of work, but the accounts work in itself is of a technical character.

Sir Syed Raza Ali: Will my Honourable friend consider the advisability of laying the correspondence on the table of the House that took place between the Circle Superintendent and the Director General? I put this question, because that will reveal the object for which this clerk was employed there?

Mr. J. D. Tyson: I do not propose to lay the correspondence, but we know that the Circle Office is understaffed. A senior officer of this Department inspected it a few months ago—within the last two months—and found it hopelessly understaffed, the Madras Circle Office.

Sir Syed Raza Ali: What is the objection to laying the correspondence on the table of the House?

Mr. J. D. Tyson: It is departmental correspondence, and it is, therefore, not usual to lay it on the table of the House.

ANCIENT MONUMENTS IN DELHI.

227. ***Sir Syed Raza Ali:** (a) Will the Honourable the Labour Member be pleased to state if any officer of the Central Public Works Department submitted in 1940 a report to Government on the condition of ancient monuments of Delhi area within the last two years? If so, what were the circumstances under which the report was made?

(b) Will the Honourable Member please place a copy of the report on the table of the House; failing which, will he please place on the table a summary of it?

Mr. J. D. Tyson: Attention is invited to the reply given to part (e) of question No. 225.

APPOINTMENTS TO THE SENIOR GAZETTED POSTS IN THE OFFICE OF THE DIRECTOR GENERAL OF AMMUNITIONS PRODUCTIONS.

228. ***Sardar Sant Singh:** (a) Will the Honourable the Leader of the House please state if it is a fact that all the senior gazetted posts, like Deputy Director General, Directors, Deputy Directors, in the office of the Director General of Ammunitions Productions, are held by Britishers?

(b) Will the Honourable Member please state if any attempt was made to obtain the services of suitable Indians for these high posts? If so, what was the nature of such attempts and what was the result thereof?

(c) Is it a fact that in cases where the services of Railway officers have been requisitioned, recruitment has been made either solely from the Great Indian Peninsula Railway, or mostly from that Railway? If so, what are the reasons for giving preference to the Great Indian Peninsula Railway officers?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) The question of the employment of Indians is always borne in mind, and an attempt is made to find a suitable Indian for each vacancy as it occurs. Senior appointments in the Directorate General, Munitions Production, were filled partly by transfers from other Departments and partly by officers who came with the Branches of the Army Headquarters, etc., on their transfer to the control of the Supply Department.

(c) No.

Mr. Lalchand Navalrai: May I know if hitherto any Indians have been appointed, or only Britishers have been appointed?

The Honourable Sir Muhammad Zafrullah Khan: Under the Director General of Munitions Production, yes.

Sardar Sant Singh: May I know the proportion of Indians?

The Honourable Sir Muhammad Zafrullah Khan: I have not got the proportion at my fingers ends.

Sardar Sant Singh: Did the Honourable Member satisfy himself that the proportion was adequate?

The Honourable Sir Muhammad Zafrullah Khan: I have already stated, in answer to part (b), that an attempt is made to find a suitable Indian for each vacancy as it occurs.

Sardar Sant Singh: What is the nature of the attempt? Was the post advertised and applications invited?

The Honourable Sir Muhammad Zafrullah Khan: Sometimes it is advertised, and on other occasions a reference is made to such Departments of Government or other organisations where a person of requisite qualifications is likely to be found.

Pandit Lakshmi Kanta Maitra: What percentage of these appointments are cases of direct recruits, and what percentage from other Departments of Government?

The Honourable Sir Muhammad Zafrullah Khan: I could not possibly answer that question without notice.

Dr. Sir Ziauddin Ahmad: Is it a fact that Engineers are mostly drawn from the Great Indian Peninsula Railway as mentioned in part (c)?

The Honourable Sir Muhammad Zafrullah Khan: That is part (c) of the question.

Dr. Sir Ziauddin Ahmad: I want to know whether it is a fact or not?

The Honourable Sir Muhammad Zafrullah Khan: That is the question, and I have said "no" in reply.

REQUEST TO INDIAN CHAMBERS OF COMMERCE FOR ASSISTANCE TO THE AMMUNITIONS PRODUCTION DEPARTMENT AND OTHER WAR DEPARTMENTS.

229. *Sardar Sant Singh: Will the Honourable the Leader of the House please state whether Indian Chambers of Commerce were asked to assist the Ammunition Production Department and other departments connected with war effort, in the same way as the National Service Committee (mostly consisting of members of the European Chambers of Commerce) were asked? If so, in what way were such requests made, and for what purposes and with what results?

The Honourable Sir Muhammad Zafrullah Khan: The National Service Advisory Committees to which the Honourable Member refers have been constituted under section 5 of the National Service (European British Subjects) Act, 1940, and as they are concerned only with Europeans, their composition is naturally confined to Europeans. These Committees are consulted by the Supply Department only in the matter of recruitment of Europeans who are subject to the Act referred to.

As the Honourable Member is doubtless aware a degree of compulsory national service applicable to British Indian subjects has also been introduced by the National Service (Technical Personnel) Ordinance, 1940. Section 5 of this Ordinance provides for the constitution of National Service Labour Tribunals composed entirely of officials and officers of Company-managed Railways and these Tribunals are consulted in the matter of the recruitment for the Ordnance Factories of personnel affected by the Ordinance.

Dr. Sir Ziauddin Ahmad: May I know whether there is any other Committee which is consulted except this particular one for the recruitment of officers in the Supply Department?

The Honourable Sir Muhammad Zafrullah Khan: These two are consulted as I have explained in reply to the question. Other organisations may be consulted when the services of somebody are required who is likely to be found with those organizations.

Dr. Sir Ziauddin Ahmad: In view of the fact that this is the only Committee which is consulted for the recruitment of Officers in the Supply Department, does it not follow *ipso facto* that Government do not want to appoint anybody except Europeans in this Department?

The Honourable Sir Muhammad Zafrullah Khan: That is an argument. But it is entirely wrong. There are two Committees that I have been talking about, the Honourable Member goes on talking about only one committee.

Dr. Sir Ziauddin Ahmad: What are those two Committees?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member did not do me the honour of listening to the reply I gave just now. I shall read out the answer again:

"As the Honourable Member is doubtless aware a degree of compulsory national service applicable to British Indian subjects has also been introduced by the National Service (Technical Personnel) Ordinance, 1940. Section 5 of this Ordinance provides for the constitution of National Service Labour Tribunals composed entirely of officials and officers of company-managed railways and these Tribunals are consulted in the matter of the recruitment for the Ordnance Factories of personnel affected by the Ordinance."

This relates to British Indian subjects.

Pandit Lakshmi Kanta Maitra: Where is the location of this National Service Committee? I do not know this.

The Honourable Sir Muhammad Zafrullah Khan: What does the Honourable Member mean by "location"? It functions at various places.

Pandit Lakshmi Kanta Maitra: Where is its headquarters?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware; possibly in Calcutta.

Dr. Sir Ziauddin Ahmad: How many officers have been recruited on the recommendation of the other Committee to which the Honourable Member has just referred?

The Honourable Sir Muhammad Zafrullah Khan: It is not a question of recommendation. Take the case of a European whom on his merits the Department desires to recruit. If he is a person who is liable to compulsory military service under that Act to which I have referred, his services must be obtained through the Committee. That is the position.

PAUCITY OF INDIANS IN THE SUPERIOR POSTS OF THE AMMUNITIONS PRODUCTION DEPARTMENT, CALCUTTA.

230. *Sardar Sant Singh: Will the Honourable the Leader of the House please state if he is satisfied that suitable Indians are not available to fill the high posts in the Ammunitions Production Department at Calcutta?

The Honourable Sir Muhammad Zafrullah Khan: I am satisfied that there is considerable difficulty in finding suitable Indians to fill most of the posts down to and including posts of Deputy Director. An attempt is made to find a suitable Indian for each vacancy as it occurs.

Mr. Muhammad Nauman: May I know if Indians are given the same facilities as Europeans in the matter of recruitment?

The Honourable Sir Muhammad Zafrullah Khan: I do not know what the Honourable Member means by facilities. I am on the look-out for suitable Indians all the time. As a matter of fact, in effect they are given a preference, other things being equal.

CUT IN THE OVERTIME ALLOWANCE OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES IN RESPECT OF THE FRIDAY PRAYER HOUR.

231. *Nawab Siddique Ali Khan: Will the Honourable Member for Labour be pleased to state:

- (a) whether one hour's leave per week is admissible for Friday prayers to all Government servants in all the Government of India offices;
- (b) whether it is a fact that Muslim employees of the Government of India Presses are allowed this one hour weekly leave on pain of their overtime allowance being cut for that hour;
- (c) whether it is a fact that overtime allowance is granted in Government Presses only after an output of eight consecutive hours work;
- (d) whether it is a fact that the Muslim employees who go for *Juma* prayers and do overtime work on that day are not held to be entitled to the usual allowance, as the output of work is short by one hour spent in Friday prayers which is not counted towards total duty hours;
- (e) whether the Honourable Member is aware that employees of these Presses who attend military parades for two and a quarter hours three times a week get their full overtime allowance, though they are not on duty in the Presses;
- (f) whether the Honourable Member is aware that differential treatment in respect of two sections of employees is deeply felt by the Muslim employees of the Presses; and
- (g) whether he is prepared to allow the overtime allowance to Muslim employees on Fridays, even if they have attended prayers for one hour; if not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Leave for the actual time spent for Friday prayers is granted to Muslim employees on condition that such time is made up, if necessary, after the office hours, on the same or other days of the week.

(b) The time spent for attending Friday prayers is deducted for the purpose of calculating overtime.

(c) The normal working hours for industrial employees are eight on each week day in the Government of India Presses, New Delhi and Aligarh, exclusive of rest intervals. Overtime allowance is earned by such employees only after they have actually worked for the prescribed normal working hours.

(d) Yes.

(e) Time spent on military parades is under the military regulations regarded as 'duty' for purposes of civil leave and pension and on that analogy it is treated as 'duty' for the purpose of calculating overtime allowances.

(f) I have no information.

(g) No. There can obviously be no justification for paying for overtime unless the hours actually worked are in excess of those prescribed as the normal working hours.

Mr. Muhammad Nauman: With reference to part (b) of the question, may I know whether the period of one hour is given with pay or without pay? My information is that, on the East Indian Railway Press, that period is deducted and treated as without pay.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: This question only refers to employees in the Government Presses, and therefore the leave is given with pay.

Mr. Muhammad Nauman: But the East Indian Railway Press is also a Government Press, because that is a Government Railway.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Member in charge of Labour is not responsible for that.

RISE IN THE PRICES OF FOOD-STUFFS.

232. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Commerce Member be pleased to state if the prices of food-stuff in general have gone up and, if so, what is the percentage in the increase?

(b) Will the Honourable Member be pleased to state if the price of 'rice' is going up by leaps and bounds on account of want of import of Burma rice? If so, what steps does the Honourable Member intend to take to stop such increase?

(c) Is there any export of rice, wheat and cereals allowed from India to countries outside India, where some sort of war preparation is going on? If so, what is the quantity of rice, wheat and cereals already exported and what quantity is yet in contemplation for export?

(d) How would these exports affect prices of the commodities in India?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes.

According to Calcutta Index Number, the rise in the prices of sugar, tea and other food articles is between 50 and 70 per cent over the base price of July, 1914.

(b) The price of rice is not going up by leaps and bounds. Certain rise has, however, taken place in consequence of shipping shortages and deficit harvests in certain Provinces. All efforts are being made to provide as much of shipping facilities as is under the present conditions possible for the import of Burma rice into India.

(c) Subject to the Export Control restrictions notified by the Government, export of rice, wheat and cereals are allowed from India to countries outside India. It is not in public interest to give an answer to part two.

(d) Exports prevent Indian prices from falling.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member in a position to give us some idea as to the quantity of the import of Burma rice during the last three months?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am afraid I have not got that with me here.

NON-GRANT OF ACTING ALLOWANCE TO JUNIOR READERS OFFICIATING AS SENIOR READERS IN THE GOVERNMENT OF INDIA PRESSES.

+233. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Labour state whether it is a fact that there are various grades of

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

readers in the Government of India Presses but no acting allowance is allowed under Fundamental Rule 30 to a junior reader in the lower grade when he is performing the duties of a senior reader in the higher grade on the plea that such officiating appointment does not involve the assumption of duties and responsibilities of greater importance than those attached to the post of a junior reader?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to refer to the reply given by Government to question No. 274 asked by Mr. S. C. Mitra on the 30th January, 1929 regarding pay of Readers and Revisers in the Government of India Press, Calcutta, in which Government distinctly stated that "The responsibilities of a reader vary according to the grade to which he is employed," and state the reason why officiating allowance is not allowed in such cases?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b) The matter is under consideration.

RESERVATION OF THE RECENTLY ADVERTISED POST OF ASSISTANT VETERINARY RESEARCH OFFICER FOR MUSLIMS.

234. *Mr. H. A. Sathar H. Essak Salt: (a) Will the Education Secretary be pleased to state whether, in view of the great paucity of Muslims in the staff of the Imperial Veterinary Research Institute and the complete absence of Muslims in the medical staff of that Institute, as disclosed in the information laid on the table of the House on the 27th November, 1940, and the 11th February, 1941, in answers to questions Nos. 141 to 153, asked by Haji Chaudhury Muhammad Ismail Khan, on the 18th November, 1940, Government are prepared to reserve for Musalmans the vacancy of Assistant Veterinary Research Officer for investigation of tuberculosis and Johne's disease among animals in the Imperial Veterinary Research Institute, which has been advertised in the *Pioneer*, dated the 9th February, 1941, and thus help to raise the percentage of the Musalmans on the superior staff of this institution?

(b) If the answer to part (a) be in the affirmative, are Government prepared to re-advertise this vacancy, especially in such newspapers as to reach Muslim public and Muslim educational institutions like the Muslim University, Aligarh.

Mr. J. D. Tyson: (a) The staff at the Imperial Veterinary Research Institute covered by the questions and answers to which the Honourable Member refers, is the non-gazetted staff. Government do not agree that there is a great paucity of Muslims in that staff. As regards Class I and Class II posts, the Honourable Member will realise that they have been excluded from the rules regarding communal representation on account of the high technical qualifications required. Government do, however, pay regard to communal proportions in these posts also and recently a Muslim who was second in the Federal Public Service Commission's list of recommendations was preferred for appointment to a Class I post. The particular post to which the Honourable Member refers is under the control of the Imperial Council of Agricultural Research to whom a copy of this question and answer will be sent.

(b) Does not arise.

REQUISITIONING FOR WAR PURPOSES OF INDIAN SHIPS IN PREFERENCE TO BRITISH SHIPS ENGAGED IN COASTAL TRADE OF INDIA.

235. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member be pleased to state if it is a fact that the British ships on the Register of the United Kingdom were requisitioned by His Majesty's Government from the 1st February, 1940?

(b) Is it a fact that the British ships referred to in part (a) above were allowed to be run in the coastal trade of India on account of His Majesty's Government?

(c) Is it a fact that, instead of calling upon all the British ships referred to in part (a) above, to meet the requirements of the war, Indian ships on the Indian Register were requisitioned by the Government of India for war purposes? If so, why were not all the British ships, requisitioned by His Majesty's Government first utilised for that purpose before requisitioning ships on the Indian Register?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Presumably the Honourable Member is referring to His Majesty's Government's Liner Requisition Scheme which was introduced on the 1st February, 1940. This applied to all vessels upon the United Kingdom Register which were engaged in the deep sea liner and tramp trades.

(b) Yes.

(c) The reply to the first portion is in the affirmative. As regards the latter portion there are three reasons:

Firstly, it is fair that Indian Registered ships should be requisitioned for meeting requirements of Indian Defence forces.

Secondly, urgent defence requirements may necessitate the requisitioning of a particular ship, which, either by reason of its situation or design, is in the circumstances of the case most suitable for the purpose.

Thirdly, Government considered it equitable that the burden imposed by the necessity of meeting defence requirements should be borne both by the owners of British Registered ships based on India and also by the owners of Indian Registered ships.

REQUISITIONING FOR WAR PURPOSES OF INDIAN SHIPS IN PREFERENCE TO BRITISH SHIPS ENGAGED IN COASTAL TRADE OF INDIA.

236. *Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member be pleased to state:

(a) the principles on which the Government of India are requisitioning the Indian ships on the Indian Register;

(b) the number of Indian ships on the Indian Register requisitioned by them either for the purpose of defence or for carrying men and materials to the theatre of the war;

(c) whether it is a fact that the ships on the Register of the United Kingdom are plying in the coastal trade and the Indian ships plying in the coastal trade are requisitioned for the carriage of men and materials in proportion to their share of the carriage of the coastal trade of India, Burma and Ceylon;

- (d) whether it is a fact that nearly 70 per cent. of the fleet of the Scindia Company has been requisitioned; and
- (e) whether it is a fact that the share of the Scindia Company in the coastal trade is only 20 per cent. of the entire coastal trade; if so, what is the basis on which the ships of the Scindia Company have been requisitioned?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Government are unable in the public interest to furnish the full information asked for by the Honourable Member. The Government of India have requisitioned ships on the Indian Register when they were required for urgent defence purposes. Ships on the United Kingdom Register do ply on the coastal trade, but many of those which ordinarily ply in those waters are now plying elsewhere for urgent defence purposes. The Government of India's requisitioning policy is directed to ensuring that while urgent defence requirements are met, unrequisitioned Indian Registered ships remain able to carry their share (as fixed by agreement between members of the Conference) of the total freight carried in the coastal trade by ships managed by the Conference lines.

NON-SETTLEMENT OF RATES OF HIRE AND COMPENSATION FOR INDIAN SHIPS IN COASTAL TRADE OF WEST INDIA REQUISITIONED FOR WAR PURPOSES.

237. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member be pleased to state the number of ships owned by the Indian shipping companies plying on the West coast of India and the number of their ships which are requisitioned for the purpose of defence?

(b) Is it a fact that the ships referred to in part (a) above have been requisitioned now for over 17 months, if so, whether the questions regarding their rates of hire and compensation have been finally settled? If not, why not?

(c) If the reply to part (b) be in the negative, will Government be pleased to state when they propose to settle these questions finally?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) I would refer the Honourable Member to the reply just given by me to his question No. 236. It is not in the public interest that this information should be disclosed.

(b) and (c). The reply to the first portion of part (b) is in the affirmative. As regards the question of rates of hire and compensation, the matter is engaging the urgent attention of the Government of India and the final decision will be reached as early as possible. In the meanwhile advances of hire are being paid.

Qazi Muhammad Ahmad Kazmi: With reference to part (a) of the question, can the Honourable Member give the percentage without any risk attendant on publicity?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I think it is somewhere between 50 and 55 per cent, but to be more accurate I should like to have notice.

RATES OF HIRE AND COMPENSATION FOR INDIAN SHIPS REQUISITIONED FOR WAR PURPOSES.

238. *Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member be pleased to state whether the rates of hire and compensation that would be paid for the Indian requisitioned ships be on the same lines as those paid by the British Government to the British requisitioned ships, or whether Government propose to take into consideration the peculiar circumstances of the Indian shipping industry and arrive at a basis of compensation which may not put Indian ships in a position worse than that in which they were when those ships were requisitioned?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The question of the fixation of rates of hire and compensation for requisitioned ships is receiving the active consideration of the Government of India. I may assure the Honourable Member that in arriving at a decision the peculiar circumstances of Indian Shipping will not be overlooked.

Dr. Sir Ziauddin Ahmad: What is the answer to this part of the question—will the Government of India see that the compensation given to the Indian Companies is on the same level as the compensation given to British companies?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I do not think that would satisfy the Indian Companies at all.

GOVERNMENT POLICY IN THE MATTER OF EXPANSION OF INDIAN SHIPPING FOR THE PURPOSES OF INDIA'S MARITIME TRADES.

239. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member be pleased to state if he is aware that His Majesty's Government have given an assurance to the British Shipping industry that it will be maintained in adequate strength and full competitive efficiency after the war and that they would be prepared to give that industry such financial aid as may be found necessary for the purpose?

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state what national policy has been evolved by the Government of India for expanding and building up Indian shipping in India's maritime trades, so that national shipping can maintain their position and secure a substantial participation in the carriage of India's maritime trades? If not, what steps do Government propose to take in that connection?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) An assurance was given in the Memorandum on War-time Financial

Arrangements between His Majesty's Government and British ship-owners, and I read the assurance in the context in which it was given:

"His Majesty's Government felt bound to take the view that rates of hire to be paid for the use of requisitioned vessels during the war should be based upon a proper allowance for running expenses, a proper provision for current depreciation and a reasonable return upon capital. They were unable to agree that it would be proper to include in these rates, the cost of which would fall on the community during the war, any allowance towards making good past arrears of depreciation (apart from the allowance for accruing depreciation) or towards building up provision for replacement in the future. At the same time His Majesty's Government recognise that their predecessors in office in 1939 found it necessary to formulate a number of proposals for according financial assistance to British shipping which they invited Parliament to authorise by the British Shipping (Assistance) Bill, 1939. The progress of this legislation was interrupted by the outbreak of war, but the necessity of maintaining the British Mercantile Marine in adequate strength and in a position of full competitive efficiency is recognised no less strongly by His Majesty's Government today. They will, therefore, keep this question constantly in mind as one with which it will be necessary to ask Parliament to deal in due course."

(b) For many years the Government of India has declared its policy of developing the Indian Mercantile Marine, but the uncertainties of the post-war situation make it impossible for me to forecast the manner in which the Government of India will give effect to this policy after the war.

UNSTARRED QUESTION AND ANSWER.

WIREMEN IN THE ELECTRICAL DIVISION OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

91. **Pandit Lakshmi Kanta Maitra:** Will the Honourable the Labour Member please lay on the table a statement showing:

(a) the number of the Wiremen in the Electrical Division of the Central Public Works Department, who have obtained Class II or Class I Certificates of Competency for Electrical Wiremen, the year they joined the Electrical Division and their present pay; and

(b) the number of the Wiremen who joined the Electricity Division of the Central Public Works Department during the year 1930 and are now in receipt of Rs. 60 or more per mensem?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: A statement is laid on the table.

(a) *Particulars of Wiremen holding certificates of competency for electrical wiremen (class I or II) and employed in the Electrical Division, Central Public Works Department.*

Number.	Year of appointment.	Present pay.	Remarks.
<i>Class I.</i>			
		Rs. A. P.	
1	1940	35 0 0	
1	1939	37 0 0	
1	1938	44 0 0	
1	1934	57 8 0	Appeared for I class (Result awaited).
1	1928	65 0 0	
1	1926	68 0 0	Appeared for I class (Result awaited).
1	1922	40 0 0	

Class II.

4	1940	30 0 0	
1	1940	25 0 0	Appeared for II class (Result awaited).
2	1940	40 0 0	One appeared for II class (Result awaited).
1	1939	42 0 0	
1	1938	37 0 0	
1	1938	36 0 0	
1	1937	38 0 0	
1	1936	44 0 0	
2	1936	43 0 0	
1	1936	36 0 0	Appeared for II class (Result awaited).
2	1935	44 0 0	
1	1935	35 0 0	
1	1935	26 0 0	
1	1935	48 0 0	
1	1935	36 0 0	
1	1934	32 0 0	
1	1934	45 0 0	
1	1934	30 0 0	
1	1932	38 0 0	

Wireman (Bombay.)

1	1934	42 0 0
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(b) *Number of Wiremen who joined Electrical Division, Central Public Works Department, during the year 1930 and are in receipt of Rs. 60 or more per mensem.*

Number.	Present pay.
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2	Rs. 65
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SHORT NOTICE QUESTION AND ANSWER.

BILLS AFFECTING CONDITION OF INDIANS IN CEYLON.

Mr. Govind V. Deshmukh: Will the Secretary for Education, Health and Lands Department please state:

- if his attention has been drawn to the news published on page 9 of the *Hindustan Times*, dated the 28th February, 1941, under the caption "Non-Ceylonese in Ceylon, Two Bills approved by Board of Ministers";
- if the Board of Ministers wish to proceed with these Bills with or without the consent of (a) the Governor of Ceylon and (b) the Government of India;

(iii) the nature of the Bills approved by the Board of Ministers, Ceylon, to be introduced on the 4th March, 1941, in the State Council;

(iv) the effect of these Bills on Indians in Ceylon; and

(v) the attitude of the Government of India, as well as of His Majesty's Government, towards these Bills?

Mr. J. D. Tyson: (i)–(v). Sir, with your permission I shall reply to the whole of the question together. The Government of India have seen the Press report referred to by the Honourable Member and have received a telegraphic report from their Agent that the draft Ordinances were published in Ceylon on the evening of the 26th February. These he has posted to us but they have not yet been received. The Government of India have, however, already informed the Government of Ceylon that in their opinion the emigration question should not be dealt with unilaterally and separately by Ceylon but should form part of a general settlement of the questions outstanding between the two countries. On receipt of the text of the gazetted Ordinances, the Government of India will consider whether further representations should be addressed to the Government of Ceylon. It is their intention to consult the Standing Emigration Committee of the Legislature before determining this matter. The attitude which the Governor of Ceylon and His Majesty's Government may adopt towards these draft Ordinances is a matter which can only arise after the Ordinances have been discussed in the Ceylon State Council and the outcome of that discussion is known.

Sir Syed Raza Ali: Is it a fact that any Bills were introduced in the State Council of Ceylon on the 4th March, 1941?

Mr. J. D. Tyson: We shall know that tomorrow: tomorrow is the 4th.

Dr. Sir Ziauddin Ahmad: Have the Government of India got any information that the Colonial Office has deputed a special officer to inquire into this question in Ceylon?

Mr. J. D. Tyson: We have seen that the Labour Adviser to the Colonial Office has been deputed to Ceylon—we do not know whether it is to inquire into this question. We have asked for information as to the scope of the work which he is being sent out to Ceylon to do, but we have not yet received a reply.

Dr. Sir Ziauddin Ahmad: Will the Government of India take some interest in the inquiries and see that the case of Indians is not left unrepresented?

Mr. J. D. Tyson: We will consider that. We do not know what he is being sent out for but we will certainly watch the position and we shall be guided by what we hear from the Secretary or State about the duties which Major Orde-Browne has been sent out to do. We shall certainly watch that situation.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Indian Government are taking steps to stop emigration to Ceylon and thus help this particular Bill which is being enacted in the Ceylon Legislature?

Mr. J. D. Tyson: We have stopped emigration of non-skilled labour to Ceylon,—in August, 1939.

Dr. Sir Ziauddin Ahmad: That is really helping the enactment of the Bill which is being introduced tomorrow: you are taking steps to give effect to their Bill!

Mr. J. D. Tyson: The Honourable Member is well aware of the circumstances under which we placed the ban on non-skilled emigration to Ceylon.

MOTION FOR ADJOURNMENT.

ARREST AND DETENTION OF MR. S. K. DUTTA PALIWAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice from Mr. Muhammad Kazmi of his intention to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely:

"The arrest and detention of Mr. S. K. Dutta Paliwal, M.L.A., (Central), U. P. Congress President, who was touring the Gorakhpur constituency in connection with the candidature of Mr. Khedan Lal, a candidate to the membership of this Honourable House (who has been previously arrested) and whose election is to take place on the 5th of March. Mr. Paliwal was once previously similarly arrested and later on released; and in view of the declared policy of the Congress which lays down the offering of 'Satyagraha' with notice to authorities, he had done nothing of the kind, did not intend to offer civil disobedience, was proceeding according to law and whose activities could at the most amount to constitutional agitation which is not prohibited by the law and whose election campaign in itself has been taken by the authorities to be an act prejudicial to the prosecution of war, whose arrest is intended to strike terror and horror in the mind of voters for the Congress candidate and in this the Government of India have failed to carry out their undertaking to the effect that the Defence of India Act and Rules shall be so enforced that the 'liberties (of the people of India) will be in hands which will not abuse them and will cherish and guard them'. The arrest of Mr. Paliwal, in addition to amounting to harassment of a peaceful citizen, amounts to direct interference in elections to this Honourable House. If peaceful election propaganda is an act prejudicial to the prosecution of the War, then the Government are guilty of being contributory to it as they are holding elections in these days and for having laid a trap for peaceful citizens of India."

I must first point out to the Honourable Member and the House that the notice for moving for the adjournment of the House is intended for the purpose of discussing a certain matter of definite public importance and it is not intended that in the notice itself there should be a discussion of the matter; and I must inform the House that in future, if any such notice is given, the Chair will not take any notice of it. I should like to know under what Act Mr. Paliwal has been arrested?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): The news that has appeared in the *Hindustan Times* is to the effect that "he was arrested at Deoria, near Gorakhpur, today at 2 p. m., while he was proceeding to Barhaj Bazar to address an election meeting, according to a report received here"

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all that. I simply wanted to know under what Act he has been arrested.

Qazi Muhammad Ahmad Kazmi: Under section 188 and rule 38 of the Defence of India Act, of the Defence of India Rules.

Mr. President (The Honourable Sir Abdur Rahim): The Indian Penal Code?

Qazi Muhammad Ahmad Kazmi: Yes.

Mr. President (The Honourable Sir Abdur Rahim): That being so, this House certainly cannot interfere.

Qazi Muhammad Ahmad Kazmi: There is only one point that I should like to submit in this connection, and it is this. When persons are arrested and subsequently let off, after the election time is over, there will be no time or opportunity for me to move an adjournment motion to show that the arrest at this time was without any cause or proper reason.

Mr. President (The Honourable Sir Abdur Rahim): We do not know.

Qazi Muhammad Ahmad Kazmi: And unless Government are prepared to satisfy us that Mr. Paliwal has been arrested for some substantial offence

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is trying to discuss the matter again. The arrest having been made for an offence alleged to have been committed under the Indian Penal Code, and as the matter is under investigation, it cannot be discussed by means of an adjournment motion in this House. The motion is out of order.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, 11 members to serve on the Standing Finance Committee for Railways for the year commencing 1st April, 1941."

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, 11 members to serve on the Standing Finance Committee for Railways for the year commencing 1st April, 1941."

The motion was adopted.

ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official members to serve on the Central Advisory Council for Railways for the year commencing 1st April, 1941."

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official members to serve on the Central Advisory Council for Railways for the year commencing 1st April, 1941."

The motion was adopted.

ELECTION OF A MUSLIM MEMBER FOR THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, a Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz vice Syed Ghulam Bhik Nairang, M.L.A. whose term of membership has expired."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, a Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz vice Syed Ghulam Bhik Nairang, M.L.A. whose term of membership has expired."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of elections of members for the Standing Finance Committee for Railways, the Central Advisory Council for Railways and the Standing Committee on Pilgrimage to the Hejaz the following dates have been fixed for receiving nominations and for holding elections, if necessary, namely:—

	Nominations.	Election.
1. Standing Finance Committee for Railways.	5th March, 1941.	7th March, 1941.
2. Central Advisory Council for Railways.	10th March, 1941.	14th March, 1941.
3. Standing Committee on Pilgrimage to the Hejaz.	5th March, 1941.	7th March, 1941.

The nominations for the two Committees and the Council will be received in the Notice Office upto 12 Noon on the dates mentioned above for the purpose. The elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will be held in the Assistant Secretary's Room in the Council House New Delhi, between the hours of 10-30 A.M. and 1 P.M.

THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I move:

"That the amendments made by the Council of State in the Bill further to amend the law relating to fraudulent marks on merchandize be taken into consideration."

These are two amendments which the House will notice are not amendments which affect any principle or even any provision of the clause, but are simply drafting amendments which clarify the position. The first amendment adds "and thread" to the title in section 7 so as to include

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

thread which is dealt with in one of the sub-sections of this clause. The second amendment introduces the word "printed" which it is considered desirable to treat separately, and not under dyed or coloured, and opportunity has been taken to frame this clause in a more elegant manner than was possible on the previous occasion. Sir I move that these amendments be taken into consideration

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

"That the following amendments made by the Council of State in the Bill further to amend the law relating to fraudulent marks on merchandise be agreed to:

In clause 7—

(a) for the heading preceding proposed section 12, the following heading be substituted, namely:

'Stamping of Piece-goods, Cotton yarn and Thread.'

(b) for sub-section (1) of the proposed section 12, the following sub-section be substituted, namely:

'(1) Piece-goods, such as are ordinarily sold by length or by the piece, which have been manufactured, bleached, dyed, printed or finished in premises which are a factory, as defined in the Factories Act, 1934, shall not be removed for sale from the last of such premises in which they underwent any of the said processes without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, and, except when the goods are sold from the factory for export from British India, without being conspicuously marked on each piece with the name of the manufacturer, or of the occupier of the premises in which the piece was finally processed or of the wholesale purchaser in India of the piece.'

The motion was adopted.

THE ASSAM RIFLES BILL.

Mr. O. K. Garo (Secretary, External Affairs Department): Sir, I move:

"That the Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles be taken into consideration."

This is a very simple Bill, but it relates to a part of India's frontier with which this House is perhaps not so familiar as the North West. We have to remember that there is a North-East Frontier and that there are in some ways analogous conditions on that frontier to those which exist on the North West Frontier. We have an administered border of the province of Assam. Beyond it we have tribal areas leading up to the external frontiers of India. There is, therefore, on the North-East Frontier a problem of watch and ward which has to be performed by a Government force, and that force is the Assam Rifles which has hitherto been governed by a Provincial Act. This force has to control the tribal areas, to prevent and punish raiding, and it has the additional function that it is available for the purposes of the Assam Government whenever they require it. The financial position has been explained in the Statement of Objects and Reasons which shows that a curious fraction of 43/58ths of the force is paid for by the Central Government and 15/58ths by the Provincial Government. It is a very odd fraction, but it works out to almost exactly three-fourths and

one-fourth. In return for one-fourth contribution the Assam Government expect that the force should be available for use when they need it. As appears in the Statement of Objects and Reasons, the Auditor General has committed himself to the view that any arrangement by which a force which is paid for in such a large proportion from the Centre and performs Central functions—any arrangement whereby that force is not Centrally controlled is not in accordance with the facts, and I think possibly the House will endorse that opinion. At any rate, it is a view with which the Assam Government themselves are in full accord, and it is for that reason that the House is now being asked to abandon the present fictional treatment whereby the force is regulated by a Provincial Act and to substitute a Central Act by the enactment of legislation. The Statement of Objects and Reasons explains that what lies behind this is that a force which has hitherto been treated as a police force which would fall under the 3rd entry in List 2 of the 7th Schedule of the Government of India Act, is now to become an "armed force raised by the Crown" which will be found in entry 1 of the Federal Legislative List in Schedule 7.

Sir, I am anxious to make it clear that this Bill now before the House is almost in its entirety a re-enactment of the Provincial Act. It contains, as Honourable Members will see, a large number of provisions relating to the internal management and discipline of the force, and these provisions follow well-established phraseology adapted from Acts to regulate discipline within forces and have been taken almost *verbatim* from the provincial Act. I hope the House will agree that the force which, after all, remains the same force, whether it is centrally or provincially regulated, will find it simpler to proceed under cover of legislation which is familiar to them and to which through long usage they have become used, and they would find it more difficult if they had to adapt themselves to an entirely new set of provisions.

Sir, the Assam Rifles has very multifarious duties to perform,—in the tribal areas, in the defence of India's frontier, when needed by the Assam Government in the Assam Province itself. It is not inaptly though rather crudely described as a servant of all work. Nevertheless, its duties are of real importance, and, as I have mentioned, it is almost entirely paid for from the Centre, and its duties are, of course, of not less importance in the general situation which now confronts us. I, therefore, ask the House to do what is possible to provide the legislative cover to bring this force under Central control. Sir, I move:

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

"That the Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles be taken into consideration."

An amendment has been given notice of by Mr. Abdur Rasheed Chaudhury that the Bill be circulated for the purpose of eliciting opinion. Does he wish to move it?

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Yes, Sir. I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1941."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1941."

[Mr. President.]

Now, both the main motion and this amendment are before the House for discussion.

Maulvi Abdur Rasheed Chaudhury: Sir, this is a Bill which is very important from the point of view of the people of the province of Assam. It is not so simple a thing as my Honourable friend has depicted it to be. It is neither analogous to that in the North-West Frontier

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member speak up please?

Maulvi Abdur Rasheed Chaudhury: The Bill has its own importance so far as the province of Assam is concerned. This is an armed force and the only force available to the province of Assam for the ultimate peace and tranquillity of the province. It consists of something like 58 platoons, 43 of which are for the use of the Central Government and 15 for the province of Assam, and the cost of maintenance of this force is shared proportionately by the Central Government and the Provincial Government.

The force is controlled under the Assam Rifles Act, 1920 and the controlling authority has been all along the Government of Assam and not the Central Government. By this Bill it has been proposed to take away the control of the force from the Government of Assam to the Central Government. It is a very interesting thing so far as the province is concerned and both the Government and the people have got a right to have their say on this Bill. Sir, it cannot be said that the Assam Rifles is a superfluous force so far as the province of Assam is concerned. Although it is not required for every day work, still its existence as a force in Assam has got its moral effect on the ultimate peace and tranquillity of the province. Of course we have got our police. But the police has got its assigned duties, which are mainly connected with the investigation of crime and such like things. The police is not at all times sufficient for the maintenance of peace in a province like Assam, for example, at the time of the non-co-operation movement, when the police could not cope with the work of the maintenance of peace and tranquillity, the mere marching of this force had the desired effect so far as the peace of the province was concerned. It cannot be said that it was a superfluous force not needed for the province of Assam.

Then, Sir, we have to see the reason which has necessitated this change. A perusal of the Statement of Objects and Reasons will show that the Mover of the Bill has thought it necessary to call the present arrangement as something fictional. The question arises at once—this arrangement is continuing for the last 21 years and if it is fictional, why was it allowed to continue so long and what has made it fictional. So far as the people of the province are concerned, we have not heard much against the Assam Rifles in the course of the last 21 years. We have occasionally heard of maltreatment by individual members of the Assam Rifles. Nothing has yet appeared by way of a Government communique in the Press saying that a necessity has arisen on account of which the entire control of the Assam Rifles should be transferred from the Province to the Centre. It may be that the Government may think that the province has advanced so much in education and in morality and in other ways that a military force like the Assam Rifles is no longer necessary for the province of

Assam. I wish it was the case. I wish it was the case throughout the whole of India, and also the whole of the world, so that the race for armaments may cease and money could be found for the uplift of the country. It may be that the province has advanced in other directions and the Government find that the province is moving on the lines of the sister province of Bengal and other provinces in India so far as this demand for self-government is concerned, and the Government may think that the 15 platoons set apart for the province of Assam is no longer sufficient. Whatever may be the reasons, at least so far as we are concerned, we have no ulterior motive and we do not oppose this Bill at all but we have got a right to have our say on this important Bill. The first question that arises is this. 15 platoons of the Assam Rifles is being taken away out of the control of the Assam Government. Are the Government arranging for any substitute for this force for the use of the province of Assam. This is the first question and I wish, Sir, that the Honourable the Mover of the Bill could have given us some indication that though the Assam Rifles will be taken out of the control of the Provincial Government, something would be available for the use of the Government. This has not been given.

Then, Sir, in the Statement of Objects and Reasons and in the speech of the Honourable the Mover of the Bill it has been given out that the Government of Assam was consulted and the Government of Assam has given its consent to this Bill. Now, Sir, so far as we, in this House, are concerned, the correspondence between the Central Government and the Assam Government is not in our possession. So we are in the dark as to what are the reasons why the Government of Assam has given its consent to this important transfer of power from the Provincial Government to the Central Government. Then, Sir, in a matter like this, not only the Government but the people of the province have got their right to say something. There is nothing to show that the Assam Government before giving its consent had this matter threshed out in the Legislature or that the Assam Government had called for public opinion in the province and they arrived at their decision after consulting the people of the province. We do not know anything about that. At least no correspondence on that account is in our possession. We are absolutely in the dark as to the reason why the Assam Government found it worth while to give its consent to the transfer of the control of this force. This Bill curtails the power of the Provincial Government a good deal so far as its control over its only armed force is concerned. The whole of the world is mad after power. It may be that the Assam Government is finding it too much to control this Assam Rifles. But I do not see the reason for this. The Assam Government is assisted by as many as nine ministers whose services are at the disposal of the Governor. These ministers go out in batches, sufficient in themselves to constitute even an unlawful assembly, if necessary. I see no reason why the Assam Government should consider itself to have been fed up with the control of this important armed force. The upkeep of this armed force is shared, as I have said, both by the Provincial Government and by the Central Government, and as only fifteen out of the fifty eight platoons

Mr. P. J. Griffiths (Assam: European): Which pays the most?

Maulvi Abdur Rasheed Chaudhury: The Centre. Sir, the Central Government have been paying for the last twenty or twenty-five years, and we do not find any sudden necessity arising to alter the present arrangement and to call this arrangement a "fictional" one. So far as the provisions

[Maulvi Abdur Rasheed Chaudhury.]

of the Bill are concerned, we the people of the Province are vitally interested. I take first clause 2, sub-clause (1) of the Bill. This clause defines the active service

Mr. President (The Honourable Sir Abdur Rahim): That is a matter which the Honourable Member can discuss when the clauses are before the House, —and he has given notice of amendments himself.

Maulvi Abdur Rasheed Chaudhury: I am just mentioning one or two facts in order to explain to the House that we the people of the Province are vitally interested in this matter. Sir, in this Bill there is a mention of the "hostile tribes".

Mr. O. K. Caroe: On a point of order, Sir, that is one of the detailed amendments which is down on the paper.

Mr. President (The Honourable Sir Abdur Rahim): That is what the Chair has been pointing out to the Honourable Member. If he is going to move his amendments, there will be time to discuss that.

Maulvi Abdur Rasheed Chaudhury: I am only making a passing reference. Firstly, we have got no hostile tribe in Assam in the sense that there is a hostile tribe in the North-West Frontier Province. We have got all the docile tribes there. Sir, the word "tribe" has not been defined here.

Mr. O. K. Caroe: That, Sir, is also on the paper,—one of the detailed amendments.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will have an opportunity to discuss the clauses in detail.

Maulvi Abdur Rasheed Chaudhury: I am not discussing these things. I am simply making a passing reference to what the Bill is going to deal with and how the people of Assam are interested. Sir, unless there is a definition of "tribe", they may apply this Act against anybody in the Province of Assam; if it suits them, they may use it against the non-co-operation movement, they may use it against the Congress, they may use it against the Hindu Mahasabha, they may use it against the Muslim League followers,—so it is necessary that the words "tribe" and "hostile tribe" should have a definition given to them.

Then there is a provision that under the new Act the personnel of the Assam Rifles will be appointed under the new Act. Now, the existing personnel of the Assam Rifles is, of course, appointed under the Assam Rifles Act, 1920, and even under the Eastern Bengal Rifle Act, 1912. Under clause 13 of the Bill, it is clear that as soon as this Bill will come into force, the Force under the previous Acts will cease to exist. Now, Sir, we have not been given to understand what is the fate of the people who are already in the Assam Rifles,—whether they will be given any pension or whether they will be driven out without any pension, whether Government will consider the position about their future, and all these things. These are points in which the people of Assam are interested. I may say, Sir, that we are not enamoured of the Assam Rifles in Assam. We do not consider the present arrangement to be an ideal one. In fact we have been considering this Assam Rifles to be a nuisance so far as the people of Shillong are concerned.

An Honourable Member: Why?

Maulvi Abdur Rasheed Chaudhury: They are an eye-sore, and the Assam Rifles people are considered to be nothing but a nuisance to the fruit sellers and provision sellers of the Shillong Bazaar. It is a common thing that these people, half-drunken, are frequenting the bazaars of Shillong

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that.

Mr. M. Ghiasuddin (Punjab: Landholders): So the Government of India will subject them to "discipline" in a better manner.

Maulvi Abdur Rasheed Chaudhury: Their notoriety went so far that when I was in the Assam Council I had to bring an adjournment motion regarding the conduct of this Assam Rifles in 1935. Sir, whenever there was a complaint about the misconduct of the Assam Rifles, we used to go to the Chief Secretary, simply to be told that he had no effective control over the Assam Rifles. Then we went to the Commandant, but he was unapproachable. So, Sir, we are between two fires. The result was that the people began to take the law into their own hands and give tit for tat once there was misconduct on the part of the Assam Rifles, and it went so far that a son of an Honourable Minister was assaulted at a public place and it came to the notice of the Government and the Government had to put a picket for controlling these unruly men of the Assam Rifles in the bazaars and other thoroughfares of Shillong. So, Sir, we would be glad if a change is made in the method of control of this Assam Rifles. Then, there is another point on which we have got a word to say. The present Assam Rifles consist of men mostly illiterate and it is controlled by Subedars and people like that, but, Sir, on account of this war people are paying attention to military service, and sooner or later the Government will have to take the educated youths of the Province into this Assam Rifles and the control of the Assam Rifles will have to pass to the educated youths of the Province. So the conditions of service, the control of the service and all these things have got to be revised and adapted to the requirements of the Province.

Sir, it has been said that some of the provisions of the Bill simply reproduce the provisions of the old Bill. This is another reason why the Bill should be circulated. It is our experience that whenever a Bill is worked for ten or 20 years, some defects are always found in it and then they are to be amended by another Bill. So, the mere fact that some of the sections of this Bill have simply been reproduced from the old one is another reason why the House should sit over it and consider it in details.

Now, Sir, I have given my reasons why this Bill should be circulated. So far as we can see, this Bill is not a war measure and, if it is circulated, Government will not lose anything but will have the opinion of the people concerned in the province of Assam so as to make a comprehensive Bill. We have seen that hasty measures come before this House for amendment in a year or two as was done in the case of some recent Bills. So, I would ask the Member in charge of this Bill not to rush it through this House and agree to the motion that it be circulated to elicit the public opinion thereon. Sir, I move.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, we have a motion for circulation before the House as an amendment to the motion which

[Mr. M. S. Aney.]

the Member in charge has moved. I thought that this motion for circulation was more or less of a dilatory nature and in view of certain defects which my Honourable friend, Maulvi Abdur Rasheed Chaudhury, has pointed out and to which I have listened with great attention, it would have been better if there was a motion for reference of the Bill to the Select Committee rather than for sending it for circulation. In my opinion he has not—and he will excuse me for saying so—made out a case for sending the Bill into circulation, but he has certainly made out certain points which require to be closely gone into and carefully considered in order to fix the proper phraseology of this Act. His arguments were somewhat of a contradictory nature. He began first by telling us that the Assam Rifles was not a superfluous thing in Assam and he was unable to understand why the Local Government should have agreed to the principle of this Bill, namely, parting with its own control over the Rifles in favour of the Central Government. Then, at the close of his speech, he remarked that the Assam Rifles was a nuisance and they were not enamoured of it. We, who are not residing in the province of Assam, fail to see what the real position is if we are to get such contradictory opinions from the representative of Assam and I do not think the Members of this House will be better enlightened in dealing with the provisions of this Bill at all when their representative is not quite sure whether these Assam Rifles should be a provincial affair or whether we should allow them to be controlled by the Central Government. From his speech, at any rate, I began to feel like this. In view of the fact that he drew attention to the want of definition of the expression "hostile tribes" and some other point, it is rather difficult for any Member of this House to make any off-hand amendment without fully understanding the point of view of the Honourable Member which can be done only by taking the Bill for discussion across the table of the Select Committee.

There is one point which I myself have not been able to understand in this Bill. I particularly draw the attention of the Honourable Member in charge to clauses 3 and 11 which are new clauses in this Bill. Clause 3 is evidently intended to substitute the control of the Central Government for the control of the Provincial Government. That I can see. In clause 11 it has not been stated what is the scope or meaning of the provision that is being proposed to be enacted. I have not been able to understand this point and much light was not thrown on it by the Honourable Member in charge when he made his speech in introducing his motion. Clause 11 runs thus:

"For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, a Commandant, Assistant Commandant, Subadar-Major, Subadar or Jemadar of the Assam Rifles shall be deemed to be an officer, a Havildar-Major, Havildar or Naik shall be deemed to be a non-commissioned officer and a buglar or rifleman shall be deemed to be a soldier of His Majesty's Army."

What is going to be the exact effect of the changes that are proposed to be brought about by this we have not been able to understand at all. That is a point which the Honourable Member may take into consideration when he rises to give a reply. It seems that for certain purposes the Members of the Assam Rifles are to be deemed as part of His Majesty's Army. That seems to be his object. Anyhow, it is rather difficult to pass this motion as it is because there are some provisions in it which require to be understood by the Members of this House before they are in

a position to record their votes. As there is no motion for referring the Bill to the Select Committee, some Member, with your permission, may move that the Bill be referred to a Select Committee.

Some Honourable Members: There is a motion to that effect in the name of Maulvi Abdur Rasheed Chaudhury himself.

Mr. M. S. Aney: I am told that there is a motion in the name of Maulvi Abdur Rasheed Chaudhury to refer the Bill to the Select Committee. If he can move that motion now, there will be no difficulty about it.

Mr. President (The Honourable Sir Abdur Rahim): He ought to have moved it before, but the Chair is prepared to give him permission to move it now.

Maulvi Abdur Rasheed Chaudhury: My own idea is that the motion that I have moved just now should come first. If this motion is not accepted by the House, I shall move the next motion which is to refer the Bill to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): That the Honourable Member will not be able to do.

Maulvi Abdur Rasheed Chaudhury: Then, I move my amendment that the Bill be referred to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): But the Honourable Member cannot make another speech. He has made his speech already. The chair will allow him simply to move it.

Maulvi Abdur Rasheed Chaudhury: Sir, I move:

"That the Bill be referred to a Select Committee consisting of."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not given the names of the Members of the Select Committee and, therefore, he cannot move it. The Honourable Member has got to inquire from different Members whether they are willing to act on the Select Committee.

Maulvi Abdur Rasheed Chaudhury: Sir, I have consulted most of them already.

Mr. President (The Honourable Sir Abdur Rahim): That is no good.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): The Honourable Member has not yet consulted Government.

Mr. President (The Honourable Sir Abdur Rahim): In that case, the Select Committee motion can not be moved.

Mr. O. K. Caroe: I think I may be able to reassure my Honourable friend, Maulvi Abdur Rasheed Chaudhury, to some extent. In the earlier part of his speech he was praising the Assam Rifles and saying how important they were for the purposes of the province. Before he proceeded to become rather contradictory as my Honourable friend, Mr. Aney, said,

[Mr. O. K. Caroe.]

he mentioned that only 15 platoons would be available for provincial purposes. That is not the case, Sir. The Assam Government, as I said before, have agreed to this force being made a Centrally controlled force, but there is to be an understanding that the whole or any part of the force may be used in any part or area for which the Assam Rifles are responsible. That is to say, that if there were grave disorders in Assam which my Honourable friend anticipates not only the 15 platoons but the whole force may be made available. I hope that that will reassure him to some extent.

My Honourable friend also expressed some apprehension about changing the personnel. He seems to think that when the force became a central force, the whole of the existing force would be dismissed and replaced. That, of course, is by no means the intention. Sub-clause (4) of clause 2 of the Bill defines a rifleman appointed under the Assam Rifles Act and even under the old Eastern Bengal and Assam Military Police Act, 1912 and obviously a change in legislative cover will in no way imply or connote any renovation of the personnel of the force beyond the ordinary renovation which takes place through recruitment in the normal way.

The other matters which my Honourable friend referred to are mostly down on the paper in the form of detailed amendments and I do not think that I need perhaps refer to them at this stage. The motion before the House, I understand, is not for referring the Bill to a Select Committee, but for circulation. The main ground on which I oppose the motion for circulation is that the Assam Government themselves have been consulted and brought into the picture and they themselves have agreed that the force should be centrally controlled, thus following the financial obligations and the convention that they should have the use of it in return for their contribution when they require it. Sir, I oppose the motion for circulation.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1941."

The motion was negatived.

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

"That the Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles be taken into consideration."

The motion was adopted.

Clause 3 was added to the Bill.

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

"That clause 4 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir I beg to move:

"That in sub-clause (2) of clause 4 of the Bill, after the word 'him', occurring in line 5, the words 'if literate' be added."

Sir, I said previously that this force will have naturally to be manned by literate people, as soon as the present personnel of the force will retire. It is essential that the people who then constitute the Assam Rifles should thoroughly understand the terms and conditions of service put forward and accept those terms and conditions by putting their signature in it.

That is why I propose that if future entrants should be literates, they should sign it themselves. This is a simple amendment and I hope the Government will accept it.

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

"That in sub-clause (2) of clause 4 of the Bill, after the word 'him', occurring in line 5, the words 'if literate' be added."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I would draw the attention of the House to section 3, clause (52) of the General Clauses Act which says:

"'Sign', with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include 'mark' with its grammatical variations and cognate expressions."

Mr. M. S. Aney: I was just asking whether the schedule to this Act here and to which the signature is to be affixed is translated into vernacular languages. Are the forms of the schedule prepared in vernacular in Assam or in any vernacular which a person wanting to enlist speaks?

Mr. O. K. Caroe: I have never been in the position of a Commandant of the Assam Rifles and I, therefore, cannot answer that question; but I have no doubt that the schedule would be fully explained to any recruit who did not understand English.

The Honourable Sir Muhammad Zafrullah Khan: In clause 4, sub-clause (2) it is said "the schedule shall be read and if necessary explained".

Mr. M. S. Aney: It is to be explained as a matter of fact. What is the usual practice? Perhaps the Honourable Member is not able to say that. Whether they have got these forms prepared in vernacular or not is not known to him.

Mr. O. K. Caroe: I cannot say.

Mr. M. S. Aney: Then it is a rather difficult affair.

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

"That in sub-clause (2) of clause 4 of the Bill, after the word 'him', occurring in line 5, the words 'if literate' be added."

The motion was negatived.

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

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

"That clause 6 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir, I beg to move:

"That in sub-clause (b) of clause 6 of the Bill, after the word 'duty', occurring in line 4, the words 'and without provocation' be added."

[Maulvi Abdul Rasheed Chaudhury.]

Sir, if my amendment is accepted, the clause will read thus:

"uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, knowing or having reason to believe him to be such, whether on or off duty,"

and I have added:

"and without provocation."

The punishment meted out for these offences is very severe,—transportation, imprisonment which may extend to 14 years or fine which may extend to Rs. 500 or both. Now, Sir, in ordinary life it frequently happens that a domestic servant, however well treated he may be, sometimes resents the action of his master and it is quite natural that a rifleman may on provocation show temper against his superior officer. As the punishment to be imposed is very severe I urge that if the offence against the superior officer is done on provocation some mercy should be shown to the rifleman. Sir, I move.

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

"That in sub-clause (b) of clause 6 of the Bill, after the word 'duty', occurring in line 4, the words 'and without provocation' be added."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the idea underlying the amendment is very salutary but there is some difficulty about the drafting and the Honourable Member may accept the amendment with a little change. I think it is only reasonable that if temper is shown on provocation the man should be excused. The idea should not be given in legislation that due notice was not taken of the possibility of provocation. Therefore, if the Honourable Member accepts the amendment and puts the words in their proper place there can be no objection. To punish a man who acts on provocation is rather serious and I, therefore, support the amendment.

Mr. O. K. Caroe: Sir, this is an Act to regulate discipline inside an armed force and, apart from anything else, I think that to insert a saving on provocation would be dangerous. In addition to that there is the fact that if there is a court trying the offence and it finds that there has been provocation, it might be taken, and indeed would be taken, as a mitigating circumstance. I do not think the words should appear in the Act and in fact it would be very dangerous to include them. Sir, I must oppose the amendment.

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

"That in sub-clause (b) of clause 6 of the Bill, after the word 'duty', occurring in line 4, the words 'and without provocation' be added."

The motion was negatived.

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

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

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

"That clause 7 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir, I move:

"That in sub-clause (a) of clause 7 of the Bill, after the word 'March', occurring in line 3, the words 'in any public thoroughfare or bazar' be added."

It is the common experience of people who live in Shillong that these riflemen get drunk and cause a nuisance in thoroughfares and bazars, particularly to fruit and vegetable sellers who are generally Khasi women there. In their drunkenness they sometimes take away fruits and vegetables from these innocent women, and I should like to add this provision to stop this nuisance. Sir, I move.

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

"That in sub-clause (a) of clause 7 of the Bill, after the word 'March', occurring in line 3, the words 'in any public thoroughfare or bazar' be added."

Mr. Muhammad Azhar Ali: Sir, I am afraid this amendment would only make it more rigorous for the people. The clause, as it stands, is tantamount to saying that he will be on duty. But if you add this also, then, even if he is in any bazar, it will make it more rigorous for the man that whenever he is in the bazar, it will be known that he will be prosecuted if he is on duty and drunk. If you say that he will be punished when he is on the line of march in the bazar, that will make it more rigorous for the man. So it is rather against the interest of the man who is sought to be protected.

Mr. M. S. Aney: Sir, it may make the lot of that fellow more difficult, but there is no reason for us to pity him. What is being asked by my Honourable friend is that if a rifleman is found in a state of intoxication "when on, or detailed for, any duty, or on parade, or on the line of march", or in any public thoroughfare, he will be punished. The reason for punishing him, as it appears from the clause, is that, on account of his being in a state of intoxication, he will not be able to properly perform the duties required of him by Government. What my friend states is this: that there should be some provision also against his becoming a nuisance to the general public on account of his being found in a state of drunkenness on thoroughfares and bazars. I think this is also a matter to which the Members of this House should give their attention. Government are only looking at the Bill from one point of view, how to make him an efficient rifleman in the discharge of his duties. The general constituency, which my Honourable friend represents, wishes that he should also be a law-abiding citizen and a preserver of peace and order, and not a nuisance to the public. From that point of view, my Honourable friend wants to ensure one fact that a rifleman ought not to be found in a state of drunkenness at all. In his speech he has actually referred to the fact that the people of Assam look upon them, not as guardians of peace, but as a regular source of nuisance, and one of the reasons why they are found like this is that they are generally in a state of drunkenness. So I believe there is a good deal of force in the amendment of my friend; and, after all, if there is this punishment for a man being found in a state of drunkenness, he will be careful in appearing before the public or going to the bazars, and he will see, before he goes to such places, that he is in a position to control himself and his movements. I think there is a good deal of force in the amendment.

Mr. O. K. Caroe: Sir, in the first place, this clause appears in all clauses for regulating discipline against a state of intoxication, and it is very important that this House should not think that the Assam Rifles, as has been suggested, are frequently in a state of intoxication. All laws relating to discipline have this provision; and any suggestion that this force is more disorderly than any other or anything reflecting on the general character and honour of the force should be avoided. If the amendment were to stand in the way, it has been put that after the word "march" the words "in any public thoroughfare or bazar" be added . . .

Mr. President (The Honourable Sir Abdur Rahim): The word "or" should be added—"or in any public thoroughfare or bazar."

Mr. O. K. Caroe: . . . then I would resist it on the ground that if a rifleman is drunk or disorderly in a bazar, it will be open to prosecute him in the ordinary way. This Act is intended to regulate the discipline of the force inside the force, and if he commits any offence against the public, he can be dealt with under the ordinary law . . .

Mr. M. S. Aney: He will not be amenable to ordinary law. It is doubtful.

Mr. O. K. Caroe: . . . and I do not think that it should appear in an Act for the internal discipline of the force.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to add the word "or" in his amendment?

Maulvi Abdur Rasheed Chaudhury: Sir, I wanted discussion. I do not press the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Abdur Rasheed Chaudhury: Sir, I move:

"That in sub-clause (b) of clause 7 of the Bill, after the word 'sentry', occurring in line 2, the words 'or any passer-by or shopkeeper in any bazar' be added."

If this amendment is adopted, it will read:

"strikes or forces or attempts to force, any sentry or any passer-by or shopkeeper in any bazar."

It happens frequently that the Assam Rifles people go out into the Shillong bazar and commit a good deal of nuisance including even assaulting the passers-by. Although sub-clause (n) says "commits extortion or without proper authority exacts from any person carriage, portage or provisions", a thing like that is frequently done, and more stringent provisions are necessary to keep the riflemen under control. The existing law is not at all sufficient, and so I wish to add these words. Sir, I move.

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

"That in sub-clause (b) of clause 7 of the Bill, after the word 'sentry', occurring in line 2, the words 'or any passer-by or shopkeeper in any bazar' be added."

Mr. O. K. Caroe: Sir, I do not quite understand why a shopkeeper in the bazar or passer-by alone are sought to be protected. But in any case

it seems to me that the argument should be that any person who is attacked by a rifleman has his recourse to the ordinary law, and that is the full answer. I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in sub-clause (b) of clause 7 of the Bill, after the word 'sentry', occurring in line 2, the words 'or any passer-by or shopkeeper in any bazar' be added." The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 7 stand part of the Bill." The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8, 9 and 10 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 11 stand part of the Bill."

Mr. M. S. Aney: Sir, with regard to clause 11, I have asked for certain explanation from the Honourable Member in charge, and I expect him to give his reply so that we may know exactly what this clause means.

Mr. O. K. Caroe: Sir, the object of clause 11 is to bring the force into relation with Chapter IX of the Code of Criminal Procedure which is the law relating to the use of military force to control civil disturbances. As I said in my introductory speech, the force is no longer a police force, but, as it were, a kind of second line military force. That will be the effect of bringing it in the Federal Legislative List and legislating for it Centrally. It is, therefore, necessary that the various ranks in that force should be brought into relation with the ranks mentioned in Chapter IX of the Criminal Procedure Code. For that purpose, section 32 of the Auxiliary Forces Act has been adapted. It reads exactly almost the same. It says:

"For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men liable to perform military service under this Act, who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers respectively of His Majesty's Army."

Sections 128, 129, 130 and 131 are the sections relating to unlawful assemblies. The Honourable Member in moving his motion for circulation stressed the importance of the force being available for the maintenance of law and order in Assam. The effect of this section will be to give the officers, non-commissioned officers and men of the force the necessary powers as are given to regular officers and soldiers under the Code of Criminal Procedure.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 11 stand part of the Bill." The motion was adopted.

Clause 11 was added to the Bill.

Clauses 12 and 13 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 2 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir, I have an amendment here, and it reads thus:

"That to sub-clause (6) of clause 2 of the Bill the following be added at the end:

"Hostile tribe" means a tribe in war with the Government."

Sir, so far as we know, there is no hostile tribe in Assam. The tribes are all very docile people. The Garwas, the Nagas and others are all docile people, and I do not know what the Honourable Member means by hostile tribes. If he can prove that there is any tribe in Assam which is hostile to Government, I am prepared to withdraw my amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will put the question first. The amendment moved is:

"That to sub-clause (6) of clause 2 of the Bill the following be added at the end:

"Hostile tribe" means a tribe in war with the Government."

Mr. M. S. Aney: Sir, I want to ask one question. By "hostile tribe", do you mean a tribe which is in a state of active hostility with the Government at any particular time, or do Government mean by the words "hostile tribes" that certain tribes which are, as a matter of course, treated by Government as hostile tribes? That is the point on which I want an explanation.

Mr. O. K. Caroe: The words "hostile tribe" mean hostile tribes—nothing more, nor less. It would necessarily not follow that a tribe is hostile to Government as it might be hostile to another tribe. If we try to define this by saying a tribe which is at enmity with Government, what will happen if one tribe goes and attacks another tribe in their head hunting expedition of which they are very fond? The Honourable Member suggests that all these tribes are extremely docile. Only a few years ago, they carried off 58 heads of another tribe and an expedition had to be made to punish them, and these things frequently happen. These are extremely primitive people and are not always docile, and for that reason I think it would be undesirable to attempt to define "hostile tribes" by saying it means definite hostility to the Government. On many occasions a section of one of these tribes has come down and raided, looted and burnt a village in the plains. They may say that it is merely because they are in enmity with their neighbouring tribesmen in the plains, they are not in enmity with Government at all. If we were to put in this amendment, we might be circumscribing our powers and there is a possibility of our activity against this tribe being affected very seriously. I hope this explanation will satisfy the Honourable Member.

Mr. M. S. Aney: May I ask one more question, Sir? Will the Honourable Member assure this House that no tribe will be treated as a hostile tribe unless it is first declared as such by the Government on account of certain of their activities; otherwise, nobody knows what tribes are included in the term "hostile tribe" and who will be proceeded against. It is giving a *carte blanche* to Government . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is asking for some information, the Chair takes it.

Mr. M. S. Aney: Sir, The Honourable Member must have a schedule of tribes who are treated as hostile tribes. Or Government must at least take the precaution by making a declaration to show which particular tribe is hostile for the time being on account of certain of its activities, and then they can deal with them.

Mr. O. K. Caroe: My Honourable friend appears to suggest that Government should declare war on these tribes by some sort of formal declaration. The use of the words "hostile tribe" in this Bill or in the old Act which will be replaced, does not imply any suggestion that one particular tribe was in permanent hostility to Government. There is no sort of schedule of tribes which are always hostile. The tribes are sometimes peaceful, and at other times hostile. The phrase is deliberately drawn widely, so that it may be possible to take any action against any of the tribes for unfriendliness, whether directly against the Government, attack on a Thana, or something of that kind, or against another village or against another tribe, and I do not think it would be desirable to circumscribe executive action to the extent which the Honourable Member suggests by making any formal amendment in the Bill or proceeding to give an undertaking that a declaration would always be made before any action is taken; but I can satisfy the Honourable Member to this extent, that all expeditions against tribesmen on the Assam border require the sanction of the Government of India, so that no action is taken without the fullest consideration.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to withdraw his amendment?

Maulvi Abdur Rasheed Chaudhury: Yes, I have got full explanation from the Honourable Member, and I am satisfied with it.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

Several Honourable Members: Yes, yes.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): There is another amendment in the Honourable Member's name.

Maulvi Abdur Rasheed Chaudhury: I don't wish to move it, Sir.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

Mr. O. K. Caroe: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed"

The motion was adopted.

THE MADRAS PORT TRUST (AMENDMENT) BILL.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, I move:

"That the Bill to alter the constitution of the Board of Trustees of the Port of Madras be circulated for the purpose of eliciting opinion thereon."

I have explained the scheme of the Bill in the Statement of Objects and Reasons, and need add very little to that. At present five commercial bodies are represented on the Port Trust,—there is the Madras Chamber of Commerce, a body which is predominantly though not entirely European, and there is the Southern India Chamber of Commerce, an Indian representative body. These are the two Chambers of Commerce; the first has four seats at present and the second two. Then there is the Madras Trades Association, which has at present two seats and to which, as Honourable Members will find, it is not proposed to give any seats in the revised constitution. This is a body which is almost entirely European, although I think there is at least one Indian member, and which includes retailing firms. It also includes a very prominent newspaper which is represented, I think, also in the Madras Chamber. I do not feel myself that bodies of this kind have in present times a very direct interest in Port Trust affairs. They are obviously interested, but if you carry the interest in Port Trust affairs into the indirect field, there is hardly any limit to the bodies which could claim consideration. Then there are two other bodies; one is the Southern India Skin and Hide Merchants' Association, whose representation we propose to leave for special reasons indicated in the Statement of Objects and Reasons. The other is the Madras Piecegoods Merchants' Association which does not appear in the revised clause. We do not feel that normally sectional interests of this kind representing particular trade ought to have representation. The Chambers of Commerce are more comprehensive and can voice more direct commercial interests as distinct from particular trade interests.

If these proposals are approved, they leave us, on the assumption that we do not want to enlarge the Board, three seats, and these three seats it is proposed to assign to the Government of Madras, to the Corporation and, by way of an additional seat, to the Southern India Chamber of Commerce. I feel sure that the House will agree that it is desirable that the Provincial Government should be represented. Formerly, it controlled the Trust affairs and when the present Act was passed, it was, of course, a Provincial Act. The transfer of the control of the major Ports to the Government of India has left it without any effective voice in the affairs of the Trust in which it is obviously closely interested. For somewhat similar reasons we propose to give a seat to the Madras Corporation. The third seat, as I have said, we propose to give to the Southern India Chamber of Commerce which will raise their membership from 2 to 3. The only other change that I need refer to is the proposal that one nominated seat should be earmarked for labour. That follows the recommendation made by the Royal Commission on Labour in India.

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

"That the Bill to alter the constitution of the Board of Trustees of the Port of Madras be circulated for the purpose of eliciting opinion thereon."

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muham-madan): I am very happy to find that my Honourable friend has come out with this Bill which tries to do justice to Indian merchants in Madras and gives better proportion of representation to those who are interested in the affairs of the Port Trust of Madras. I am very glad that the Bill is going out for eliciting opinion, and I hope that any suggestions that may be made will be incorporated in the Bill later on when the Bill goes to a Select Committee. I have only one suggestion to make. In granting representation to the various bodies my Honourable friend has neglected to grant any representation to the Muslim Chamber of Commerce in Madras. I am sure he has received representations from that body and from other bodies urging that some representation should be given to this body. So far as the trade of Madras is concerned, I understand that about 46 per cent. of this trade is controlled by Mussalmans, or that Mussalmans are interested to the extent of 46 per cent. in the trade of Madras, and, therefore, it will be necessary for my Honourable friend to consider the reasonableness of the demand that one seat at least should be granted to the Muslim Chamber of Commerce. When we look at the Bill, what my Honourable friend is trying to do is to re-distribute the existing number of seats to the various bodies. I would suggest that he may even go to the extent of increasing the number of seats so that this representation may also be included. I may have to speak later on on this subject when the Bill comes before the House next time and so I do not want to detain the House. I hope my suggestion will receive proper consideration. With these few words I support the motion.

Mr. N. M. Joshi (Nominated Non-Official): I am glad that the Honourable the Communications Member has not forgotten the recommendation of the Royal Commission and has provided one seat for labour, but, Sir, while allowing the seats for commercial bodies to be filled by election, he provides that the seat for labour should be filled by nomination by the Central Government. I would suggest to him that labour should not be treated in a discriminatory manner. The seat for labour should also be filled by election by registered trade unions in the city of Madras. Labour interests have got representation in the provincial Legislature and that representation is provided by election. If that could be done, I think representation given on the Port Trust should also be filled by election. I am not at this stage suggesting what should be the method of election, I am prepared to leave that to Government. This method of nomination does not always lead to good results. The Karachi Port Trust has provided for representation by nomination for labour, but I do not want to take the time of the House by telling how that nomination has been made. I have received complaints and I am sure the Government themselves have received complaints about the nomination made by the Central Government on the Karachi Port Trust. They have nominated some persons who have nothing to do with labour. They did that twice, and on the third occasion they nominated a gentleman who was connected for a few months only with a trade union, leaving aside the claims of other people who have been in the labour movement for a long time. I, therefore, recommend

[Mr. N. M. Joshi.]

to the Government of India to think of some method by which labour seat shall be filled by election. I hope my recommendation will be accepted by the Government of India.

Sir F. E. James (Madras: European): I support the motion for circulation and would only detain the House for one moment. In the first place, I think it is unfortunate that in the Statement of Objects and Reasons the Honourable the Communications Member has raised a racial issue. In the first sentence of para. 2 he seems to suggest that the assignment of seats should be made on the basis of European commercial interests and Indian commercial interests, and yet, in his comment on the Bill, he suggested that representation should be based upon "direct interest" in the trade of the Port. Surely that is a much more proper basis for representation and I hope my Honourable friend will not apply the racial test to these matters in considering the constitution of these bodies. He has referred to the major change in the commercial and trading representation. The major change is to remove the Madras Trades Association from any representation on the Trust and to give one of those extra seats to the Southern India Chamber of Commerce. The interests that I represent are certainly pleased that the Southern India Chamber of Commerce should have additional representation. The Honourable Sir Andrew Clow has himself admitted that the Madras Trades Association is not an entirely communal body. There are Indian members; in point of fact, I would remind him that originally the Madras Trades Association had only one seat, and it was as a result of representation to the Provincial Government that a second seat was given to that body, which for a considerable number of years was occupied by an Indian member. Therefore, I do regret the suggestion in the Statement of Objects and Reasons that these matters should be placed upon racial considerations. Neither the Madras Chamber of Commerce nor the Madras Trades Association has a membership based upon race. It is open to Indians to join either body, and, in fact, there are Indian members both of the Madras Chamber of Commerce and the Madras Trades Association. Therefore, if the representation on the Port Trust is to be based upon direct interest, then I suggest that the exclusion of the Madras Trades Association needs further consideration. I should like to ask the Honourable Member what in his view is the proper basis for the representation of commercial and trade interests on these various Port Trusts, because this affects not only this particular Port Trust, but also other similar bodies in the country.

There is only one other point,—a small point. I have noticed that in some of these bodies where there is a considerable fee attached to attending meetings, the subject of representation assumes an enormous importance. Perhaps if that fee were reduced or abolished altogether, a great deal of the agitation which now takes place would also disappear!

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I do not understand the distinction which my friend has just drawn between racial and communal. That is a point which really I do not understand, and I wish he might have clearly explained what is the difference he makes out. Suppose there is a Muslim Chamber of Commerce. I don't know if there is one. There may be. There may be a

Marwari Chamber of Commerce. There may be a Southern India Chamber, there may be a European Chamber of Commerce. Will he call these Chambers racial or communal? I wanted clearly to know whether in case there is a Muslim Chamber of Commerce in Madras—I do not know if there is one—whether it should be excluded from representation on the ground that it is communal. That is what I want to know.

Sir F. E. James: I did not say it was communal at all.

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. M. S. Aney (Berar: Non-Muhammadan): Sir, I only want to make one or two suggestions as regards this motion. I am glad that a law which was passed in 1923 is now being considered by the Government with a view to make suitable amendments therein and they have introduced the present Bill for the purpose. I also am entirely in agreement with the principle of the Bill, *viz.*, the distribution of the seats to be such as to add to the Indian element on a larger and more equitable scale on the Port Trust than what it was before. The attempt is made here practically to increase the Indian element there.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Is that quite clear—to increase the Indian element?

Mr. M. S. Aney: That is the main object of the Bill.

Dr. P. N. Banerjee: I do not know, I am suspicious of everything that comes from the Treasury Benches.

Mr. M. S. Aney: But the Bill is there before you. Anyhow my point is this. Now you are thinking of adding to the Indian element. I find that an institution which used to have some representation on this Port Trust is deprived of that representation here in that Bill. What the exact ground for that is I do not know, but the Madras Piece-goods Merchants Association was one of the bodies which used to send one representative on the Madras Port Trust. When there is a question of adding to the Indian element, it does not necessarily mean that certain bodies which used to enjoy the right of representation should be deprived of it—unless that representation is made up in some other way so as not to prejudice the interests of the particular body which is affected by the Bill. I want to bring to the notice of the House the claims of this body. There is also another thing. In Madras there is a movement going on which aims at the separation of the province of Andhra. That movement is going on and it is natural that the Andhra districts have now established an Andhra Chamber of Commerce, and I am told that the Andhra Chamber of Commerce has received recognition at the hands of the Government also. If that is so, it is time that the Government should consider whether the Andhra Chamber of Commerce should not have separate representation on the Port Trust also.

Dr. P. N. Banerjee: They will have it on the Vizagapatam Port.

Mr. M. S. Aney: I do not know; when a Vizagapatam Port Trust Bill comes here, you may reduce their number from one member here, but until then, their claims should be recognized here. That is another point which I thought I should bring to the notice of this House. Anyhow, as the Bill is going up for eliciting public opinion, it is very likely that these various interests will be alert and will assert their claims and the House will have to consider the relative importance of the claims put forth by the different bodies. Sir, I support the motion.

The Honourable Sir Andrew Clow: Sir, I would like to reply briefly to a few of the suggestions made. Mr. Essak Sait put forth the claims of the Muslim Chamber of Commerce, I believe that that is a fairly recently incorporated organization, whereas, the Skins and Hides Merchants' Association, which we have included, although not an exclusively Muslim body, is very largely a Muslim body and has been in operation for a large number of years. The point, however, is obviously one which the Select Committee can consider when the Bill comes before us again.

I was not very clear if the objection made by Sir Fredrick James was whether I had rightly described two organizations, which I recognize do include a few Indian members, as European commercial interests or not. We are not giving representation on a racial basis, but what we have to recognize is that, unfortunately, the commercial interests are not represented by one Chamber. They are divided into different bodies, and some of these are predominantly European and naturally, therefore, tend to reflect the attitude of the European commerce while the others are I think exclusively Indian. My observations in the Statement of Objects and Reasons were not intended to convey anything more than that, and what we tried to do was to give representation roughly on the basis of direct interest in the export and import trade of the Port

Sir F. E. James: May I ask my Honourable friend one question? I take it that "direct interest in the export and import trade of the Port" would mean broadly the volume of trade done by the interests concerned in the Port?

The Honourable Sir Andrew Clow: Generally speaking, I do not think we can tie ourselves down to a close definition. There are conflicting statistics put before us; some statistics were considered by the Port Trust showing that about two-thirds of that trade was in European hands, and some other statistics were put forward to show that this is not so. It is not a matter that can be defined mathematically, but we have generally tried to give representation on the basis of the direct interests in the trade.

Then, I was surprised to find Mr. Joshi such a strong critic of nominees for labour interests. I feel he was too modest in descanting on their unfitness because, for many years, I do not believe that there is any elected representative who could have served the interests of labour better than Mr. Joshi himself has. Actually, if he will refresh his memory by looking at the report of the Royal Commission on Labour, he will find that the provision in the Bill here follows very closely their recommendation, as they did not contemplate the nomination of representatives. I do not think

they laid stress on that, what they were anxious to secure, undoubtedly, was that labour should have a voice within the Trusts. I understand that Mr. Joshi is anxious that the nominee should be selected in consultation with trade unions. If he wanted that included in the Bill itself, that would be a point for the Select Committee to consider.

As regards the exclusion of the Piecegoods Association to which Mr. Aney referred, he will find the explanation in the Statement of Objects and Reasons. My own view is that these particular trades are, normally, better excluded because the leading Chambers of Commerce are able effectively to express the views of commerce and because this trade has not, in my view, a strong claim to representation. We have, I admit, made an exception in the case of Skins and Hides Merchants Association, but, as Mr. Aney himself will recognise, the circumstances there are exceptional. I have nothing else to add.

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

"That the Bill to alter the constitution of the Board of Trustees of the Port of Madras be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 4th March, 1941.

LEGISLATIVE ASSEMBLY

Tuesday, the 4th March, 1941.

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

ALLOWANCES AND ACCOMMODATION FOR ITALIAN AND INDIAN PRISONERS OF WAR.

240. *Mr. Govind V. Deshmukh: Will the Defence Secretary please state the allowances and accommodation provided for:

- (a) Italian prisoners of war (i) officers and (ii) other ranks in India; and
- (b) Indian prisoners of war (i) King's commissioned officers (ii) Viceroy's commissioned officers and (iii) other ranks in Sudan and France?

Mr. C. M. G. Ogilvie: The treatment of both Italian and Indian Prisoners of War is governed by the International Convention relative to the treatment of Prisoners of War signed in Geneva in 1929 which has been ratified by India, Germany and Italy. In accordance with the Convention the Prisoners of War are required to be lodged in buildings or huts with all possible safeguards as regards hygiene and salubrity. Captured officers are entitled to the rates of pay of equivalent ranks in the armed forces of the capturing power or to the pay they have been receiving before capture whichever is less. Non-commissioned officers and other ranks receive free rations as issued to the depot troops of the detaining power and a messing allowance of 3½ annas per day but no pay. These conditions are being fulfilled by His Majesty's Government in respect of Italian Prisoners of War in India. We have no reason to believe that Indian prisoners of war are being differently treated.

Mr. Govind V. Deshmukh: May I know if the Indian prisoners of war are accommodated in huts or buildings? I am referring to prisoners of officers' ranks.

Mr. C. M. G. Ogilvie: I have already said that we have no reason to believe "that Indian prisoners of war are being differently treated". I cannot say more, because we have no precise information on the subject. For the information of the Honourable Member, I may say that I have recently seen three or four private letters from Indian prisoners of war who expressed themselves satisfied with the conditions in Germany.

Sir H. P. Mody: Is it not a fact that the International Red Cross Organisation looks after these matters?

Mr. C. M. G. Ogilvie: Yes.

Sir H. P. Mody: Are not, then, the Government of India obtaining information from that organization?

Mr. C. M. G. Ogilvie: When that organization can obtain it, the Government of India receive it. But that organization itself is experiencing great difficulty in obtaining information of conditions prevailing in Germany.

Lieut.-Colonel M. A. Rahman: Have the Government of India sought any information from the Red Cross?

Mr. C. M. G. Ogilvie: Yes, from all sources.

Mr. Govind V. Deshmukh: Are enquiries being made about the accommodation given to Indian prisoners of war in enemy countries?

Mr. C. M. G. Ogilvie: Enquiries are being regularly made, and we hope, in due course, to receive a report from those who have seen them.

WORK TAKEN FROM ITALIAN AND INDIAN PRISONERS OF WAR.

241. *Mr. Govind V. Deshmukh: Will the Defence Secretary please state whether the Indian prisoners of war have been put on any work by the Governments of those countries in which they are at present, and whether the Italian prisoners of war have been put on any work in this country?

Mr. C. M. G. Ogilvie: The Government of India have no information as to whether Indian Prisoners of War have been put to work. So far Italian Prisoners of War in this country have not been put to any work outside their camps.

Mr. Govind V. Deshmukh: Is there any idea of putting them on work?

Mr. C. M. G. Ogilvie: Yes, it is being considered.

Mr. Govind V. Deshmukh: What sort of work?

Mr. C. M. G. Ogilvie: Suitable work.

Mr. Govind V. Deshmukh: Have you got any idea about the sort of work?

Mr. C. M. G. Ogilvie: I have a great many ideas, but I am not here to give my ideas.

Mr. Govind V. Deshmukh: We are here to secure information from the Government about their ideas?

Mr. C. M. G. Ogilvie: I beg the Honourable Member's pardon. I am not here to give information about my ideas.

Mr. Govind V. Deshmukh: What sort of work are the Italian prisoners given?

Mr. C. M. G. Ogilvie: I have informed the Honourable Member that the Italian prisoners of war have not been put to any work outside their camps.

Mr. Govind V. Deshmukh: What is the work inside their camps on which they are employed?

Mr. C. M. G. Ogilvie: Some have been employed upon making paths and so on in the internal arrangement of the camp.

REWARDS TO INDIAN SOLDIERS AND OFFICERS FOR MERITORIOUS SERVICES

242. *Mr. Govind V. Deshmukh: (a) Will the Defence Secretary please state if the Governments of Provinces other than the Punjab, Bengal, Assam and Sind have reserved lands for giving as jagirs to the Indian soldiers and officers, as rewards for their meritorious services in this war? If so, which are the Provinces and what is the area of land reserved for such purpose?

(b) Have the Governments of these Provinces made any statements regarding the special reward for the meritorious services in this war?

(c) Have the Government of India any statement to make regarding the special reward for meritorious services in the war to Indian soldiers and officers? If so, what?

Mr. C. M. G. Ogilvie: (a) and (b). The Government of India have no information on these points.

(c) No, Sir, the Government of India have the question under sympathetic consideration but are not prepared to make a statement at this stage.

Mr. Govind V. Deshmukh: May I ask whether, if the Government made a statement in respect of what I have suggested in part (c), it will not help the recruitment?

Mr. C. M. G. Ogilvie: That, I think, is quite probable, but the Government are considering it carefully.

Mr. Govind V. Deshmukh: When it is probable that the Government of India will make the statement?

Mr. C. M. G. Ogilvie: I cannot say when the statement will be made.

Mr. M. S. Aney: Do they propose to make a statement shortly?

Mr. C. M. G. Ogilvie: I cannot say when.

Mr. M. S. Aney: Do they really propose to make a statement shortly?

Mr. C. M. G. Ogilvie: I cannot say whether shortly or not shortly.

Mr. Govind V. Deshmukh: Do Government propose to make any statement at all?

Mr. C. M. G. Ogilvie: All I can tell the Honourable Member is that the matter is under consideration, and, when a decision has been reached, it will be made known, but I cannot at present say when the consideration stage will reach its end.

CENSUS INSTRUCTIONS CONCERNING LANGUAGE AND CASTE COLUMNS IN THE UNITED PROVINCES.

†243. *Bhai Parma Nand: (a) Will the Honourable the Home Member please state whether Government are aware that in the United Provinces the enumerators have been instructed to enter "Hindustani" in the language column of the census?

(b) Are Government further aware that the Hindi Sahitya Sammelan (a very important organisation) has announced that 15th February be observed as "Hindi" day to publicly protest against these instructions?

(c) Is it a fact that the Hindus are restricted to mentioning only the caste in the column of Race, Tribe, or Caste, and say nothing about Tribe or Race? If so, what is the reason for this restriction?

The Honourable Sir Reginald Maxwell: (a) The form of question in the United Provinces repeats that of 1921 and was designed to meet the peculiar conditions of that province. I may say however that where a person specifically requires the answer Urdu or Hindi to be written in his enumeration slip this will be done.

(b) I am prepared to accept the Honourable Member's statement.

(c) No.

INDIANS RECRUITED AS SOLDIERS.

244. *Mr. Amarendra Nath Chattopadhyaya: Will the Defence Secretary be pleased to state the total number of Indians who have been recruited as soldiers since the beginning of the war and their number according to their respective Province and nationality?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to the reply to part (a) of Mr. Lalchand Navalrai's starred question No. 18 of the 7th November, 1940, and to the reply to the same Honourable Member's starred question No. 54 of 13th February, 1941.

INDIANS IN MUNITION FACTORIES.

245. *Mr. Amarendra Nath Chattopadhyaya: Will the Defence Secretary be pleased to state how many Indians have been employed in Munition factories in India since the outbreak of the war and how many of them are Europeans, Anglo-Indians and purely Indians?

Mr. C. M. G. Ogilvie: This question should have been addressed to the Honourable the Leader of the House.

PROTECTIVE MEASURES AGAINST AIR RAIDS ON WAR MATERIALS FACTORIES.

246. *Mr. Amarendra Nath Chattopadhyaya: Will the Defence Secretary be pleased to state what protective measures have been taken

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

regarding all such iron and steel and munition factories, manufacturing war materials in India, province by province, against possible air raids by enemies?

Mr. C. M. G. Ogilvie: This question should have been addressed to the Honourable the Labour Member.

DEFICIENCY IN THE NUMBER OF MUSLIM EMPLOYEES ON INDIAN RAILWAYS.

247. *Mr. H. M. Abdullah: (a) Will the Honourable the Home Member be pleased to state whether all Indian Railways are following the rules for direct recruitment contained in the Resolution of the Government of India of July 1934? If not, why not?

(b) Is it a fact that Government can enforce the terms of this resolution on the four State-managed Railways only?

(c) Is it a fact that these State-managed Railways do not serve the entire Indian continent?

(d) Is it a fact that it has been admitted in paragraph 8, section IV of Annexure I to the Home Department Resolution No. F. 14/17B/33, dated 4th July, 1934, that recruitment to subordinate posts on the Railways is made by local areas and not on an All-India basis?

(e) Is it a fact that an average percentage of Muslims in the population of the areas served by the State-managed Railways is over 35, but that the percentage fixed for Muslims in direct appointment to gazetted services on those railways is only 25, and it is only 33 in the case of subordinates?

(f) Is it a fact that Muslims have been given less than their due share in accordance with population on the South Indian Railway, Assam Bengal Railway, and the Bombay, Baroda and Central India Railway, by approximately nine per cent.?

The Honourable Sir Reginald Maxwell: With your permission, Sir, I propose to answer questions Nos. 247 and 248 together. The questions should have been addressed to the Honourable the Railway Member.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Honourable the Home Member is the guardian of the Resolution of 1934?

The Honourable Sir Reginald Maxwell: I am not the guardian of the Railways, Sir.

Dr. Sir Ziauddin Ahmad: But he keeps a watch over the working of the Resolution.

Mr. President (The Honourable Sir Abdur Rahim): This question should have been addressed to the proper Department.

Dr. Sir Ziauddin Ahmad: I think the Home Department have always undertaken the responsibility to see that the Resolution is carried out? Is it not a fact?

(No reply.)

Maulvi Muhammad Abdul Ghani: May I know whether reports about communal representation in All-India services are submitted to the Home Member or the Railway Member?

The Honourable Sir Reginald Maxwell: The detailed application of the rules is a matter for each Department, but general statistics are compiled by the Home Department and are placed in the Library of the House at intervals.

DEFICIENCY IN THE NUMBER OF MUSLIM EMPLOYEES ON INDIAN RAILWAYS.

†248. ***Mr. H. M. Abdullah:** (a) Will the Honourable the Home Member be pleased to state whether the total reservation, for India as a whole, of 25 per cent. for Muslims in direct recruitment, was fixed to approximate to the ratio of Muslims in the total population of India?

(b) Is it a fact that so far as Railway services are concerned, the rules contained in Annexure II of Home Department Resolution No. F.-14/17-B./33, dated 4th July, 1934, apply to State-managed Railways only?

(c) What is the total number of State-managed and Company-managed Railways of all classes, separately? Of these, how many have been asked to adopt similar rules for the services on their Railways and how many have actually done so?

(d) Have Government set up any machinery to ensure that Company-managed Railways, who may have agreed to adopt similar rules for the services on their Railways, are actually doing so?

REQUISITIONING OF PRIVATE-OWNED MOTOR VEHICLES BY MILITARY AUTHORITIES AND COMPENSATION THEREFOR.

249. ***Mr. Govind V. Deshmukh:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the military authorities have acquired a large number of motor vehicles for training their drivers at Jubbulpore?

(b) If so, what is the number of motor vehicles so acquired from each Province?

(c) What is the basis on which compensation is calculated and given to the owner of the motor vehicles so acquired?

(d) Are Government aware of the fact that the President, Provincial Motor Union, Central Provinces and Berar, Nagpur, has submitted representations to the Government of the Central Provinces and the military authorities at Jubbulpore, complaining against inadequacy of the compensation given by the military authorities to the owners of the motor vehicles?

(e) Are Government aware of the fact that the present prices of the motor vehicles have increased by 20 to 25 per cent. over those prevailing two years ago? If so, is this factor taken into account in calculating the compensation to the owners?

(f) Do Government propose to restrict the acquisition of the motor vehicles only from such owners as own more than two vehicles?

Mr. C. M. G. Ogilvie: (a) 170 vehicles are being acquired for training military drivers at Jubbulpore.

(b) It is not yet known from which provinces this number of 170 will eventually be sent.

†For answer to this question, see answer to question No. 247.

(c) The basis on which compensation is calculated is a fair market price for the vehicle.

(d) Government are not aware of any such representation.

(e) Yes. This factor has been taken fully into account in calculating the compensation to the owners.

(f) All such administrative details have been left at the discretion of the Provincial Government.

CONSTRUCTION OF A NEW PARK IN SADAR BAZAR, LAHORE CANTONMENT.

250. ***Dr. P. N. Banerjee:** (a) Will the Defence Secretary please state whether it is a fact that a public park is under construction in Sadar Bazar, Lahore Cantonment, which has been named after the name of the present Executive Officer of that Cantonment?

(b) If so, what expenses were incurred for *pucca* footpaths, *pucca* pavements, earth-work, drainage, sign-boards, iron gates, etc., on the park, from the Cantonment Fund?

(c) How many other public parks are in existence at present in Sadar Bazar of Lahore Cantonment and in the Cantonment proper, except the new park under construction, which are maintained from the Cantonment Fund?

(d) Has the new park been constructed with the object of perpetuating the memory of the present Executive Officer of Lahore Cantonment?

(e) Is it a fact that other urgent works, such as, repairs of roads and important lanes in Sadar Bazar and works of public importance and necessity, were neglected in order to provide money from the Cantonment Fund for the new park?

(f) Is construction of public parks, from tax-payer's money, to perpetuate the name of an Executive Officer of the Cantonment Board, permissible under the Government Servant Rules?

(g) Are Government prepared to consider the desirability of taking steps to discourage the incurring of such expenses? If not, why not?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) Rs. 3,627-4-0.

(c) Sadar Bazar—Nil.

Cantonment proper—nine.

(d) No. The proposal was initiated 17 months before the transfer of the present Executive Officer to Lahore.

(e) No.

(f) Does not arise.

(g) In view of clause (b) of section 117, Cantonments Act, 1924, this does not arise.

WATER RATE AND OTHER TAXES IN LAHORE CANTONMENT.

251. ***Dr. P. N. Banerjee:** (a) Will the Defence Secretary please state the rate of water and other taxes levied in Lahore Cantonment?

(b) Is it a fact that houses in Lahore Cantonment, which are not connected with water taps, are also taxed for the supply of water tax?

Mr. C. M. G. Ogilvie: (a) and (b). Water tax is seven per cent. of the rental value for buildings with a water connection. For other buildings the tax is three per cent. or two per cent. according to whether they are situated less than 600 feet or more than 600 and less than 1200 feet from the nearest public stand post. There is no tax for buildings situated more than 1200 feet from the nearest public stand post.

Other taxes are:

House tax at nine per cent. of the annual value.

Dog tax which varies from Re. 1 to Rs. 2/8/- per dog according to the number of dogs kept.

Octroi tax at various rates—*vide* Government of India, Defence Department Notification No. 1275, dated the 19th August, 1940.

Dr. P. N. Banerjee: What are the reasons for differentiating the water tax in different parts?

Mr. C. M. G. Ogilvie: It is very hard to say briefly. Each case is considered on its merits having regard to the local conditions of the cantonment concerned.

OFFICE SUPERINTENDENT OF THE LAHORE CANTONMENT BOARD.

252. *Dr. P. N. Banerjee: Will the Defence Secretary please state what the rate of salary drawn by the Office Superintendent of the Lahore Cantonment Board is and what his educational qualifications are?

Mr. C. M. G. Ogilvie: Rs. 150—5—200 per mensem. He is a matriculate.

UNSTARRED QUESTIONS AND ANSWERS.

CIRCULATION OF GOVERNMENT NOTES.

92. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Finance Member be pleased to state what was the total circulation of Government Notes on the 31st March, 1940, and what was the total circulation on the 31st January, 1941?

(b) What is its equivalent in (a) coin. (b) in bullion. (c) in securities?

The Honourable Sir Jeremy Raisman: The attention of the Honourable Member is invited to the weekly accounts of the Reserve Bank which are published in the *Gazette of India*.

AMOUNT OF NEGOTIATION IN GOVERNMENT SECURITIES.

93. Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Finance Member please state what has been the total amount of negotiation month by month during 1940 in Government securities in the whole of India—Province by Province, *i.e.*, what amount has been purchased and sold?

The Honourable Sir Jeremy Raisman: The information desired by the Honourable Member is not available.

SAVINGS DUE TO NEW COINAGE, SALES OF INDIAN GOLD AND GOLD RESERVE IN INDIA.

94. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Finance Member please state what saving has accrued in silver by the introduction of new coinage of rupee and half-rupee in India?

(b) What was the total weight of gold sold away from India just before the war broke out and what was its value? What value of gold has been sold away after the breaking out of war?

(c) What is the present gold reserve in India?

(d) Is it a fact that gold reserved by the Reserve Bank of India is to be adjusted against India's sterling loan to be repaid presently?

The Honourable Sir Jeremy Raisman: (a) The saving in each rupee is five-twelfths of a tola of fine silver and in each half-rupee, half that quantity.

(b) The attention of the Honourable Member is invited to the Review of the Trade of India.

(c) The required information is contained in the weekly accounts of the Issue Department of the Reserve Bank which are published in the *Gazette of India*.

(d) The method in which the repatriation of sterling debt is to be financed has been explained in my budget speech, and does not involve the use of any portion of the gold reserve.

SALES OF REVERSE COUNCILS ON LONDON BY DEFERRED TELEGRAPHIC TRANSFERS.

***95. Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable the Finance Member please state the total amount of sales of Reverse Councils on London by deferred telegraphic transfers in 1940 during the war?

The Honourable Sir Jeremy Raisman: There have been no such sales.

CENTRAL GOVERNMENT FINANCE ACCOUNTS AND AUDIT REPORT.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I lay on the table a copy* of the Central Government Finance Accounts 1939-40 and the Audit Report, 1941, as required by section 169 of the Government of India Act, 1935.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Will these copies be available to us?

*Not printed in these debates—*Ed. of D.*

The Honourable Sir Jeremy Raisman: I understand they will be circulated.

THE GENERAL BUDGET—GENERAL DISCUSSION.

FIRST STAGE.

Mr. President (The Honourable Sir Abdur Rahim): The General Budget will now be discussed, and in that connection the Chair has got to fix a time limit for speeches. According to past practice, fifteen minutes is allowed for Members generally, twenty minutes for Party Leaders, and an hour or more for the Government Member to reply. Is there general agreement with regard to that?

Mr. M. S. Aney (Berar: Non-Muhammadan): Members generally desire to have twenty minutes: Party Leaders and the Government Member may be given thirty minutes.

Mr. President (The Honourable Sir Abdur Rahim): Government may require more.

Mr. M. S. Aney: They may have more.

Mr. President (The Honourable Sir Abdur Rahim): Is that the general desire—twenty minutes for Members generally, thirty minutes for Party Leaders and the Government Member may have an hour or more for reply?

Honourable Members: Yes.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, ordinarily general discussion extended to two days formerly: now, on such an important matter, the discussion has been limited only to one day, and even then only fifteen minutes has been given to us.

Mr. President (The Honourable Sir Abdur Rahim): Twenty minutes has been given.

Mr. M. S. Aney: Sir, may I, with your permission, repeat what I stated last year also, my request to the Honourable the Leader of the House that it has been a very serious grievance felt by the non-official Members—particularly by the elected non-official Members—that the number of days for general discussion of the General Budget should have been restricted now only to one day. It used to be for two days at least for the last few years. The only ground on which last year the Honourable the Leader of the House did not seem inclined to accept my suggestion was that a very important Party was absent from the House and, naturally, the number of speakers will be proportionately reduced. That is true; but there is another aspect also of the question. When there were a large number of speakers, the range of subjects that was discussed was also equally large. Now, as they are absent, if we allow

the number of speakers to be reduced proportionately, it means that we also allow the range of the discussion of the administration of the Government of India to be proportionately reduced. Now, the important point is that this is the only occasion for this House to bring under its discussion and consideration the general administration of the Government of India. Therefore, although some Members might have been absent, Government should not take advantage of that fact to see that opportunities for full discussion of the Government of India's administration are denied to this House, because some Party is absent. From this point of view I still make myself bold to approach the Honourable the Leader of the House with a request that he should reconsider his decision and allow us to have full two days' debate for the General Budget.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I support the suggestion. When I received a copy of the Agenda, I wrote to the Honourable the Leader of the House immediately that the number of days allowed for the general discussion and for the Demands should not be curtailed—there ought to be two days and five days respectively—because the time does not depend upon the absence of one particular Party or the reduction in the number of Members: it depends on the importance and the number of the subjects we have to discuss. The importance remains whether the number of Members is reduced by 50 per cent. Therefore, I support the request.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Sir, the House will perhaps not have forgotten that last year one day did not prove to be too short for the general discussion of the Budget. The discussion was concluded well in time. Mr. Aney has been pleased to observe that the House has only this opportunity of bringing under general review the administration of the various Departments of the Government of India. But, surely, the consideration stage of the Finance Bill also affords that opportunity—and an unlimited one—of bringing under review the general administration of the Government of India: nor can it be contended that when the number of Honourable Members desiring to take part in the discussion has been considerably reduced, the same amount of time is required for general discussion of the Budget as would be required in a full House. Having regard to what happened last year, Government are convinced that one day is amply sufficient for the purpose.

Mr. President (The Honourable Sir Abdur Rahim): The discussion will now begin.

(Dr. Sir Ziauddin Ahmad and Mr. L. C. Buss rose to speak.)

The Chair does not know what the Honourable Member's (Sir Ziauddin Ahmad's) position is—whether he is the Leader of his Party or an ordinary member. Mr. Buss.

Mr. L. C. Buss (Nominated Non-Official): Mr. President, when speaking during the general discussion of the Railway Budget, I remarked that it was necessary to look at that budget against the background of the war. That applies with even greater force to the General Budget in which very substantial provision has to be made not only for

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the needs of the fighting services but also for the very complex supply organisation behind the lines which has so enormously increased in importance, in volume and, unfortunately, in cost, under modern conditions of warfare.

When, however, one considers the benefits accruing to India from the supply orders placed by His Majesty's Government—the latest available total of which is no less than Rs. 82 crores, a figure likely to be greatly increased as time goes on—the amount of Rs. 58 lakhs which the Supply Department is expected to cost next year seems a great deal less vulnerable to criticism than the arguments of some of its critics might lead one to suppose.

Viewed against the background of the war, I have no hesitation in saying that in my view and in that of my Party, the Honourable the Finance Member has been able to present what may be termed a very favourable picture. The additional expenditure which we are called upon to defray in one way or another is certainly substantial in the sense of its relation to a normal Indian Budget, but let us not for that reason forget that it is fractional compared both with the actual expenditure of the United Kingdom on war measures and with the relation of that expenditure to their normal budget. We are moreover spending actually less than Australia and proportionately much less than New Zealand.

Running through the Honourable Member's budget is a vein of solid achievement in having kept essential expenditure well under control. While we should certainly deprecate any cheese-paring in such critical times as the present, we should be entitled to take exception to prodigality and lack of control, but the information which the Finance Member has presented to us indicates, I think, that he has steered a prudent course between these extremes.

On many occasions in the past we have strongly emphasised from these Benches that a balanced budget is a fundamental principle of sound finance and I see no reason to modify that view except to say that it is impossible, in the midst of a mortal struggle, fully to maintain the standards of financial rectitude which we rightly set ourselves during periods of peace and normality. While we might perhaps have anticipated that a larger share of the additional expenditure already incurred and to be incurred would have been met from revenue, that is to say, by a still wider increase in taxation, it would be incorrect to suggest that an unbalanced budget at the present time will have any serious consequences to India's credit. Our financial position, about which I shall have more to say later, is much too strong for that.

Turning now to the Honourable Member's proposals for meeting that part of the deficit which he recommends should be defrayed from revenue, it will at once be evident that by far the greater part of the burden of new taxation is being placed on the shoulders of those best able to bear it. Only one item, the increase in the excise duty on matches, can fairly be described as an indirect tax which affects all classes of the people. Even in this case, as the Finance Member has pointed out, there is every prospect that, owing to the small units in which the commodity is sold and the lack of flexibility in grading prices so as to absorb the duty with any exactitude, it is probable that the

trade will itself absorb an appreciable part of the enhanced duty instead of continuing to enjoy what the Honourable Member terms an "unconvenanted profit".

We take no exception to the additional direct taxation which we are now asked to shoulder. If the money is to be wisely spent in the prosecution of the war, we accept the burden, and would indeed accept a heavier burden, with a lively recognition of the fact that whatever may be asked of us out here is almost negligible compared with what our brothers and sisters overseas are being called upon to bear. Not only is their financial burden far heavier but they have also to reckon with a weight of physical and mental suffering which I believe few of us who have not had an opportunity of seeing conditions in the devastated areas in the United Kingdom can properly appreciate.

I should, however, like to draw the attention of the House to a matter which I think must be frequently in the mind of the Finance Member at all times and, particularly, when he is pondering over the future and laying his plans against the continuance of the war conditions over perhaps a lengthy period, on an intensified scale and possibly nearer home. I have said that we shall cheerfully accept what we are called upon to contribute to the common cause, but there is a mathematical limit to the maximum yield from the kind of taxation, whether it be direct or indirect, which falls on the wealthier stratum of the community. In spite of all that has been achieved by the Income-tax section of the Central Board of Revenue in discovering new assesseees, the fact remains that the present taxpaying class is numerically extremely limited. Sooner or later, and probably sooner than later, the basis of taxation will have to be broadened if we are to keep our heads above water as this war drags on.

This is not the occasion to go into much detail about the specific proposals made by the Honourable Member, and I will confine myself to a brief reference to one or two points. As my predecessor in this seat last year, Sir Alec Aikman, said on a similar occasion, we have no quarrel with the taxation of excess profits accruing from the present emergency. Few of us, I imagine, were surprised to learn that an increase in the percentage of this tax was contemplated, and as far as I and my colleagues are concerned, we accept this increase as quite justifiable in the circumstances. That all shades of opinion will not take a similar view I am well aware, but that is a matter which can be discussed when the Finance Bill is before us. We shall also, I think, hear a good deal about the increased duty on artificial silk yarns and thread, but I will not go into that now.

Let me turn for a moment to that part of the Finance Member's speech which deals with the repatriation of debt. He has covered the ground very fully and my remarks will be brief. Early last year we were told of certain steps which it was proposed to take in this direction, but I think few of us can have realised on what a scale it would be found possible to achieve the object in view. I take this opportunity of tendering my most sincere congratulations to the Finance Member and all those associated with him on the outstanding success of their endeavours, and it will perhaps not be out of place to observe that, while these operations constitute one of the most important steps that could

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be taken towards releasing India from outside financial obligations, they have been taken by the much maligned Government which is now in charge of our destinies and with the authority and support of His Majesty's Government.

Now, Sir, I should like to devote a little time to a consideration of the advantages which membership of the British Commonwealth of Nations has secured for India in these critical days, as revealed by various observations which the Finance Member has made in his speech. I would ask the House first to take note of paragraph 12, which deals with the supply of equipment required for modernisation of our forces. Then again there is paragraph 17, where reference is made to the provision of dollar exchange for purchase of essential war requirements from the United States and Canada, and paragraph 20 which reminds us of the very notable settlement arrived at between India and His Majesty's Government relative to the allocation of war expenditure. And finally, at the end of the same paragraph, No. 20, mention is made of the very large contribution of the British taxpayer towards the cost of modernising the Army in India, quite apart from paying for all supplies and services provided by India to His Majesty's Government. It is an obvious conclusion that, but for the relief afforded in all these ways, the deficit with which we are faced would be a far larger one.

In a somewhat similar category is the very satisfactory arrangement referred to in paragraph 16, that is to say, the acceptance by His Majesty's Government of the proposal that a forward programme should be adopted for supplies which are likely to be required over a period. It must be evident that this must have greatly facilitated the work of the Supply Department and of the Industries on whose co-operation that Department must rely for a steady flow of production, and there can be no doubt that at the same time those industries which are already established in India as well as those which are growing up as a result of events in Europe—and here I would mention the very satisfactory news that the first Indian aeroplane is likely to be produced this year—will receive a very strong stimulus. This kind of expansion, aided by the widening of internal markets which has taken place and is still taking place owing to the quickening tempo of industry, will help a great deal to absorb the surplus of primary products which used to be shipped overseas, but one must not forget that for certain commodities, such as the jute crop of Bengal and the groundnut crop of Madras, alternative markets cannot be found overnight either internally or at new destinations overseas, and I have no doubt that the difficulties of these Provinces continue to engage the earnest attention of the Honourable the Commerce Member as well as that of the Provincial Governments.

There is one matter about which we feel some misgivings and that is the position of the Provinces in relation to the war effort. At present the Government of India have come to the assistance of the Provinces both in the matter of Civic Guards and in the matter of Air-raid precaution preparations, notwithstanding that both of these are a liability of the Provincial Governments and not of the Centre. Faced as the Centre is with a deficit of Rs. 5½ crores during the current year after taking into account Rs. 3 crores provided for reduction of debt, it seems to us that

the time will soon come, if it has not come already, for the Government of India to reconsider these special grants to the Provinces. There are certain Provinces today, which despite the war show a substantial surplus, although they have made no change in regard to their policy and expenditure in the nation-building services. In one case, indeed, I understand that taxation originally imposed by a Congress Ministry was subsequently reduced. It would certainly seem, therefore, that there is at least a case for reconsideration of the special grants to which I have just referred.

I will end my observations on a more personal note. Sir Frederick James recently asked the Finance Member for his comments on the very conflicting views which have of late been appearing in the press about the obligations of the individual in this country in respect of his way of living under war conditions. I realise that the answer is not an easy one, but I hope the Honourable Member will find it possible to make a statement to the House at an early date, as he indicated was his intention when replying to Sir Frederick James. Closely allied to this topic is the question of voluntary donations and loans to which the Honourable Member referred in paragraph 31 of his speech. No one will dispute his statement that a free flow of money into loans is absolutely essential if our war effort is to continue and to grow to its maximum, but I think some clarification is called for and I should like to ask the Honourable Member whether he is in favour of voluntary donations being continued *pari passu* with contributions to loans or whether he considers that more would be achieved if the gift funds were closed down and undivided attention were given to the loans. This is a matter regarding which a lead from the Government of India and from His Majesty's Government would appear advisable.

Finally, there is one small point to which I would like to refer. As Post Office Savings Bank accounts are not in the trustee investment list, they cannot be utilised for the monies accruing in Provident Fund accounts. If it is desired to attract as much as possible into the Post Office Savings Bank, I suggest that the basis should be broadened so as to allow the contributions to Provident Funds to be so invested.

That is all I wish to say, Sir, at this stage.

Dr. Sir Ziauddin Ahmad: Sir, I offer my felicitous congratulations on the manner in which the Honourable the Finance Member has controlled the finances of the country. Those who understand finances will appreciate the complicated manipulations and vigilant watch which the Finance Member must have exercised for maintaining the stability of the credit of the country, both inside and outside. I am accustomed to criticism, and not to flattery, but I honestly believe that the Finance Member deserves our credit for his success in making money available at an exceptionally cheap rate for the development of industries at a time when we are in the middle of a great war, and our future is in the balance, although with the conviction that we will win. The value of 3½ per cent. paper, which is the thermometer of our credit, is Rs. 95 in India and Rs. 103 in England. The bank rate which rose to 6 per cent. during the Great War, and, subsequently, to 7½ per cent. continues to be 3 per cent. In congratulating the Finance Member, I should like to associate with him the authorities of the Reserve Bank whose co-operation was necessary

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for our financial stability. I cannot over-emphasise the necessity of financial stability, as I believe that financial stability, coupled with the stability of prices, goes a very long way in averting political crises and maintaining contentment in the country.

Sir, may I remind the Finance Member of the criticisms which I made on the issue of the one-rupee note. I said that the action of the Government, in issuing these notes over the head of the Reserve Bank, and without keeping a reserve against the paper currency, was against the theories of political economy. He tried to convince me that this one-rupee note (showing a paper rupee) was a coin. I thought that a philosopher alone could convince,—a mathematician alone would be convinced that this particular note is a coin. Persons of common sense like my Honourable friend, Sir Frederick James, who is neither a philosopher, nor a mathematician, will not be convinced that this is a coin. I may recite a story in this connection. There was an egg on the table, and a philosopher tried to prove that there were two eggs. He said, one egg is this one and the other egg is in the mind, one was real and the other was imaginary. The mathematician readily believed it and said that the first egg is represented by 1 and the second by i , where $i = \sqrt{-1}$ or by $a \times i$ where both a and b are unity. But Sir Fredrick said: "Very well. I will eat this egg, and you will eat the other egg whose existence you have proved." Judging from facts, I find that this one-rupee note was a great relief. People put silver rupees out of circulation by holding coins, and the paper-rupee came as a great relief to the people who could not get little things in the market by five-rupee notes which could not be converted into smaller units. The success and the popularity of this measure have shown that the step taken by the Finance Member was the correct one, and the theories of political economy ought to be modified which I will discuss on the occasion of the Finance Bill, because I have no time to do so today. But I should like to point out that we have to watch very carefully the theories of political economy from time to time as they are responsible for the enormous number of miseries in this country. We know that the first theory was that the prosperity of a country depends upon the balance of trade. This was proved to be futile during 1920-25. It was replaced by another theory that the prosperity of a country depends upon the stability of exchange. Under this theory we lost Rs. 69 crores by trying to maintain our exchange at Rs. 2, and lost another Rs. 44 crores between 1926-31 in trying to maintain it at 1s. 6d. So, ultimately, Macmullans Committee said that it was useless attempt to stabilise the exchange. We ought to stabilise the prices. We have now reached a stage which necessitates the formulation of certain other theories to suit our convenience and I will discuss these on the occasion of the Finance Bill.

In connection with these various theories, I just want to remind the Honourable the Finance Member who is a philosopher that he will do a great service to the world if after retirement he will write a book on the philosophy of political economy. I have read the book written by Bertrand Russell on the philosophy of mathematics and also by Whitehead. I have read also the philosophy of history by Ibn Khaldun, but I am not aware that any book on the philosophy of political economy has been written accustomed as they are with their fantastic and extravagant theories and argue in technical terms. I think it is very desirable that

somebody should philosophise these theories of political economy, so that the country may not make the mistakes, and we may be really spared from the so-called experts on economics.

I come now to the policy of taxation of the Finance Member and I call his policy of taxation to be a timid one. He has got a lion and a tiger before him. I will tell later on who they are. Before the growling of these wild beasts, he comes forward with some kind of timid proposals for taxation. I call it timid, because he goes first to the milch cow, his Honourable colleague, who is his neighbour, Mr. Sheehy. He tells him...

Nirbh balā kun ki arzāni hunūz.

It means "I do not think the taxation you have got is enough." You know he will not be satisfied unless he takes from himself 16 annas in the rupee as income-tax, and, in addition, he will take one anna for revenue stamp duty to put on his bill, which he will have to pay from his own pocket. So, this is the first thing. He is the milch cow and the Finance Member will try to take from him as much as he can.

Now, Sir, the second thing that I should like to draw the attention of the House to is the way in which we get the taxation from the communications. We know, as Sir Basil Blackett has said, that any taxation on communications is bad but during war time the case is different. I quite admit that the way in which taxation was put on last year by the Honourable the Railway Member is not correct and it is against all the principles of Rates and Fares. In no country are rates and fares increased by one man. In every country they take the advice of a body of people and an appeal to the High Court is permissible. The honest and straightforward course would have been to say 'We want to put a special tax for the prosecution of the war'. Let the rates and fares be increased by one anna or 2 annas per rupee earmarked for war purposes and then all the criticisms which we have levelled against him would have been avoided. He ought to have told us in a straightforward manner that these are for war purposes. We get additional revenue for war purposes from the post office, from the telephone, from the radio, from road and from railway. It would have been much safer had they come forward and put a direct tax on communications earmarked for war purposes, so that we could have come back to normal conditions when the war is over.

The next thing that I want to refer to is the question of artificial silk which has been referred to by the Leader of the European Group. He must have got figures before him. This particular book, called the Explanatory Memorandum circulated to us with Budget papers, must have been published long before 28th February. Anybody who scrutinises this particular book will at once see the proposal which the Honourable Member had up his sleeve, to be let loose on the 28th February, because all the hints are in this particular book. If you read pages 6 and 7 of this book, which must have been printed 15 days earlier, you could suggest all the proposals for taxation which the Honourable Finance Member has made.

The Honourable Sir Jeremy Raisman (Finance Member): That is why you didn't get it.

Dr. Sir Ziauddin Ahmad: I am not a man who makes money. I only explain the theory. There are others who make the money. Coming to the argument, customs have gone down, as we see it from these figures.

[Dr. Sir Ziauddin Ahmad.]

The customs duty had been diminished from 45-38 in 1939-40 to 37-75 crores in this particular year. We have now got the law of diminishing returns in operation. Country after country is becoming enemy country and trade with those countries has stopped altogether. The tinkering of the customs at the present moment, however expedient it may be otherwise, is not very desirable from general considerations, because we are not sure even during the current year whether we will be able to import these articles from those countries on the basis of which he has enhanced the duty on the artificial silk yarn. The tinkering of the tariff customs is really the result of his apprehension due to the fear of the tiger which he did not want to touch.

An Honourable Member: Which is the lion and which is the tiger.

Dr. Sir Ziauddin Ahmad: I am coming to that. It is really due to the fear of the lion and the tiger that made him tinker with this thing and the beauty of it is that he thinks that he has got justification for this course on account of the telegrams of congratulations saying that this is the right duty to impose. I think he must have these congratulations from the tiger and certainly not from the small industries who do not like any increase in the duty on yarn and thread, which is the raw material so essential for the development of the cottage industry. Never mind this. This is a very small item. This tinkering at this stage is really due to want of prudence because these things are coming from a country which may at any moment become enemy country and there may be no imports from enemy countries, so this thing might have been left alone.

About the matches, any one who reads page 7 will at once come to the conclusion that evidently the duty on matches ought to be doubled, because if we see the imports and the exports on pages 6 and 7 we find that it is a right duty and it ought to have been imposed but the difficulty lies in this fact that the moment the duty is doubled everybody is selling the match at double the price. Since the duty was announced on the radio, the price has doubled and the Finance Member ought to see that the doubling of the duty does not mean the doubling of the price and they must have some control of prices by the Provincial Governments and the District Magistrates, because doubling the duty affects a small portion of the total cost which we consumers have to pay. We should, therefore, see how much the price can be raised and steps should be taken to prevent profiteering by the District Magistrates. They should not make the increase of the duty as an excuse for doubling the price of matches. Now, before I leave this topic I should like to draw attention to certain items on page 31 of the Explanatory Memorandum. It is page 23 of the memorandum about the Income-tax. Here we find that there is a misprint, because the customs duty cannot be in 1937-38, 4-58. But leaving out the misprint which evidently everybody could put it down, it ought to be 14-58, we see clearly that the income-tax, which has always been in the neighbourhood of 17 crores, has this year been raised from 17 crores to 35-02. Therefore, the income-tax this year has been double of the normal duty, and I think we would not grudge it even if it be trebled, so long as it is not sixteen annas in the rupee and in addition one anna for the revenue stamp.

Now, I come to one or two points to which no reference has been made by the Honourable the Finance Member, and it was very desirable that he ought to have discussed it. One is the question of Sugar. We know that in 1930-31 we realised 10-78 crores from sugar for the general revenues. Now, this figure went down to 6-45 crores in 1939-40 and last year we realised only 3-35 crores. We expected that the Honourable the Finance Member would review the position, and in fact I understand that he is contemplating to spend the entire amount and give it as a contribution to the U. P. Government, and hence the net income will be nothing; and I hope that when the Commerce Member will come forward to extend the Sugar Protection Bill for another year as the time is about to expire now, he will not come forward in a blindfolded manner but that he will justify his arguments and he will give clearer reasons why our expectations have failed and what happened to the loss of revenue, from 10-78 crores to 3-35 crores in the present year and where has the balance of this, 7-73 crores, gone,—whether it has gone into the pockets of the capitalists, or whether it has gone into the pockets of the agriculturists or the middlemen, but there is a loss to the taxpayers to the tune of 7-73 crores, and I think the Honourable the Commerce Member should make out a case when he comes here and say where this money has gone and what mistakes have been made by various authorities so as to reduce ourselves to this position, because this is really a very serious matter and we cannot agree to it in a blindfolded manner in this particular case. Now I come to the case of a tiger. Now, we know that in the case of the textiles our income was 7-70 crores in the year 1930-31. Now this year, according to the figures given to us, it has been reduced to 3-91 crores in the case of the various forms of textiles; so there is a loss of 3-79 crores. Now, here is a loss to the general revenues on account of the protection of textiles, of 3-79 crores. Now we know the condition of the textiles at this time: it is not that they are rolling in wealth but that wealth is rolling on them. If so, why on earth were you afraid of this tiger and did not come forward with a definite proposal to impose an excise duty on this particular thing?—though, of course, no doubt there would have been a good deal of propaganda, because I know there are two classes of people in this country who are experts in propaganda, one is the sugar industrialists and the other, the textile manufacturers. Now these are all propagandists, but at the same time all the representatives of the consumers, the representatives of the cottage industries and the other people would be with you. Of course, there was one class, namely, the tiger would oppose you, but all the other animals of the jungle would have been with the Finance Member had this excise duty been put on this particular textile.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Dr. Sir Ziauddin Ahmad: I think, Sir, you will give me thirty minutes?

Mr. President (The Honourable Sir Abdur Rahim): Only for the Leaders of Parties,—thirty minutes.

Dr. Sir Ziauddin Ahmad: I submit I am the Leader now—in the absence of the Leader and the Deputy Leader.

Mr. President (The Honourable Sir Abdur Rahim): Information has been given to the Chair that the Honourable Member is not the Leader of his Party.

Dr. Sir Ziauddin Ahmad: The Leaders are not, I believe, going to speak?

Mr. President (The Honourable Sir Abdur Rahim): That the Chair does not know. Thirty minutes is only reserved for the Leaders of Parties.

Dr. Sir Ziauddin Ahmad: Will you kindly give me ten minutes more, Sir?

Mr. President (The Honourable Sir Abdur Rahim): No; the Honourable Member, however, will undoubtedly have other opportunities.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I think it would be a truism to say that the minds of all men and women and even children in countries which are directly or indirectly affected by the war are concentrated on this great struggle. Here one of our duties is to examine how the finances required for the struggle, so far as India is concerned, are to be found. I trust that there is no one in this House able to be present and allowed to be present who does not earnestly desire that India should be in this war with all her might and main and that no avenue should be left untapped to see that that effort is as great as it can possibly be. But, Sir, India is in a peculiar position today,—and these empty Benches are evidence of that position. So far as my Honourable friend, the Finance Member, is concerned, perhaps he would like to propose a vote of thanks to Mr. Gandhi. But the fact remains that very few non-officials are associated with these war efforts. They are called upon to subscribe to war funds, they are called upon to subscribe to the loans, they are called upon to knit stockings, but, as the position stands today, they are not called upon to do anything much more. I listened to my Honourable friend's speech, naturally with the greatest interest, I read it afterwards as carefully as I could, and I missed one main point which interests the public,—some sort of assurance, some sort of proof that India's effort, as described by him, is the greatest effort which she can put forward, and that India can do nothing more than what he explained and described, and that effort is the maximum effort; I would have another assurance that, since the political position of India is what it is today, he had provided checks and counter-checks and safeguards against waste, against extravagance, even corruption and an assurance that posts were not made for men, that posts were not created merely for the men who occupy them. Some sort of assurances of this sort surely ought to have found a place in the Finance Member's speech, considering the political position of India. We are spending crores of money. What is the check that his Department, the watch-dog of our finances, is exercising over all these crores that he is spending? The two assurances, therefore, which I would have most earnestly desired to see in his speech or some proof of them, I repeat, are, firstly, that the effort is the greatest India can make and nothing more can be done, and, secondly, that the money spent is well spent and we are getting value for it.

Now, Sir, comparisons are made between England and India. May I point out, as everybody knows, that there is no analogy between the positions of the two countries. The position in each is totally different. Since the Honourable the Finance Member's budget came out, I have heard that India is very lightly taxed as compared with England. Now, Sir, is there any comparison between the war effort of India and England? Is there any comparison between the hardships and sufferings endured by the English people and the people of India? Is there any comparison between the control exercised by the Legislatures in England and in India? Is there any comparison between the whole-hearted efforts of all classes in England and those in India? Is there any comparison between the proximity of war to England and India? Is there any comparison between the wealth of the two countries and the capacity to bear the burdens of taxation? There is only one thing in common between England and some of us in India, and that is the strong conviction that this war is a struggle of life and death for both countries. Is there any comparison between the stability of the industries of the two countries? Some of the industries in England are some hundreds of years old, whereas in India our industries are new, infant and struggling.

Now, Sir, where there ought to have been a comparison, I do not think the Finance Member has made it. How is the war effort financed in England and how is it met here? The budget of 1940-41 for England was announced, I think, on the 25th of April, 1940. They have had supplementary budgets since in England but for my point and for my argument which I desire to place before this Honourable House the supplementary budget figures do not vary or change the position. The expenditure in England for 1940-41 was £2,667 millions, the revenue was £1,234 millions and the deficit, therefore, was £1,433 millions to be made up from loans. That is to say, 116½ per cent. of the revenue had to be made up from loans. Take the revised figures for India for the same period. The revenue was about Rs. 97 crores and the deficit was of about eight crores, or 7½ per cent. of the revenue. So, England had to make up from loans her deficit to the extent of 116½ per cent., India had to make up from loans her deficit for the same period to the extent of 7½ per cent.

The Honourable Sir Jeremy Raisman: Will the Honourable Member kindly also indicate the percentage of the war budget of England to its normal budget and the Indian budget?

Sir Cowasji Jehangir: We are talking of deficits and they are due to the increased cost for defence. Normally, we try to balance our budget but in war time a balanced budget is an impossibility. It is ridiculous to talk of balanced budgets in war time. I am pointing out how England meets her war expenditure and total expenditure. It is £2,000 millions for war and £667 millions for ordinary expenditure for the year. Now, let me continue my argument. I will repeat the figures I have already given. The deficit that has been met in England for the year from loans was 116½ per cent. of the revenue, whereas in India it was 7½ per cent. of the revenue. Then, take the year 1941-42. We have a deficit of 20 crores on a total revenue of 106 crores. The deficit has risen to 18½ per cent. of the revenue. What is the deficit likely to be in England? It is not announced but I will give one or two indications to show how the deficit will go up in England which will have to be met from loans. This budget

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was announced in April, 1940, and three months after, that is, in July, it was announced that the war expenditure had gone up to £8 millions a day. A supplementary budget was introduced which does not affect my argument because the deficit had increased. It has been announced that the war expenditure today is nearly £13 millions per day. Although the figures are not yet out, the comparison between 1941-42 in England and 1941-42 in India will further support my argument. Now, Sir, because the deficit has gone up from $7\frac{1}{2}$ per cent. to $18\frac{1}{2}$ per cent. of the revenue my Honourable friend thought that further taxation was justified. I contend that under the circumstances there should have been no further taxation. I am not complaining about the extent of the expenditure. I am prepared to see more expenditure on the war effort. I only want to qualify it by saying that every safeguard should be taken by the Government to see that we get value for our money. I am not sure by any means that you are doing your best in the war effort. Undoubtedly, you are trying your best, but whether you are doing your best, I am not certain. I am prepared to see more expenditure but I am not prepared to see that that expenditure should be financed on the principles that have been enunciated by my Honourable friend. If you want to compare England with India, then I have already shown the methods of both the countries to finance the war.

Now, Sir, the Honourable the Finance Member has stated that he got 50 crores from loans. I mean from all loans put together, out of which, I believe, he has utilised 25 crores to pay off the five per cent. 1940-43 Loan. I have got the figure 25 crores, I hope I am correct.

The Honourable Sir Jeremy Raisman: The amount that we still had to redeem was 19 crores out of 25 crores

Sir Cowasji Jehangir: It is 19 crores out of 50 crores. I will take it roughly at 20 crores just for the purpose of calculation. The Honourable Member announces he will have to pay off the three per cent. loan of 1941 to the extent of $10\frac{1}{2}$ crores and this makes it somewhere near 30 crores altogether. That is 19 crores plus $10\frac{1}{2}$ crores.

The Honourable Sir Jeremy Raisman: That is in two years.

Sir Cowasji Jehangir: That is both the loans together. A loan of 50 crores has been received. Therefore, from this war loan that has been raised for the purpose of prosecuting the war, the Honourable Member is paying off nearly 30 crores of loans that had matured or will mature shortly. Then, 20 crores are left roughly for war effort. Then why call it a war loan?

The Honourable Sir Jeremy Raisman: You cannot set the whole Rs. 30 crores off against the loan I have already got in, because, by the time that loan is to be paid off, more will come in.

Sir Cowasji Jehangir: Let me put it more clearly. You have got 50 crores. You might get more later on. But of that 50 crores, what are your liabilities to pay off loans on maturity?

The Honourable Sir Jeremy Raisman: Nineteen crores

Sir Cowasji Jehangir: Plus ten which is coming. If you get no more loans, if you stop raising loans, then you will have to earmark 30 crores to pay off those loans that mature and this is called a war loan. May I ask how much of the money lent free of interest is going to be used to pay off these loans?

The Honourable Sir Jeremy Raisman: I do not understand the Honourable Member's question. Money comes in and money goes out, it is not earmarked.

Sir Cowasji Jehangir: Therefore, out of the money that has been given free of interest some part will go to pay off loans.

The Honourable Sir Jeremy Raisman: No, Sir.

Sir Cowasji Jehangir: Let us leave it at that. I hope that is really the case that this money will go to finance the war.

The Honourable Sir Jeremy Raisman: So long as the expenditure for war purposes is greater than the total amount of the interest free loan, obviously it cannot be said that the interest free money is being used for paying off other loans.

Sir Cowasji Jehangir: A part of the money out of 50 crores is free of interest. At any rate out of 50 crores, twenty crores have been paid off. If no more loans come in, another $10\frac{1}{2}$ crores will have to be used to pay off the three per cent. loan.

Now, Sir, this only shows the very strong position in which my Honourable friend was and that he has no reason to put up the taxes to meet further war efforts. If your deficit had been 50 or 60 crores, I could have understood it. Your deficit rose from $7\frac{1}{2}$ per cent. to $18\frac{1}{2}$ per cent. of the revenue. I have shown how the deficits in England are met. One tax to which I would draw special attention is the increase in excess profits tax. My Honourable friend has admitted that the machinery to collect the tax is not quite perfect, that in the current year he will not get all he expects, and that this extra amount will complicate matters but still he desires to increase that burden on industries from 50 per cent. to 66 $\frac{2}{3}$ per cent. without proper justification. I am leaving aside for the moment the question of income-tax and super-tax. That will be a further burden on the industry over and above this excess profits tax. We are told that Government desire to encourage industries in this country, they desire to encourage enterprise. What is the meaning of the word 'enterprise'? 'Enterprise' is an effort whereby you may have loss or you may have profit, the loss is your own, but out of profits, 66 $\frac{2}{3}$ per cent. is my Honourable friend's. Over and above that, you add the extra super-tax and income-tax. Well, the Government are taking a very big slice and that is you call encouragement to industries in India where it is already very difficult to start any industries.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Cowasji Jehangir: I can say in conclusion that I wish, honestly and sincerely, the Government's war efforts every success, more strength to

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their elbow and may they be able to assure us that those efforts are the greatest that they can make, that India is really pulling her weight. With these assurances and the assurances that I have already mentioned I feel that at least some of us will be satisfied.

We realise, Mr. President, thanks to Mr. Gandhi that public opinion which might have been a check and a safeguard is less than it might have been. It is no fault of Government's. Mr. Gandhi has locked up some part of public opinion, he has sent it to jail and, therefore, we cannot blame the Government. But we can ask the Government to provide those safeguards themselves, to see to it that the Finance Department is strengthened, it exercises that check, that recheck and that counter-check that it is expected to exercise over the whole field of expenditure of all departments of Government. If not, let him set up machinery to have that check and counter-check. That will be some assurance, some guarantee that India is getting value for her money.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this is an occasion neither for flippant congratulation nor for thoughtless condemnation. The situation is a serious one and it demands clear and deep thinking.

The budget presented by the Honourable the Finance Member the other day has been called the second war budget. This statement is somewhat misleading. Although it is a fact that in the present budget we find a complete account of the income and expenditure for the current year and also an estimate of income and expenditure for the year to come, yet this is not the second taxation measure of the Government. In fact this is the fifth occasion on which fresh taxation has been imposed.

What is the total burden that has been and is being imposed on the people. It seems to me that the total additional burden of taxation for the coming year would amount to about 31 crores of rupees. How do I arrive at that figure? A sum of nine crores will be derived from the original Excess Profits Tax, a sum of Rs. 6½ crores will be derived from the enhancement of railway fares and freights; three crores will be derived from the surcharges on sugar and petroleum; six crores will be derived from surcharges on income-tax and the enhancement of postal rates; and lastly, 6½ crores will be the amount of additional taxation imposed in connection with the present budget, thus making a total of 31 crores of rupees. And on whose shoulders will this burden fall? This burden will fall on the rich as well as the poor classes,—on all classes of the population ranging from the richest to the poorest.

I will now examine the incidence of the new taxes which are going to be levied in the coming year on the different classes of the population. In the first place, I take the enhancement of the Excess Profits Tax. Excess Profits Tax is derived from war industry, and it is right and proper that a large proportion of this profit should go into the public exchequer. Last year, the Finance Member demanded 50 per cent., now he demands 66½ per cent. Some are glad that he has raised this amount, but it would be taking a superficial view of the thing if we look at the question only from one aspect. There is another aspect of the question, namely, the development of industry and trade in the country. India's situation in this respect is different from that of the industrially advanced countries. Industry in

this country is still in a nascent condition, and if it gets an impetus through an accidental circumstance, that is all to be welcomed. From this point of view, the raising of the Excess Profits Tax is not desirable. But taking all things together, if money has to be found, I cannot say that this is not a desirable form of taxation.

I come next to the additional surcharges on the super-tax and income-tax. Super-tax is paid by the very rich people and income-tax is paid by the well-to-do people and people belonging to the middle class. The lowest ranges of the income-tax fall on the poorer section of the middle class. This section has a fairly high standard of living; and when a surcharge was imposed last year, there was a great deal of hardship on the poorer section of the middle class. If a further surcharge is to be levied it will be felt all the more severely, and if that results in reducing the standard of living it will be a calamity, not only from the individual point of view, but also from the national point of view, because the poorer section of the middle class is the most advanced section in the country.

Coming now to the third item, namely, the duty on matches, I am sorry to have to say that this is a form of taxation which is open to the most serious exception. The Finance Member ought to have thought twice or thrice before resorting to this form of taxation, because it falls very heavily on the poorest people. It is nearly akin to the salt tax, and it should have been avoided by all means. It is well-known that prices have now gone up, and with the increase in prices the condition of the poorest classes of the population has become miserable. Now to add to their burden is nothing short of cruelty. The Honourable the Finance Member says that this burden will not fall on the consumer but that it will fall on the producer. Will he guarantee that the prices will not be raised? The Government has the power under the Defence of India Act and the rules framed thereunder to prevent the raising of prices. Will the Honourable the Finance Member take the proper steps to see to it that the price of a match-box is not increased?

An Honourable Member: It has already gone up.

Dr. P. N. Banerjee: It has already gone up. Why did he not take any steps? It looks like special pleading when he says that there will be no rise in the price.

Coming to the fourth item, I am in entire accord with the Honourable the Finance Member. He has my full and wholehearted support. This additional taxation on artificial silk and thread will give an impetus to the silk industry of the country, and it is a very desirable form of taxation.

I come now to the new excise duty to be levied on pneumatic tyres and tubes. The burden of this tax will fall on all classes of the people, including the poorest classes who travel by bus, and it will handicap the growth of the motor transport industry. It would be desirable, if possible, to avoid this tax.

I have no desire to embarrass the Government in its effort to finance the war, but I must insist that the methods which the Honourable the Finance Member adopts should be fair and reasonable

An Honourable Member: And honest!

Dr. P. N. Banerjee: I would not add that word, because I have faith in the honesty of ordinary men. I, therefore, urge that the excise duty on matches be withdrawn and that the additional surcharge on income-tax be so modified as to exclude incomes below Rs. 5,000. The acceptance of these suggestions of mine will entail a loss of revenue which will perhaps amount to one crore and three-quarters of rupees, a crore and a half on account of the tax on matches and about 25 lakhs on account of a modification of the income-tax at the lower ranges. Now, how is this deficiency of a crore and three quarters to be met? This can be met by economy and retrenchment. Unfortunately, there is not a word in the Finance Member's speech about any measures of economy, and everywhere we hear tales about the extravagance of Government expenditure, particularly in relation to the war. Sir, it is my view that if proper measures of economy are resorted to, then this sum can be easily found. But granting for the sake of argument that this sum cannot be found, what is the other alternative? There might be a slight addition to the amount of borrowing in the coming year. That is another alternative. I agree with my friend, the Finance Member, in the view that a judicious combination of taxes and loans is the proper method of financing a war. Now, what this judicious combination is on a particular occasion is a point on which opinions differ. My own view is that a fifty-fifty ratio would be a proper distribution between the burden which is laid on the present generation and that which will be laid on posterity. If we take this criterion, what do we find? The expenditure for the coming year will be 126½ crores, but what is the normal expenditure of the country? 80 crores,—the figure for the year 1937-38. Therefore, 46½ crores may be regarded as war expenditure. You may look up the figures, Sir Jeremy Raisman, later on

The Honourable Sir Jeremy Raisman: The figure for next year is 126.84 crores.

Dr. P. N. Banerjee: It is 126½ crores, and the normal expenditure was 80 crores for the year 1937-38,—the year just before the commencement of the war. Therefore, what do we find? We find that the war expenditure will amount in the coming year to 46½ crores or 46½ crores.

An Honourable Member: More.

Dr. P. N. Banerjee: I am talking of the estimate. I have already shown that out of this war expenditure, 31 crores will be supplied by means of additional taxation. Therefore, what remains is 15½ crores. That would be about one-third of the amount of additional expenditure. So the proportion between expenditure financed by taxation and expenditure financed by borrowing would be something like two-thirds and one-third. It would not be very unreasonable, if you add a crore or two to the amount to be borrowed. In this connection I should like to point out two important facts. During the current year the amount which has been borrowed to meet the deficit is only 5½ crores, and we should remember that the Government

Sir Cowasji Jehangir: Where do you get it from?

Dr. P. N. Banerjee: From the Finance Member's speech.

The amount of deficit which has been met by borrowing is 5½ crores, and you should remember that the Government has floated loans which are interest-free. That means, the additional burden on the tax-payer is somewhat less. This has also to be taken into account. In view of all these facts, therefore, I do not think there would be a great burden on the people if the amount to be borrowed is increased by 1½ crores in the Budget.

Sir, the Finance Member says that he fears criticism from certain quarters that he is providing too small a proportion of the war expenditure by means of taxation. He need not have any hesitation in this matter. A slight addition to the amount of borrowing will not be undesirable.

In conclusion, I urge the Finance Member to accept my point of view, which is, "tax the profiteer and the rich person, but spare the poor man".

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh; Muhannadan Rural): Mr. President, my Honourable friend, Sir Cowasji Jehangir, has truly stated what we Indians feel about the budgetary proposals. The Budget discloses that the normal defence expenditure of the country has advanced from 45 crores to the abnormal level of 84 crores. This enormously growing scale of expenditure on defence is staggering indeed. We do not for a moment say, do not spend as my friend has said, but what we say is, do spend whatever you require, but see that you actually spend the same for war purposes. We want to help you to raise the money in a manner that India can, and not in the manner that you are trying to do. Sir, as my friend, Sir Cowasji Jehangir, pointed out, Mr. Gandhi is to be thanked for the Congress empty benches before us. Their absence from this House on this occasion has cast on us, those who are present here today, to do our best, and to impress on the Government that they should be careful about the expenditure, as the majority of the Opposition is not here to scrutinise all the budgetary proposals. Sir, firstly, the Government should give the fullest assurance to the Indian public that they will enter only into such commitments as are justifiable from the Indian point of view and which would be for India's defence. . . .

Sir F. E. James (Madras; European): The Honourable Member is now speaking on behalf of the Congress Party.

Sir Abdul Halim Ghuznavi: Secondly, Sir, they should take every step possible to avoid extravagance and waste in the proposed huge expenditure on defence. Thirdly, they must take the Indian public into their confidence regarding the manner in which the total defence expenditure is proportionately shared between the Government of India on the one hand and His Majesty's Government on the other. Sir, we have not forgotten our experience of the last war. The Inchcape Committee found that what was debitable to England was debited to India. Therefore, I repeat, you should satisfy the Indian public that the expenditure debited to India is incurred primarily to safeguard India's own interests. Fourthly, we want to know the India's boundary for which this defence expenditure is necessary in the interests of India. Huge expenses are being incurred. If it had been possible to have a popular Finance Minister responsible to this House. . . .

An Honourable Member: There is no provision in the Budget for that.

Sir Abdul Halim Ghuznavi: . . . things would have been different. Unfortunately, that is not the position.

An Honourable Member: Whose fault?

Sir Abdul Halim Ghuznavi: It is all the more necessary, therefore, for the Finance Member to explain and to assure Indians when he wants money for the purpose of conducting the war.

The Honourable the Finance Member said repeatedly, not once or twice, "Look at what England is doing, look at the burden in England. What is India's share? What is she doing in proportion to England?"

The Honourable Sir Jeremy Raisman: I did not say that.

Sir Abdul Halim Ghuznavi: Very well. I will accept his statement that he did not say that. But we are told from the Treasury Benches, "Compare what is being done in England and in India." One cannot, as my Honourable friend, Sir Cowasji Jehangir, said, compare India with England. May I read a statement that was recently made in the *Asiatic Review* by Sir Firoze Khan Noon:

"I do not know if any other country even in the East is as poor, where the income per head of population is lower than it is in India. Some people compute that this income in India is Rs. 63 per head per annum as against Rs. 1,160 in this country."

This is the position of India as compared to England. There is one very high authority, Sir George Dunbar. He says:

"With War Savings in this country now taking so important a place in the Home Front, India's financial help in the last war should be mentioned. Over £100,000,000 were raised by the Government of India, representing more than the Budget income for a year, the subscribers to the 1918 loan totalling 227,706.

To rich Western countries the sum may seem small. But it must be borne in mind that, while there are exceedingly wealthy landed proprietors and industrial magnates in India, vast masses of the population are desperately poor and that the average income per head in India is less than £8 a year."

And still we are asked to compare India with England!

The Honourable Sir Jeremy Raisman: You are doing it, not I.

Sir Abdul Halim Ghuznavi: As I said last year, my Honourable friend's predecessor in 1914 raised loans to conduct the war. He said, as this was not a permanent expenditure it should not be met by taxation, but by borrowing.

The excess profits tax has already affected the industry in India. The industry in India is in an infant stage. The industry in England is centuries old, it is well established, it can bear, but here in this country our infant industries cannot bear. What is the effect of this increase in the excess profits tax? On the one hand, we are told, "We encourage you to come with new industries. Here we have established a Scientific Research Institute to help you to come forward with any enterprise." On the other hand, we are told, "You had better bear in mind that 66½ per cent. will be the excess profits tax on that new industry" which we are asked to foster. Who on earth, I ask, is going to finance a business when he knows that 90 per cent. of profit made will be taken away by the Government and he will be left with ten per cent. and the risk of losing all that he invested in the business. Indian capital is shy and what is the use of tempting us and telling us, come and open new enterprises?

The Honourable Sir Jeremy Raisman: I hope the Honourable Member realises that the tax is 66½ per cent. of the excess over a certain standard of profit, which, in my opinion, is quite a handsome one.

Sir Abdul Halim Ghuznavi: I do realise that and I know it. It suits my Honourable friends of the European Group to laugh, but it does not suit Indians to laugh. What is the meaning of that? Let me explain to the House. I open an industry today. My Honourable friend has put down that the standard profit of a new enterprise is ten per cent.

Mr. J. F. Sheehy (Government of India: Nominated Official): 12 per cent. And that is not a maximum. You can get a higher rate if you make a proper application and prove your case.

Sir Abdul Halim Ghuznavi: (Interruptions.) In what way?

The Honourable Sir Jeremy Raisman: Read the Act.

(There were interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will go on with his speech. He can be corrected afterwards.

Sir Abdul Halim Ghuznavi: I shall get my chance in the Finance Bill when I shall be able to explain this.

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

Sir Abdul Halim Ghuznavi: I understand from my Honourable friend, Mr. Sheehy, that I can get 12 per cent. and even more if I can explain to him and the Central Board that I deserve more. I know what will be my fate, when I go to explain to him. I shall have to be content with 12 per cent. What is 12 per cent. to a new industry? Where is the reserve? What about the losses that will stare him in the face in the future after the war is over? You take away all and leave that new industry to die after the war. On top of the excess profits duty, you have piled on the surcharge on the super-tax and income-tax. That also comes from this new industry.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Don't have such a big industry.

Sir Abdul Halim Ghuznavi: Industries cannot stand. We all want to help and do our little bit. Raise the money by loan and conduct the war. Defeat the Nazis but not by killing the infant industries in India. In Great Britain most of the industries have almost a century's standing and even there the financial press is unanimous in urging the Government to modify their Excess Profits Tax . . .

The Honourable Sir Jeremy Raisman: It is 100 per cent.

Sir Abdul Halim Ghuznavi: Have I not showed you the percentage of income in England and India? Their industries can build up strong reserves in order to meet the difficulties of the post war slump or to provide

[Sir Abdul Halim Ghuznavi.]

for higher cost of replacement of their equipment in the post-war years, while in India, the industries are not very well-organised and they have not adequate resources for these twin purposes. That is the position. In the United Kingdom, in the case of new industries started during the war, His Majesty's Government are making plans in advance for bringing about an easy transfer of the industries from war time occupation to peace time occupation or in the alternative they allow special rates of profits to the industries in question with a view to enable them to meet the difficulties of the post war slump. What is the Government doing here? Nothing at all. Look at what His Majesty's Government are doing for the new industries floated during the war.

I must thank my Honourable friend for putting up the duty on artificial silk yarn from 3 annas to 5 annas but I think that tax should be made on a longer term basis, such as five or ten years. Otherwise it will not be helpful to the Indian industries.

An Honourable Member: As a protective measure?

Sir Abdul Halim Ghuznavi: Yes. He has done nothing so far as artificial fabrics are concerned. He should also raise the duty on the imported artificial fabrics. Otherwise it only helps them to export from Japan.

The Honourable Sir Jeremy Raisman: We can deal with this point suitably on the Finance Bill when that tax is being discussed.

Sir Abdul Halim Ghuznavi: There is then some hope there.

The Honourable Sir Jeremy Raisman: No hope.

Sir Abdul Halim Ghuznavi: As regards the duty on matches, when Sir George Schuster first imposed this duty in 1934, I was a member of the Select Committee—he wanted to impose this double duty. As this duty was discussed, they found out the profits which the matches manufacturers were making. We went into the details. Sir George Schuster wanted then and there to impose this double duty which my Honourable friend has done today but people from the Western Match Co. wanted two years time and he said, I remember his speech, that his successor would double the tax and even then at that time the question was also considered that at the price he fixed the masses would not be affected.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Abdul Halim Ghuznavi: Very well, I will resume my seat.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan): We are in the middle of a titanic struggle and war threatens really to spread like wild fire. It may for aught I think and know reach the gates of India. In order to successfully prosecute this war, the nations that are engaged in this struggle are spending money in millions, in thousands of millions. Dollars, yens, marks, roubles and pounds are being spent like

water. Well, we have these astronomical figures before us. As against these, the war expenditure in India, we are told, will reach next year 84 crores. That may be a very big sum but what is it against the huge sums spent by Germany, America, Japan, Russia and England. Has not India the capacity to raise a huge sum like this? It ought to have. It is a country, I should call it a sub-continent, two thousand miles long and two thousand miles broad, with infinite wealth

An Honourable Member: Potential wealth.

Maulana Zafar Ali Khan: and with a population of 400 millions. Germany has got only 90 millions, England 50 millions, France 60 millions, or something like that, Russia 140 millions and Japan 50 millions. These countries with such small populations are raising such huge sums of money and we are 400 millions in India. With a continent and with such potential wealth, we are very glad if we can raise a puny sum of 84 crores. What is 84 crores? Not much.

What is the total expenditure of England on this war? Twenty-two crores of rupees a day, that is to say, a whole year's income in India is equal to two or three days' expenditure of England on the war. I might well ask how it is possible for these countries to raise these huge sums? The answer is plain. They are highly industrialized. And what is the case of India? Industries there are but nothing worth speaking of. For such small mercies as the Honourable the Finance Member has shown us, we thank him.

Mr. M. S. Aney: What is the mercy?

Maulana Zafar Ali Khan: Well, it might have been a much worse Budget; we might have been taxed say Rs. 30 or Rs. 40 crores (interruption), but he knew very well that the taxable capacity of India had reached its uttermost when we last met in this House. This time, we are faced, we are told, with a deficit of twenty crores. In order to meet this deficit, new taxes are going to be imposed—income-tax, super-tax, an excise duty on matches and a duty on pneumatic tyres and the import duty on artificial silk. This has given us only six crores and sixty-one lakhs—not much. We ought not to be proud over that, and still there is a deficit of thirteen crores, but how is this deficit going to be met? By raising a loan. Well, why not raise a loan for this six crores also, why impose fresh taxation? Sir, I am not an admirer of the capitalists. I used to slash my Honourable friends, Sir Cowasji Jehangir and Seth Haji Abdoola Haroon. I used to look upon them as capitalists and when my Honourable friend, Sir Jeremy Raisman, taxed them to his heart's content last time, I was not very sorry, but this time I am sorry. They are taxed sixty-six per cent., and what is left to them out of that, they will be required to lend you money. They lend you money after only 33 per cent. has been left to them, and then they are expected to invest their savings in industries. What are they to do? We are in a desperate fix, really.

An Honourable Member: But they are not.

Maulana Zafar Ali Khan: Well, you tax them, you tax the capitalists 66 per cent. excess profits tax, then super-tax and so on. I cannot how.

[Maulana Zafar Ali Khan.]

ever, agree with the Honourable the Finance Member with regard to the other items. You propose to levy an import duty on artificial silk. Now, where does this artificial silk come from? It comes from Japan. You are very nearly going to be at war with Japan; war may break out at any moment between you and Japan, and what does this signify? It will signify nothing, so I would advise the Honourable the Finance Member to withdraw this item altogether.

Dr. P. N. Banerjee: What about the duty on matches?

Maulana Zafar Ali Khan: I am coming to that. These taxes fall heavily upon the capitalists but the match duty falls heavily upon the man in the street.

Mr. M. S. Aney: Upon every smoker.

Maulana Zafar Ali Khan: I am very glad because I am an inveterate smoker, and I was apprehending on Friday last that the Finance Member might tax tobacco

An Honourable Member: Why don't you tax *pan-supari*?

Maulana Zafar Ali Khan: and the ordinary man in the street, the tongawalla and the day labourer cannot afford to pay two pice for a match. Even one pice is the last straw on the camel's back. So, I say, take away this duty, take away the duty on matches, take away the duty on artificial silk, because it signifies nothing. Then remains the excise duty on pneumatic tyres, I would not object very much to it because it is looked upon as a luxury.

An Honourable Member: What about bicycles and tyres?

Maulana Zafar Ali Khan: Well, I at least for once should like to support the Finance Member. So, after making these definite suggestions which I think the Finance Member will consider and which I hope he will accept, I come to the wider aspect of the question,—the inability of the Government by its policy to bring about a settlement of the very intricate problem that is facing us at the present moment, the political deadlock. Sir, these empty Congress Benches here mean something, it shows a House divided against itself, and a Government which fails to please the Congress and which equally fails to please the Muslim League, the two great Parties in India

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with the question.

Maulana Zafar Ali Khan: Sir, it is very interesting

Mr. President (The Honourable Sir Abdur Rahim): It is undoubtedly very interesting, but it must have some bearing on the Budget.

Maulana Zafar Ali Khan: I am giving instances

Mr. President (The Honourable Sir Abdur Rahim): It is not relevant.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce): Probably my Honourable friend is suggesting that some provision should be made in the Budget for bringing about a "settlement"

Maulana Zafar Ali Khan: With reference to the deadlock and the political situation

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will have other occasions to discuss those things.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, the boquet which I propose to present with sincerity and thanks to the Honourable the Finance Member on his Budget speech, is different to the many that he has already received, because it has no thorns. I have only one observation to make today, and I do so with a fullness of heart and gratitude to the Honourable the Finance Member—it is to be found in our Lord's Sermon on the Mount in the Holy Gospel according to St. Mathew, Chapter VII, Verse VII, which our Prime Minister, the Right Honourable Mr. Winston Churchill sent in a cabled message to General Wavell before he commenced his operations of driving the Italians out of Egypt and Libya.

Mr. M. S. Aney: What book of the Gospel is that?

Lieut.-Colonel Sir Henry Gidney: You do not understand; you know the Bhagavat Gita only. It is my message also to the Finance Member. *viz.*, "Ask, and it shall be given, seek and you shall find, knock and it shall be opened unto you". Sir, this is all I have to say on the Budget speech. Though this is the shortest speech I have ever made in this Honourable House it is none the less in its sincerity, thanks and gratitude to the Honourable the Finance Member for the presentation of a great Budget and the part he has played for India in the prosecution of the war by husbanding her financial resources.

Dr. R. D. Dalal (Nominated Non-Official): Sir, the predominant impression left by the Honourable the Finance Member's interesting and illuminating speech is that India is more than ready to respond to his appeal to promote the war effort in every respect. The Finance Member has succeeded in producing a budget which is in my opinion an exceedingly sensible budget. Everyone is well aware that a higher price than this budget exacts may have to be paid in future, and that a higher price will be paid readily and without question when the need arises. The country is well prepared for that if it becomes necessary, because the burdens so far imposed are not a great price to pay for peace and security which India at present enjoys. The Honourable the Finance Member in the present circumstances cannot possibly foresee with any degree of accuracy what the total expenditure for 1941-42 is really likely to be, and in any case the expenditure is bound to exceed the revenue. So, the Honourable the Finance Member is not necessarily under any obligation to consider that his budget problem is laid down in black and white, and it is likely that he may bring up a supplementary budget. Every year at this time a substantial factor is undoubtedly the fear lest trade should be subjected to heavy new burdens in the coming financial year, but the Finance Member's insistence upon the fact that the taxpayer is fully playing his part in

[Dr. R. D. Dalal.]

meeting inevitable burdens removes this fear. It is generally admitted that the financial strength of a country is its greatest asset. The best proof of financial strength is that it can safely be used fearlessly. The Finance Member has decided so to use it and he will reap the reward of his courage. The Finance Member's statement means that he does not intend to make good the prospective deficit in the revenue by heavy rates of taxation. But the increased taxation would have been much heavier had it not been for the large grant recommended by the Chatfield Committee and passed by the British Government. With this munificent grant 33 crores as a free gift and about 12 crores advanced free of interest for a period of five years, India has been able to push ahead with the plans to mechanise her forces and to expand her ordnance plant. Further, out of this year's railway budget's record surplus of 14½ crores, ten crores will be handed over to the general revenues

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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.

Dr. R. D. Dalal: Mr. Deputy President, before the House adjourned for Lunch, I was explaining that the increased taxation would have been much heavier had it not been for the munificent grant of 45 crores recommended by the Chatfield Committee and passed by the British Government. Further, out of this year's railway budget's record surplus of 14½ crores, ten crores will be handed over to the general revenues—a windfall which has enabled the Honourable the Finance Member to keep down the demands upon the taxpayer. This grant, liberal though it is, has not removed the need for increased taxation, but it is a most welcome contribution.

Sir, it is fully realised that while the war continues, taxation all round must be heavy; so there is clearly enough an unassailable case for tapping all available sources of revenue. We should devise taxes which exactly answer the needs of the moment. Sir, I repeat the suggestions which I made last year that in view of the present grave emergency, the salt duty should be raised from Rs. 1-9-0 to Rs. 2-8-0 per maund and the stamp duty on cheques should be revived. No section of the community should be exempt from contributing its share, so, in my opinion an increase in salt duty is fully justified. Further, taxes on arts, trades and professions also would in my opinion in the present circumstances be justified. There is an immense industry in gambling, and it is not easy to understand why this universal form of entertainment should be excused from contributing to the State some portion of the vast sums of money which are engaged in it. I regret that the ordinary bicycle is left immune from a duty of any kind. It cannot be seriously pleaded that a tax on bicycles would be too difficult to collect. Unpleasant though it may seem, a small tax on bicycles would bring in a large revenue.

Sir, as regards income-tax and super-tax, the surcharge of 25 per cent. has been increased to 33 1/3 per cent., but the Honourable the Finance Member has nearly reached the limits of the standard rates of income-tax which can be imposed. The case for refraining from any increase in the standard rates of income-tax is formidable, and it is a matter for congratulation that the Honourable the Finance Member has not had recourse to it. But it is necessary that the sacrifices should be spread over all sections of the community. A largely increased yield of income-tax can be obtained by a lowering of the point at which the tax now becomes effective. I appreciate that there would be some administrative difficulties and that additions to the staff will have to be made to cope with additional work. But I suggest that the minimum income liable to income-tax should be reduced from Rs. 2,000 to Rs. 1,000 for the duration of the war.

Sir, the question of death duties has long been considered and periodically revived; it has its possibilities; and these possibilities should be fully explored and boldly tackled by new methods and by new minds. Death duties have been exacted in most civilised countries for centuries. I do not pretend that the question of death duties in India is a simple matter, but I submit that the measure is a real need, particularly when every anna is needed to strengthen India's defence.

Dr. P. N. Banerjee: But the proceeds will go to the provinces.

Dr. R. D. Dalal: The determination of the Honourable the Finance Member to prevent "war fortunes" meets with universal acceptance. The levying of excess profits tax is considered equitable, and it is a matter for congratulation that the tax has been raised only to 66 2/3 per cent. The Excess Profits Tax is now based on two Acts of the Central Legislature and a third is being enacted. I submit that the consolidation of legislation relating to Excess Profits Tax would not be a difficult matter.

Now, Sir, I wish to make one important suggestion as regards Excess Profits Tax, and it is this: that when the tax is wound up, the tax shall be levied over the whole period of its operation only on the net profits realised when both the war period and the aftermath of the war have been taken into account. That is to say, the tax shall be levied on the balance of profit over loss arising out of the war and its aftermath. It is indeed only fair that for a tax of this kind—the losses resulting from the war should be taken into account as well as profits; and though it would be impossible now to settle the details of alleviation after the war, I submit that the principle of alleviation may now be accepted.

Sir Cowasji Jehangir: You mean a refund of the tax.

Dr. R. D. Dalal: Yes, take the calculation of profit and loss over the whole period of the operation of the tax.

Sir Cowasji Jehangir: And then refund if there is loss.

Dr. R. D. Dalal: From India's point of view, the redemption of India's sterling loans is most welcome. Interest rates on the redeemed loans vary between three and five per cent., mostly between four and five per cent.—considerably higher rates than those prevailing now. This redemption has enabled India to wipe out one-third of her debt to Great Britain,

[Dr. R. D. Dalal.]

and this approach to financial equality, by lessening India's indebtedness, represents the financial complement to her industrial advance.

Now, Sir, I wish to request the attention of the Honourable the Finance Member to the subject of transfers of government servants. These transfers inevitably cost Government large sums of money, and in these difficult times no sum is too small to be saved. I, therefore, respectfully suggest that in the interests of much-needed economy instructions should be issued that the transfers of all Government servants, gazetted or non-gazetted, of whatever grade or pay, should be stopped for the duration of the war, except on the most cogent grounds.

There is only one further point to which I wish to refer. I desire to refer very briefly to the urgent necessity for a Banking Act for India. It is true that a special chapter in the new Companies Act is devoted to banking companies, and certain restrictions and regulations are laid down for their conduct; but within two years since the Act came into operation experience has shown that these restrictions can be evaded. For instance, no company formed after the commencement of the Act which uses as part of its name the words bank, banking, or banker, can be registered unless its memorandum restricts the objects of the company to the carrying on of the business of banking as defined in section 277. Further, there is no legal provision to compel a company already registered with the word bank to change its name if its business is not covered by that section. This gives rise to the anomaly that a company may call itself a bank, and still may not be subject to the new regulations embodied in the Companies Act. There are many concerns in Bengal and South India which claim to be banks but are indistinguishable

Mr. Deputy President (Mr. Akhil Chandra Datta) : How is that relevant to the Budget?

Dr. R. D. Dalal : Because this is a financial question. I will finish in two minutes, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has another two minutes. He can go on.

Dr. R. D. Dalal : I was saying that there are many concerns in Bengal and South India which claim to be banks but are indistinguishable from land mortgage or agricultural credit institutions. The result is that very often a depositor is woefully misled as to the security of his funds. A further provision of the Companies Act is designed to free Indian banking from the managing agency system by providing that after the 15th January, 1939, no bank shall be managed by a managing agent other than a bank. Here again the purpose of this provision can be evaded by the exercise of sufficient ingenuity. I submit that these considerations make it obligatory on the Government of India to take steps to place Indian banking on a sounder foundation, and to undertake comprehensive legislation so as to regularise the system of banking and to check malpractices.

Mr. Umar Aly Shah (North Madras : Muhammadan) : Sir, I rise to say a few words on this general Budget which has been introduced by the Honourable the Finance Member. Several speeches have already been made on it, and I do not want to make a long speech. The proposals in

the Budget come every year like an annual eclipse, and this Session is just like any other previous Session. The present proposals have come after two or three months—after December and January—when there was a previous budget in November. I have seen that for the past six years the budget has not been passed by this House—perhaps this year it may be passed, because unfortunately the Congress Party is not here. Of course, Government have got so many powers and they can certify whatever they want. But justice must be existing somewhere.

This is a deficit Budget—a deficit of 29 crores; and to meet this deficit the Government are trying to introduce so many new taxes and increase the existing taxes. The taxation policy of the Government has been condemned several times on several platforms by eminent politicians. The Congress ministries while in power have taught some lessons to the Government, and the Government has introduced new taxes in the country. They say that when Aurangzeb introduced the *jiziya* tax, the whole of India rose in protest, but where is that India now? India is now bankrupt—although those words in Sanskrit still remain there—*Ratna-garbha* and *Vasundhara*. *Vasundhara* means a place of gold. Where is that gold now? There is no gold in India now. Those days are gone. Government gave the railways 800 crores in order to start them, and they have recently passed the Ticketless Travellers Bill to despoil the public further: the result has been further to torture the people. Government have not given anything to support cultivation or to support our peasants and still they are asking us to put so many new taxes on the head of the peasants. This is their policy. But I do not want to criticise it now. If only Government had helped our irrigation works, they could have got, not 20 or 30 crores, but we would have been ready to give some hundreds of crores. But we are not getting any help from the Government. They do not help our peasants at all. As Dr. Sir Ziauddin Ahmad said this morning, what is our currency? It is now nothing but paper. Government were asked to introduce a gold coin. Government refused to do that. Even the silver coin is now being taken away, and we have got instead paper or nickle coin which is a sort of bogus coin. I do not know what is its real value. I do not know what its value is. Of course, there is a precedent in history also. In the time of Muhammad Bin Tughlak, I think, leather coins were introduced. That was the currency in his time. Now, gold has become dearer, and so we have got paper money. God alone knows what the actual value of that paper is. I do not know it. Our friends of the Congress, who are not here today, spoke much against the introduction of paper currency. They have not attended the Assembly today to oppose the General Budget; they have offered Satyagraha. "*Satya*" means Truth, "*graha*" means Angry. This is not a current grammatical combination. "*Satya mabadhiam Badhiam midhiathi vivekaha*" would be correct rendering.

Mr. Deputy President (Mr. Akhil Chandra Datta) : This has nothing to do with the Satyagraha movement.

Mr. Umar Aly Shah : Very well, Sir. In Sanskrit Satyagraha has two meanings, but our Congress friends have taken a different meaning. I do not think they have understood the correct meaning. "*Hurn-Harana Harateeti Hariha*". Similarly, take the meaning of Harijan. Harijan means a dacoit. There is no other meaning except that. *Hari* means a dacoit, and *Jana* means a person. I do not want to dilate on this.

[Mr. Umar Aly Shah.]

Our Government have imposed so many taxes on India. This is a vast country. 97 languages are spoken in this country. Our India today has become foreign India. Our leaders are all foreign educated people. They introduce here all foreign laws, foreign jurisprudence. Where is the real original India? It is gone now. It might come under my great leader, Mr. Jinnah. He will introduce the original programme when India will be able to take the lead in all matters. The thing is, our friends are offering a kind of Satyagraha, but the Britisher does not yield. Our friends are offering Satyagraha against the war efforts, but it is a wrong method. I do not want to touch on that subject. There is no doubt that money is required for the prosecution of the war. Our Government are involved in this war, and so India is also in danger. For that money is required, and there is no question that we must find the money, but my point is there are so many officers who collect money for war funds. Today our General Budget also wants 30 crores. We are ready to support the Government with men and money, but the thing is that the Government have not shown any sympathy for the people of this country. We are ready to sacrifice. The Indian soldier is getting only Rs. 18, and he has to sacrifice his life for that sum in a far off land. This is a very critical time. There is famine, unemployment in the country; there are also so many other ills among my countrymen, and at such a time this Budget has been introduced. God knows what more burdens we will have to be borne in the future. So I do not approve of this Budget.

Mr. T. Chapman-Mortimer (Bengal: European): Mr. Deputy President. before Lunch this debate took a somewhat surprising turn, and I could hardly believe my ears when I heard my friend, Maulana Zafar Ali Khan, putting forward the plea that he did, and expressing the compassion that he did for the capitalist that he so often attacks. My Honourable friends, Sir Cowasji Jehangir and Sir Abdul Halim Ghuznavi, had previously put in a somewhat similar plea for relief to some extent from the burdens thrown upon the direct taxpayer. It is perfectly true that these burdens are crushing and the direct taxpayer is entitled to all the sympathy that he can receive from the Government, but, at this time, I think, we have to consider the *pros* and *cons*, not of whether that burden is crushing now, but what it would be, if we did not put it on now, but if we put it on at a later stage,—after the war, for example. At the moment capitalists, specially those who are engaged in war production, are making very substantial profits. Later on, after the period of war, when war production ceases, they may very easily find themselves in a period during which they may make very serious losses,—even if they do not make very serious losses.—and their present substantial profits would largely disappear altogether from their pockets at all events. Really the issue is this, not whether these capitalists should be taxed as they are now, or not taxed, or taxed to a less extent; but whether they should be taxed now, while, as it were, the going is good, or whether they should be taxed later, when the going will be far from good. I suggest to my Honourable friend, Sir Cowasji Jehangir, that he would very much rather pay a very high percentage of tax on his large income now than an equally high percentage at a later stage on a less large income. I suggest, therefore, that we have in the Budget proposals before us a well considered and well balanced programme between direct taxation and a loans programme.

I think that it is obviously in the minds of both Sir Cowasji Jehangir and Sir Abdul Halim Ghuznavi that Government might have retained the income-tax surcharge at its old rate and not increased the Excess Profits Tax, and that the balance thereby left should have been made up by loans. In other words, they are really suggesting that the Honourable the Finance Member should raise more by way of loans, than in fact what he is proposing to do. This merely postpones the evil day. Not only does it do that,—and this, Sir, is the most surprising feature of the debate,—namely, that, we have found Honourable Members in different parts of the House suggesting that if we raise money by loans now, it would in some mysterious way ease the burden. In actual fact, the exact converse is the case. It might ease the burden now,—it would certainly ease the burden now on the direct tax-payer,—but in so far as it takes the burden off his shoulders, it puts it on shoulders less able to bear it, and that is why I found the remarks of my friend, Maulana Zafar Ali Khan, so amazing. He has constantly appeared in this House as a protagonist of the poor and of the agriculturist. Here is a Budget which seeks, as far as possible, to hold the scales even between the rich on the one hand and the poor on the other, and I maintain that that attempt on the part of the Honourable the Finance Member has been triumphantly achieved. The Maulana Saheb on the other hand suggests that, if instead of raising more taxation now, we had raised the money by way of loans, the country would have benefited. In actual fact, some rich people would certainly have benefited, but the loss to the people of this country would be that, ultimately, they would have to pay for the interest on the loans now raised. Moreover, Sir, the war makes circumstances totally different from what they would be had there been no war. We have to raise enormous sums of money, in fact, we require far far more money than would appear on the face of it when you read the Honourable the Finance Member's Budget speech. I was very glad, in these circumstances, to hear Dr. Dalal say what he did about the contribution of His Majesty's Government. No one knows how much that contribution is, and there are very valid and very good reasons why that official secret should not be disclosed, but we have been assured,—and we have no reason to doubt the accuracy and the truth of that assurance,—that His Majesty's Government are contributing probably much more, and certainly at least an amount equal to, the additional burdens that India is called upon to bear for defence at this time.

It has been suggested by Sir Abdul Halim Ghuznavi that the Excess Profits Tax at the present level is a crushing burden. I am sorry 3 P.M. he is not here, but I am afraid he has overlooked that special concessions were provided for new industries in the Excess Profits Tax Act. They are allowed to retain no less than twelve per cent.—I think that is the correct figure—before their revenue is subjected to an excess profits tax. Well, I for one should be very glad if I could get twelve per cent. on every Rs. 100 I had to invest, and I should say that if it is a deterrent to new industry in this country to be taxed on Excess Profits Tax when its profits rise beyond twelve per cent., then all I can say is that I am disappointed in the spirit of the Indian capitalists. But I do not believe that is the spirit, and we all know perfectly well that the wealthy financiers who are prepared to put their money into Indian industry today would be satisfied with even a much less return than twelve per cent. When you compare the three per cent. from Government loans with six or seven per

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cent. from industry or even up to twelve per cent. I suggest that there is ample scope there for capitalist enterprise.

Finally, I should like to say one word on another point made by my Honourable friend, Sir Abdul Halim Ghuznavi. He suggested—I think I have got him down correctly—he suggested that if we only had Ministers responsible to this House, a totally different financial policy might have been introduced. It is perfectly true that we might have seen a different financial policy, but I suggest that it would not have been in the direction required or asked for by Sir Abdul Halim Ghuznavi. We all know that Mr. Gandhi and the Congress Party have stood for, or said they stood for,—the poor and the agriculturist. If that is, in fact, the case, if that is their claim—and I am not suggesting that it is not a true claim—but if that is their claim, of one thing we can be absolutely certain, namely, that if such Members had been Members of the Government and sitting on these Benches there, instead of the Finance Member, we should have had a budget which would have shown very little mercy to the direct taxpayer, and, in addition, in order to avoid a very wide gap between revenue and expenditure, they would not have hesitated to impose certain taxes, which for fairly obvious reasons my Honourable friend, the Finance Member, has not imposed this time.

Sir, I just want to close on this note. Dr. Sir Ziauddin Ahmad very rightly suggested that the stability of price structure was of fundamental importance. I too, believe that, and I should like, when we come to hear the Finance Member's reply, to hear what he has to say on this very important subject. If prices were not strictly controlled, if, in fact, the structure of control which Government have set up breaks down or weakens, it is certain that the repercussions would be extremely serious. And I should like, in conclusion, to have that assurance from the Honourable the Finance Member that he attaches the very greatest importance to the remarks of Dr. Sir Ziauddin Ahmad under this head.

Sardar Sant Singh (West Punjab: Sikh): Mr. Deputy President, there is no doubt that the war is on, and the Budget is overshadowed by war considerations. There is no doubt also that for the prosecution of the war money is needed, and money must be had from the pockets of those whose pockets can bear the burden, whose pockets are full. But there is the other side of the question as well, and that side of the question is being completely ignored.

I refer to the point that, if the war must be financed—by whom?—by the people of India, then, in that case the people of India must have a voice to control that expenditure. Those who pay the piper should call the tune. Here our grievance is,—and this grievance is responsible for the political deadlock that we see in this country—that, though we are made to pay, we are never asked, we are never consulted as to how that money is to be utilised. As a matter of fact, if you cast a glance over the one and a half years that have passed since the declaration of war, we find that with the growing war expenditure India is being ruled today by military people. It is practically the military rule that is crushing the political life of the country today. The result is that there is confusion all round,—political confusion which India had never witnessed during the last 20 or 25

years. Here the Finance Member sits. He probably receives demands from the various Departments, and when a particular demand is coupled with the suggestion that the money is needed for the successful prosecution of the war, he naturally, as a human being, suspends that judgment which otherwise as Finance Member he would have brought to bear in scrutinising the various items of expenditure.

Sir, it is not for him to say whether this war is not being exploited for the purposes of gain on the expenditure side. We have put questions and we have been given answers about the Supply Department that people getting Rs. 400, 500, or 600 a month have, within six months, been raised to posts carrying a salary of Rs. 2,100 a month. The circumstance of the war is being exploited for the purposes of self gain. That is the trouble which we complain of. Will the Honourable the Finance Member tell us that this money which he wants to raise in the country will be utilised for the purposes of the war, but in a manner in which the people, especially the services, will not be permitted to exploit the war for aggrandising their own emoluments? That is the assurance that we want from him.

Again, what are the Government of India going to do to give us an effective voice in the control of expenditure which runs to the tune of about Rs. 84 crores in the Defence Department? What voice have the people of India in the spending of that money? In the very beginning of the war, we made proposals for a Defence Committee to be appointed. We suggested that "Defence" should be controlled by an elected body of the elected Members of this House, but to no purpose. While we have got Committees—Standing Committees for Railways, for General Finance, for various other Departments of the Government of India, why is this right denied to us of scrutinising and examining the accounts of the Defence Department?

Dr. P. N. Banerjee: They do not trust you.

Sardar Sant Singh: It is right that they do not trust us

Dr. Sir Ziauddin Ahmad: Why trust elsewhere?

Sardar Sant Singh: That is a question which I shall expect you to make out in your speech on the Finance Bill. However, this is a fact that we are not being trusted. That is one point on which we want to lay great stress. Probably the present Government of India think that monopoly of wisdom lies with them and that they are the best judges of what to do and what not to do. We question that right. We have questioned it in the past, and we question it again. We know that the Government of India are no longer capable of having that imagination or vision which is required for the successful prosecution of the war. If they want that the war should be effectively fought, they must vacate those places bag and baggage, and make room for the younger men whose heart should be in the business. Their heart is not in the business, and they are not allowed to exercise their judgment. The inspiration comes from above, I am told, and I wish the Government to refute it, if it is incorrect, that the Board of Trade has overruled the Government of India in several matters for the encouragement of industry in India. They talk of the Eastern Group Conference here. Will they please tell us what are the conditions in the development of industry which Australia has got over that of India? Australia

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has got seven ship building dockyards, while, before this war, Australia had only one. How much can the Government of India boast about this ship building industry in India? What other industry have the Government of India encouraged during the last year and a half when the war effort began. Again, may I ask them, is it not a fact that this manufacture of aeroplanes, of which so much is being made in the speech of the Honourable the Finance Member, has been started with great effort on the part of one industrialist of Bombay? What concession has he got from this Government? Is it not a fact that he has started this industry at his own expense bringing an expert from America, without the help of the Government, and what encouragement have Government given for which they are taking so much pride?

The Honourable Sir Jeremy Raisman: An order the value of which is very much larger than all the capital which he is required to invest.

Sardar Sant Singh: It is a good thing, and I accept the word of the Honourable the Finance Member that encouragement has been given to this industry. Similarly, we are still to learn as to what is being done about the manufacture of automobiles in India. Has this been similarly subsidised or encouraged? With regard to other industries also, we should have found by this time that India was being industrialised very rapidly on account of the needs of war, but we are far away from it.

Now, coming to the taxes, I want to ask one other question of the Honourable the Finance Member, and that is, the price of the primary products, with which the agriculturists are mainly concerned, has considerably gone down. What proposals has he got to raise the prices of wheat, oil seeds, cotton and other primary products?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Wheat has gone down?

Sardar Sant Singh: It has gone down a good deal. The present price of wheat at Lyallpur which is the centre, is about Rs. 3-2-0. It was Rs. 3-9-0 two months back. It has gone down by seven annas per maund. The price of cotton has considerably gone down.

Sir Cowasji Jehangir: Since when?

Sardar Sant Singh: Since the last few months. In the beginning of the war, the price rose very high. It has gone down considerably. What I want to know is, what are the Government of India doing to raise these prices, and is it or is it not a fact which has been published today in the *Statesman* that Great Britain is going to buy their wheat from America, and not from India? Is it due to some political reason? Are the Government of India insisting that the surplus wheat from India should be purchased by Great Britain?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Is there surplus wheat?

Sardar Sant Singh: Otherwise, why should the prices go down. The price was 2-12-0 for July and August, and it is still going down. Similarly, the price of sugar has gone down. We only know this much that the

agriculturist is made to pay higher prices for cloth and other necessities of life, and he is not getting what he was getting immediately before the war. That is our complaint, and we want to ask the Government what they are doing towards raising the prices of agricultural products.

Then, Sir, about the duty on the artificial silk yarn. No doubt, in some quarters this duty has been welcomed. But may I know why a corresponding duty on the import of Japanese artificial silk imported into India has not been levied? Is there any political reason for this or is it merely for fiscal purposes? There are many handloom industries in India which use this artificial silk yarn. Though the production of real silk will be encouraged by this duty, what about those small handlooms that have been established in India and which use this artificial yarn which is imported from outside? Will it, or will it not discourage that industry?

Then, Sir, I would like to ask one question which I would ask the Honourable the Finance Member to answer. Why has he not touched the cement or steel industry in India? Those industries can very well bear the burden, because they are making substantial profits at this time on account of the war. I would like the Finance Member to tell me whether it is a fact or not that if these two industries had been taxed, a substantial burden would have fallen on Great Britain, because at this time Great Britain is the greatest purchaser of these two articles.

The Honourable Sir Jeremy Raisman: That is an excellent method of providing war finance.

Sardar Sant Singh: We are not paying it. If Great Britain purchases, she pays it.

The Honourable Sir Jeremy Raisman: I see that for the Honourable Member the matter is entirely devoid of any other consideration.

Sardar Sant Singh: If there are political considerations, I would like to hear what the Honourable the Finance Member has to say when he speaks on this subject, but certainly that would have fallen on broader shoulders.

The Honourable Sir Jeremy Raisman: Which are bearing nothing at present.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): He will note all your suggestions for the November taxation.

Sardar Sant Singh: If the war continues, then taxation will continue. If the Honourable Member induces his colleagues in the Government of India to give us a voice in the control of the expenditure of the money which he raises for war purposes, I think we will be satisfied to co-operate with him. Otherwise, he cannot expect that we should co-operate with him on the lines which he suggests. If he wants the co-operation of the non-official Members on this side, he will have to induce his colleagues to take this House more into confidence than he does at present. The mere demanding of money, though technically correct, the mere demanding

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of supplies is, however, here virtually something different; he carries the monopoly with himself; even if we, by a majority, refuse to accede to his demand, he has got the secret weapon of getting the demand certified and proceeding on with the Finance Bill. We have rejected the Finance Bill several times, and we have always found it to be certified by the Governor General. We know that the constitutional position is such, but, with the increase of taxation every year, we expect, and the country expects and expects rightly, that the country shall be consulted in the matter of the spending of these huge amounts.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I must express my appreciation for the Budget which has been produced in the very exceptional circumstances in which we are today. I do not want to enter into any discussion regarding our position on the war, as this point was sufficiently hammered in this House only a few months ago. The constitutional issue remains as it was then, that is whether we are trying to defend India as a country of the Indians or whether we are arranging to defend India, a possession of British imperialism? That has not been solved as yet. So I will try to make my comments absolutely outside that political issue which has been the real backbone of many of the speakers in the House who have tried to oppose the financial proposals. So it is not exactly the amount of expenditure on defence over which the people of this country have resisted the Government demand, but the question has been whether Government are justified in making any expenditure on that account or not. However, Sir, constituted as we are today, the country was getting nervous and all sorts of direct and indirect taxations were being speculated upon or apprehended to and I find that the Honourable the Finance Member has been able to burden the taxpayer as lightly as it was possible to do in the circumstances, and I must confess that so far as the financial aspect is concerned that we have to appreciate the soundness of the Budget that the Honourable Member has produced in the circumstances in which we are today.

Sir, the incidence of any taxation certainly cannot make anybody happy. There is no doubt that the Honourable Member has taken a very reasonable precaution and, to a very great extent the incidence of the proposed taxes do not fall on the man in the street. My doubt is only with regard to one item and it is on the proposed excise duty on matches being doubled. I feel, Sir, that although the Honourable Member has stated that the doubling of this duty will not affect the retail prices as this had already increased, still, we expect that some assurance should be given by the Government that steps will be taken to see that the proposed doubling of the excise duty on matches does not cause an increase on the retail prices in any case. Then the proposal to raise the import duty on artificial silk yarn is again a form of taxation which will touch the middle-class people in this country because the cloth produced is certainly used mostly by the middle section of the people in this country. But the position of the artificial silk industry will be made more sound and in that connection the desirability of an enhanced duty on yarn on a longer term basis can be viewed as encouraging the development of the artificial silk industry. There should be some sort of stipulation about the time. I am not suggesting that it should come as a guarantee from the Government just now but some sort of announcement,

in reply, should be made by the Government to the effect that the Government propose to enhance this duty as a step towards the development of the artificial silk industry in this country as well. That will serve the purpose of a protective duty as well as serve the purpose of a revenue duty, for which it has been proposed in the present conditions. The same remarks apply to the proposals for an increase in the excise duty on pneumatic tyres, but, Sir, without an equivalent protective duty on imports of foreign rubber, the industry may be faced with a cut-throat competition from foreign countries, and, with the deterioration of industrial activities in rubber here, the rubber growers may be put to certain disadvantages in the long run. I would like to hear from the Honourable Member whether he has examined the position and whether he has considered what difference it will make to the position of the rubber industry by this excise duty that he is putting, because certainly he is not getting a very big amount out of the duty as he expects about thirty-five lakhs of rupees only. I think unless the import duty is increased to the same extent, it might affect adversely the rubber industrialists in this country. Sir, I do not know if my Honourable friend, Sir Abdul Halim Ghuznavi, is also in this industry and whether he is here in the House.

An Honourable Member: He is here.

Mr. Muhammad Nauman: Anyway, he is not looking at me, Sir, both he and my Honourable friend, Sir Cowasji Jehangir, criticised vehemently the proposals for raising the Excess Profits Tax from 50 per cent. to 66½ per cent., and I think all the arguments advanced on the basis of the poverty of this country do not very much appeal to any man in this connection. Sir Abdul Halim Ghuznavi was very enthusiastic in quoting the *per capita* wealth of the people of this country as being £8 per year per head but he ought to realize that those class of people are not going to pay this 66½ per cent. Excess Profits Tax; the class of people that are going to pay this Excess Profits Tax would have a *per capita* wealth of over 80 million Rupees or even 8 million at least. So he may satisfy himself that this incidence of taxation will fall not on the man in the street but it will fall mainly on those who have got large amounts of capital and are making huge profits. Then again my Honourable friend, Sir Ghuznavi, said that the Excess Profits Tax is not a very amenable thing. It may not be, but that tax would be accounted only after giving him 12 per cent. or even more on the industry that he may establish now. Then the argument that the industry will be strangled is not very clear at least to me as I would like to ask him what is the fair average profit that he should expect? And besides this, he says that the machinery may get worn out, but he does not realize that the depreciation will also be put in the account before the Excess Profits Tax will be levied on that concern. Then, Sir, large amounts of profits are going to certain people because of the conditions of war and consequent on the activities of the Supply Department, the Directorate of Contracts and so on. The Supply Department as we know is the dumping ground for all sorts of people and all sorts of commodities—and there can be no reason why they, I mean the contractors who at this hour of need are getting all this money out of the spoils of war, out of the arrangements of defence which are being continued in this country and out of the misfortune which has fallen to the world and to this country—there is no reason why they should not pay, and, surely, there is no reason why they ought to grumble or

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criticize that point of view. I am sorry for people as Sir Ghuznavi, but the facts remain where they are. Then my friend, Sir Abdul Halim Ghuznavi, made a very humorous hint by asking "what would be the position of a popular ministry with such proposals of taxations. Could he have the courage to come forward with such a proposal?" Well, has he forgotten the popular ministry of Congress in Bihar in connection with the agricultural income-tax in Bihar? Has he forgotten the United Provinces employment tax which was brought forward by the popular ministry of the Congress in the United Provinces? Has he forgotten the proposal which is pending in Bengal regarding the sales tax? Is that not a popular Ministry there in Bengal?

Sir Abdul Halim Ghuznavi: I wish Mr. Nauman to be a popular Minister!

Mr. Muhammad Nauman: That is very kind of my Honourable friend, but let him not expect that I would leave out those big people who are able to pay the Excess Profits Tax and who always try to see that the burden falls on the poor man in the street. I think the Honourable the Finance Member has been very fair in his proposals of taxation and I hope and trust they will be appreciated by the Members of this House.

Sir, a suggestion was made that the deficit of these 20 crores be met by borrowing. That point has been very much cleared up by Mr. Chapman-Mortimer. He said that it would amount only to putting off the evil day. There can be no sound financial adjustment on the basis of borrowing in any part of the world. Of course, the Honourable the Finance Member has done it to the extent of thirteen crores of rupees and I am sure nobody can support the suggestion that the whole amount of 20 crores deficit should have been met by borrowing in the present situation. After all, the money which this Government will borrow will have to be liquidated from the exchequer of this country and that would only mean that you are putting off the evil day. We may pay it in parts in ten years or five years but we will have to pay it back. Nobody else will pay it on our behalf. Sir, I am not speaking on behalf of the Honourable the Finance Member but I am only giving expression to my own views which are based on the conversations that I have had with many people since the Budget was placed before us. People were expecting some worse things. My Honourable friend, Sir Abdul Halim Ghuznavi, knows very well the kind of speculation that was going on in the Calcutta market and other markets at the time when the Budget was to be introduced. Sir, I am glad that we have been let off so lightly so far as new taxation goes. I would, however, ask the Finance Member to give us some relief on the match industry. I will be satisfied if he gives even an assurance to the effect that certain methods will be adopted by means of which it will not be possible to put up the prices of the matches in retail selling. If he does that, I would say that the Finance Member has made the best of the worst Budget in the peculiar circumstances through which we are passing.

As regards the proposal to repatriate a large part of the sterling debt. I would like to impress upon the House and the Government that all possible precautions should be taken to avoid any stringency in the Indian

money market. A very bold step has been taken and I hope the Honourable the Finance Member is alive to the situation which might be created if the whole thing is not properly handled with that amount of scrutiny which it deserves. With these remarks, Sir, I take my seat.

Babu Baijnath Bajoria: Sir, the most striking feature of this second war Budget is the striking increase in the defence expenditure from 45 crores, two years ago, to 84 crores in the next year, 1941-42. The revised estimates of this year are for 72 crores. Of course, during the period of the war we had expected that the defence expenditure will go up, but the expenditure has gone up rather too suddenly, and it is not scrutinised in the way in which it should be done. It is for the sake of scrutiny that I am giving these figures. I would have liked the Honourable the Finance Member, whom the Commerce Member described as the watch-dog of the finances of the various Departments, to have watched the expenses much more carefully than he has done. I would also suggest that a War Advisory Council should be formed as soon as possible. On this Council, this House should be represented, if necessary, by the Leaders of Parties. It should also consist of other experts, financial and otherwise, who are expected to give aid to the Government in scrutinising the vast amount that is being spent. Without such a scrutiny, there is a general feeling in the country that there is a great wastage in this defence expenditure, and it is for the Government to allay these feelings.

Sir, the Finance Member in the beginning of his Budget speech said that considering the times, through which we are passing, the country is very prosperous, and he gave three reasons for this prosperity. In the first place, he said that in the first nine months of the current year, the exports have gone up from 122 crores to 144 crores. But may I ask him, what is the percentage of those exports which are meant for war purposes? I think the orders on account of His Majesty's Government and also for war purposes amount to much more than this apparent increase. But the real trade figures would show an appreciable decrease in exports. The second point that he mentioned was that the prices now are 15 per cent. above the level in the beginning of September, 1939, when the war broke out. That may be true, but the figure at the beginning of September, 1939, was at a very low level. At that time, as we all know, everybody was crying that the prices of agricultural produce were such that the cultivators could not even get the cost of production. It is absolutely unjust to compare the present prices with that low level of prices and then to say that the present is a period of prosperity. I may remind the Honourable the Finance Member that during the present year the index of commodity prices has fallen down from 40 per cent. to 15 per cent. If, with a decrease of 25 per cent. during the year, the present times can still be called to be more prosperous than a year ago, I, for one, cannot subscribe to this view.

Then, the Honourable the Finance Member has proposed several taxation measures. As has been pointed out by my friend, Dr. Banerjee, this morning, out of a total excess expenditure of 46 crores during the last two years, 31 crores are raised by direct taxation.

The Honourable Sir Jeremy Raisman: Not by direct taxation alone.

Babu Baijnath Bajoria: I am sorry. The amount was raised both by direct and indirect taxation,—I stand corrected. The Honourable the Finance Member's maxim seems to be to raise taxation by six crores every six months. That is what he has been doing.

An Honourable Member: Very moderate.

Babu Baijnath Bajoria: You may consider it moderate, but I do not think so.

The Honourable Sir Jeremy Raisman: That would not be enough.

Babu Baijnath Bajoria: Last March, the Honourable the Finance Member paid his attention to sugar, petrol, and, with the excess profits duty which will be collected during the current year, he will get six crores. Then the increased postal rates and surcharge on income-tax which he levied in November last will get another six crores, and now the present taxation which he proposes to levy will bring him another six crores.

Sir F. E. James: Only textiles and salt are left.

Babu Baijnath Bajoria: I think he has got something up his sleeve like that as my Honourable friend, Sir F. E. James, says. Next time he will get six crores from something else. I wish to say something in protest against this increase in excess profits duty and income-tax surcharge. It is not only 66½ per cent. which a person has to pay for his Excess Profits Tax, because, apart from the Excess Profits Tax, he has to pay income-tax, super-tax and surcharge thereon on the balance of his excess profits. I have calculated the figures, and I find that a company has to pay ~~about~~ 80 per cent. in the shape of excess profits, including excess profits, income-tax and super-tax. There remains only twenty per cent. for a company. In the case of an individual who happens to get a high income, well, the incidence of taxation will be even more than that, because, in the case of a company, the super-tax is limited to only one anna in the rupee, whereas, in the case of individuals, it may range between four and six annas in the rupee. This high taxation will have very little incentive for any business. I do not exactly mean new industry, but I say further expansion of business, development of business and industry. The reason is, if there is loss, the business will have to suffer the full 100 per cent., but if there is gain, it will be left only with 20 per cent. after paying all the taxes. We have also to take into consideration that there is bound to be slump and great reaction when the war ends. At that time there will be many industries left in dire condition, because the machinery, plant and other things will not be of any use, at any rate they cannot be put to the same use as they are at the present moment. For that rainy day some provision should be made. I know depreciation is allowed, but depreciation on the usual scale is not sufficient for that purpose.

As regards the duty on matches, I submit, it will hit hard the consumer. If it is true, as the Honourable the Finance Member says that he is taking only a share of the profit of the retailer, then I would not have had much objection, but the things as I see are not the same as he does. In the month of February, prices have gone up considerably in anticipation of an increase in the excise duty on matches. It is for the Government to see that the retail prices are not increased.

Then, Sir, there are one or two good features in the Budget speech on which I congratulate the Honourable the Finance Member. The first thing is, I welcome the purchase of telephone companies of Calcutta, Bombay and Madras and the formation of a Government Telephone Board. I do not know exactly what is its constitution. Is it to be composed of entirely officials, or are non-officials also included in that Board? In my opinion, non-official also should be included in this Board.

Sir F. E. James: Will there be Directors' fees?

Babu Baijnath Bajoria: I do not know how this purchase is going to be completed, how these telephone lines will be operated. Will they be amalgamated with the present telephone lines which are run by the Government?

The Honourable Sir Jeremy Raisman: On the expiry of the present licence, it will become merely part of the Posts and Telegraphs Department. The Board is merely a device for holding it by Government until that point.

Babu Baijnath Bajoria: Then, that will be amalgamated with the Posts and Telegraphs Department and run like other trunk lines in the country.

Sir F. E. James: Will there be Directors' fees?

The Honourable Sir Jeremy Raisman: No, Sir.

Babu Baijnath Bajoria: A second welcome feature of the Budget is the payment of the external debt. If I remember aright, the leading merchants of this country were always pressing that the external debts should be reduced, and now that time has come when the external debts are going to be reduced. I think practically all the terminable debts are being paid to the tune of 120 crores. I think this is a step in the right direction. But as has been pointed out by my Honourable friend, Mr. Muhammad Nauman, and other speakers also, Government should take care that this may not entail financial stringency in the country. At the present moment, there is not any. That is also a good sign that even during the period of the war, money is cheap in this country and is obtainable at three per cent.

About the excess profits tax, I should like to say one word about its operation. I will have opportunities of discussing it in detail later on when the Finance Bill comes up for discussion, but the Honourable Member said and said rightly that the operation of this Act is bristling with difficulties. Most of them are of their own creation.

The Honourable Sir Jeremy Raisman: Why all of them.

Babu Baijnath Bajoria: As has been pointed out already by my friend, Sir F. E. James, and many others, I say that the law has been made very difficult to understand. Many eminent lawyers with whom I had occasion to discuss this matter have themselves confessed that they did not know the exact meaning of the various important clauses in the Bill, and even some officers of the Income-tax Department know much less. Sir, especially the clauses about computation of average capital and the standard profits are the two items on which the whole structure of that Act

[Babu Baijnath Bajoria.]

depends, and the officers of the Income-tax Department are at a loss to make out what is the data for average capital and what is the standard profit to be derived. I remember what Sir James said with reference to a question that I put to Mr. Chambers: he said that Mr. Chambers was trying to explain the unexplainable, to understand the ununderstandable, and compute the uncomputable—I think those were his words; and in practice his version has proved very true. I think it would be better for the Central Board of Revenue to publish a short note for the guidance, both of the assesses and of lawyers and officers concerned

Mr. M. S. Aney: Who should prepare it?

Babu Baijnath Bajoria: The Central Board of Revenue.

Mr. M. S. Aney: Is there anybody there who understands it?

Babu Baijnath Bajoria: If they do not, then it is very difficult to operate it and collect the money on it.

I would like to say one word more about mint and currency. This new rupee which has been minted has been very ill received by the people on account of its metallic sound being like nickel and not like silver: it will lead to a lot of counterfeiting, and coins which were rejected for defective sound will become genuine by the creation of these new coins.

About the ship-building industry, the Honourable the Finance Member said that expansion was going on and so forth. I should like to know how many ships have been built, or only small boats and barges are being constructed. He also said that the expansion of the Royal Indian Navy was proceeding apace. How many ships or destroyers or big things like that have been made? What has been the net result till now?

An Honourable Member: U Boats?

Babu Baijnath Bajoria: It is very difficult to manufacture U boats in the beginning.

Lastly, I would say that the Budget reveals that the position of the finances of this country is inherently sound, and, with these few remarks, I will resume my seat: I would, however, like to have the exposition I wanted from the Honourable Member.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I have carefully read the speech of the Honourable the Finance Member and I must say that he has been good enough to give a good deal of detail which we have always wanted. We have been demanding to know the activities which Government have been carrying on and we do hope that these activities will be continued even after the war.

I agree entirely with the remarks made by my Honourable friend, Sir Cowasji Jehangir and also by Sir Abdul Halim Ghuznavi. It is rarely

that I agree with him, but on this most important question I do so. We have really to consider this aspect of the question, how are we going to get money, at what rate now and hereafter? Every day our demands will be more during the war; and after that also everything depends upon the circumstances under which we get money. If we get money at a higher rate hereafter or if we do not get money, the result would be that we will then have to heavily tax the poor in whose interests we ought to do every saving we can. My friend, Mr. Nauman, was loud in saying why should we not tax the people now? So also my friend, Mr. Chapinam Mortimer. They know very well that at the present moment we are not considering about what is going to happen to the people just now: this war is being fought for the welfare and prosperity of people for a number of years to come. Even small municipalities they have to do some water-works they have loans for 30 years: and larger municipalities have loans for 50 years: and above all in this war when we are thinking of the prosperity of future generations, can the Honourable the Finance Member deny that it is for the future that the present generation is contributing and that all their sacrifices are being made for the future? Furthermore, the most important point is this: when you put large taxes, and when it is a well-known fact that the capacity of this country has already reached its breaking point, and when the condition of the people is such that no more taxation can be borne, who is going to lend you money? What bankers will you have? Will you have the Reserve Bank to recommend your loans if you have not got the capacity to tax your people hereafter? I am sure a day will come when it will be difficult for you, if you go on like this, with your taxes and expenditure—I do not say about war time which is an extraordinary time—to float a loan at 3 per cent. or 3½ per cent. A great misfortune has happened to my own city of Bombay. In that city, the Congress Government all of a sudden brought in prohibition and they put up ten per cent. more taxation on properties in the Bombay Municipality. What will be the result now? That municipality which could get money at 4 per cent. cannot now get any money for renewals at less than 5 per cent.: they would have to go on paying 30 lakhs on a debt of 30 crores more every year, and 30 lakhs is the whole cost of free and compulsory education which they may have to stop giving.

Mr. M. S. Aney: There is a conspiracy of capitalists in Bombay, I am told.

Mr. Husenbhai Abdullabhai Laljee: I am telling you the facts. You want money and you want cheaper money to keep down taxation from the banks and others at a cheaper rate. That is your general principle; and yet you want to tax heavily the people at present for the future generation for whose prosperity it is needed. Above all, please remember your capacity to pay is the only thing on which the banker or money lenders will lend you the money.

Mr. M. S. Aney: I agree with your argument. You may proceed further.

Mr. Husenbhai Abdullabhai Laljee: If that is the position, I ask you in all fairness, by putting now more of this Excess Profits Tax, and income-tax and super-tax, what will be the return to those great capitalists

[Mr. Husenbhai Abdullabhai Laljee.]

like my friend, Sir Cowasji Jehangir? Will he contribute further and in future for purchasing your 3 per cent. loan or will he and like him ask more return, so will also my friend, Mr. Bajoria? Rich people like them will put their money in their safes rather than in Government paper with no appreciable return. You want money. That is a fact and you cannot go on taxing people who cannot afford to pay the tax. Once you raise the rate of interest, as a business man I tell you that you will have more and more difficulty in making up your budget. If you put an enormous amount of taxation on the people now, believe me, that the people who have to pay the tax will raise the prices and will try and make more profit and they will calculate every farthing they have to pay to you. It is all very good to say that rich people should be taxed. But if you have to tax them, there is a limit. You have already put 50 per cent. Excess Profits Tax and additional income-tax and super-tax and surcharge. Why do you want to take more for the present for this six crores deficit. As my friend, Sir Cowasji Jehangir, pointed out, people in Great Britain have been borrowing loans because war is for the future generation more. Why should you not do in like manner and follow the lines they have adopted and which is quite the right course. We all welcome and appreciate the steps you have taken in regard to your sterling transactions, but surely there is a limit to that also. At the present time you want money,—everybody wants money. You will get the money as long as the people will see that you will be able to pay and have that credit. That is the real point I wish to bring out. You have got to be very careful now to see about the limit you put, about taxing people, and about taxing capital. Do not make capital shy. You better have bigger loans for longer periods at a shorter rate of interest; be bold and act with foresight.

Then, Sir, the next question is about our industries. It has been said by some one here that we will get 12 per cent. return now. Surely, in these extraordinary times, people will get not merely 12 per cent., but probably 15 and 20 per cent.,—and 12 per cent. is certainly very reasonable. But look at the history of our industries. Look at the textile industry. How much has the textile industry paid? It is not like the Industry established in England; all our industries are still not on solid basis; they are mostly still in infancy. Furthermore, Sir, we have got the example of the last war. We have to remember that every ten years there is a cycle, there is a depression. Who is going to advance to the new industries? When an industry is started during war time, the first presumption of an investor is that it is started only for the period of the war, and that if the war stops tomorrow, the industry will be closed and then as usual there will be a slump. Under these circumstances, to suggest that 12 per cent. is a fair return that one could get now, as if the 12 per cent. was going to be guaranteed for 5 or 10 years, is not right. I was surprised to hear a great business man from Calcutta saying we should be satisfied if we could get now, during war, 12 per cent. return while there is no guarantee of the very next year. Furthermore, he adds, you must pay when the time is good. It is all very good for an ordinary man or for a man who has a small business or one who gambles on the race course to suggest this, but men who are engaged in industries know how difficult it is to make headway in industries, specially in our country when it has taken nearly 100 years to establish some of our industries on somewhat solid basis. It is easy

to say that we can get now 12 per cent. return, but the difficulties thereafter are really great. Where is even the guarantee that you will get it next year? I will get advances freely to any industry if it guarantees to give 6 per cent. for 20 years. There was a great man from Scotland who said that he was prepared to give away fifty crores if he got 5 per cent. for fifty years. Fifty crores for fifty years at 5 per cent. interest. Why did he make an offer? Because he could get in fifty years by interest fifty crores back and further twenty crores at interest at 5 per cent. This is how great financiers look at things. They want a definite return for a definite period, and then and then money could be had.

Then, Sir, something was said about the match industry in this country. I happen to know something about it. So far as the match industry is concerned, the unit at which a match box is being sold now is $\frac{1}{4}$ anna or $\frac{1}{2}$ anna, and until and unless the Government guarantee that the manufacturers' and retail prices will not go up,—and they could very well guarantee it now, because there are very few match factories in this country,—in fact there is a Syndicate which has already moved in the matter and the prices have already gone up,—the tax which the Government have put on matches will make a match box cost two pice instead of one pice. As I said, this Syndicate holds the monopoly for the manufacture of matches in this country, and unless and until the Government force them and a very few others not to increase their prices, on gross boxes, you will not be able to protect the public, otherwise the tax will have to be paid by the consumer. It is the poor consumer who will be made to pay the additional tax on the match box. But here I may suggest one thing. I feel that this industry should be under the control of the Government. In many foreign countries the match industry is under Government control, because they are well able to look after it. Similarly, if the match industry in this country is also taken over by the Government they will be able to look after it in the same way as they are looking after the telephone companies. There are now very few and only very small Indian concerns at work, and it is time that the Government stepped in and took charge of the Syndicate. The Syndicate that we have is a foreign Syndicate. One does not know how long it will last. Norway is gone, and Sweden is waiting for her turn,—perhaps it is gone already or it will go very soon,—one does not know exactly when. But my point is, that 80 per cent. of the match factories belong to the foreign Syndicate. I do hope, therefore, that the Government will make a serious attempt to step in and see that they and others do not increase their prices to an extent which will adversely affect the poor man.

Then, Sir, much has been said about the poor agriculturist. It is a well-known fact that, so far as the Government of India are concerned, they have done very little for the poor agriculturist. In fact, his welfare in respect of education, health, sanitation, roads and so forth has to be looked after by the Provincial Governments, and the Government of India have no hand in the affair. Their sole concern is of course defence or police, and nothing else. Either it is punitive police or frontier police, call it what you like, the Government of India have no other business except to preserve law and order or look after the defence of the country. They have not taken upon themselves the responsibility of looking after the welfare of the agriculturists, although the large amount of tax they are collecting from the people comes to much more than the total taxes collected by all the Provincial Governments put together. The fact that

[Mr. Husenbhai Abdullabhai Laljee.]

the revenue that is collected by the Central Government is about 120 crores less Railway, Post, Telegraph and Currency, certainly much more than the revenue collected by all the Provincial Governments put together which is about 75 crores. It is, therefore, their bounden duty to see that they do something for the poor agriculturist, and the general welfare of the people of the country.

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

The Government of India will have to revise their freights and railway rates policy in order that the raw material reaches the ports for exports at a cheaper rate. They must afford facilities for the transport in India of raw material and Indian industrial materials at cheaper rates as also for exports and not for imports into the country; they should give special rates for the export and transport of Industrial materials. Another thing is, they can very well adjust the customs duties to meet the requirements of the people. All these things will tend to the promotion of agriculture and industries. I do hope that a time will come when the Central Government will realise that, although they have been collecting more taxes than all the provinces put together, they have upto now not been responsible for the economic and general welfare of the people, and now at least they will start to do something which may help to materially raise the standard of life of the people, at least to the extent to which they are collecting money from these poor people.

It has been said that Textile, steel, sugar and cement Industries have not been taxed. But it is not necessary for me to say when the war will end. We have got still to wait, and watch but at the present moment the position is such that I feel that in fairness these industries should be allowed to prosper a little. There is still time, however, these will be the industries that may have ultimately to pay. It is only after a long, long time that a little help has come forward for these industries, and we ought never to burden the industry too much. With these few words I should like to congratulate the Honourable the Finance Member on the whole for putting before us a budget containing details for the defence of the country and for the encouragement that is being now given to enlist young people in various spheres and also for promising to support the industries for the defence of the country, and incidentally for the general welfare of the country.

The Honourable Sir Jeremy Raisman: I am grateful to the many speakers who have expressed their support of the Budget which I placed before the House. I am equally grateful to those critics who have expressed their opposition, because I must admit, as I said in my Budget speech, that I was haunted by some degree of apprehension that the measures of taxation which I had introduced were not sufficient in view of the size of the deficit. I am to some extent reassured when I find Sir Cowasji Jehangir, from whom I would have least expected it, and Professor Banerjee and other competent critics feel that more should be done by borrowing and less by taxation. Well, Sir, this is a question on which one can never hope to find agreement. But there is one thing which I should like to impress upon the critics. It is not possible to decide by any *a priori* method what amount of a revenue deficit should be met by taxation and what by borrowing. It surely depends upon,

first of all, the size of the deficit in relation to your normal budget. Sir Cowasji Jehangir mentioned the vast sums which the British Treasury is borrowing in order to finance the war effort. Well, there you have a position in which the total expenditure is now approaching £ 5,000 millions a year. The total amount which can be raised even by the existing level of taxation is only of the order of about £ 1,500 millions a year.

Sir Cowasji Jehangir: May I point out to the Honourable Member that the figures I gave were for 1940-41 in which the war expenditure was £ 2,000 millions against an ordinary expenditure of £ 667 millions. I pointed out further how the increase had taken place and the latest figure was £ 13 millions a day, but this was later on.

The Honourable Sir Jeremy Raisman: Precise figures do not matter. I would put the position thus. In the United Kingdom only about a third of the total expenditure is being met by taxation and the rest has to be met by borrowing. I accept the position as stated by the Honourable the Baronet that more than half of the budgetted expenditure has to be met by borrowing, whereas in the current year in India, as he rightly says, the net borrowing in order to balance our expenditure will have been of the order of only about 7½ per cent.

Sir Cowasji Jehangir: 1941-42—18 per cent.

The Honourable Sir Jeremy Raisman: I am talking about the current year.

Sir Cowasji Jehangir: Yes, 7½ per cent. for that year.

The Honourable Sir Jeremy Raisman: Surely, the size of the figures, the comparative size of your extraordinary expenditure compared with your ordinary budget is a most relevant consideration, and that is what the Honourable Member did not emphasise. Supposing your total normal expenditure is of the order of Rs. 100 crores a year and you are involved in a small war which costs you, say, Rs. 10 crores additional, there is no reason whatever why that Rs. 10 crores should not be met by taxation in the ordinary course. On the other hand, if your war costs twice or three times the size of your normal budget, then it becomes impossible to meet it by taxation. The position in India last year when I presented the budget was that the additional defence expenditure was estimated at a little over Rs. 8 crores, and I, therefore, set out to meet the whole of it by taxation. In the changed circumstances now, I agree that a certain amount of the deficit of Rs. 20 crores odd should be met by taxation, but I do not consider that the size of the war budget justifies recourse to borrowing alone. I entirely disagree with that. So, between the two courses of meeting the whole of the deficit by taxation and meeting the whole of it by borrowing, it is a question of degree, of expediency, a question of taking into account relevant factors, and I suggest that in the condition of India today, where there are obvious factors operating to increase the income of important taxable classes, it would be a serious dereliction of duty to refrain from levying on those classes taxation as a current contribution to the cost of the war. It is true that no fiscal machinery can be so perfect as to ensure that the only individuals called upon to make sacrifices are the ones who should scientifically be called upon. But, within the inevitable limitations, I claim that the taxation which I have proposed is for the most part directed to classes who may justly be called upon to contribute.

[Sir Jeremy Raisman.]

Here I come to the argument against the excess profits tax and the effect on industry. Several of the speakers have obviously been impressed by the communication which the Federation of Indian Chambers of Commerce and Industry sent to the press this morning. I consider that the picture as presented by them is overstated and that the effects on industry and business are not likely to be as serious or as detrimental as they would have us believe. I will not traverse in detail the arguments which they have adduced, but it is quite clear that they have not given sufficient weight to the factors to which I alluded in my Budget speech. Those were, in the first place, the choice of the optional periods. Mention has been made of the criticism which is now common in England of the excess profits tax. Now, that tax stands at 100 per cent. and it is quite clear that when the excess profits tax is at the level of 100 per cent. it is far more important to secure that your machinery isolates only what are definitely excess profits than when you tax only a portion of the excess profits.

Sir Cowasji Jehangir: Why?

The Honourable Sir Jeremy Raisman: Clearly it is a more serious matter to say that you are taking the whole of a man's excess profits and then to take part of his normal profits than to take half or two-thirds. It is a much more serious matter. In one case you may be said to be cutting into the bone, whereas in the other you are only cutting into the flesh.

Sir Cowasji Jehangir: Does it mean then that to cut into the flesh is justifiable? You may even sometimes cut into the bone.

The Honourable Sir Jeremy Raisman: I claim that my methods approximate more to those of the Turkish bath than of the surgical table. My object is to reduce fat and to induce wholesome slimming at the same time.

Sir Cowasji Jehangir: You may get at the heart.

The Honourable Sir Jeremy Raisman: I do not believe that the strain which is being imposed on the heart of the patient is sufficient to cause serious weakness. However, that is a matter of opinion.

My point is that whereas in the United Kingdom the tax is levied at a hundred per cent., it is still the case that in the United Kingdom the options for your standard periods are what they were in the Bill which I first introduced in this House, that is, they were related to periods of lesser prosperity and they were lesser in number. The effect of the more numerous and the more recent options which are given in India is very serious indeed on the yield of the tax and I have no doubt that the proof of the pudding will be seen in the eating of it.

Then again, the Federation takes no account whatever of the special provisions which I accepted in the later stages of the Bill to deal with new industries. Let me remind the House of what the position is in regard to new industries. It is not only possible for a new industry to escape taxation by excess profits until those profits exceed 12 per cent. on the capital employed but also there are provisions which enable the industry to state a case in the first place for abnormal depreciation. Now, that is a very important matter, because I claim that if a new industry finds itself at the end of the war with the cost of its capital

virtually written down to nothing and if during the period it has enjoyed profits not less than 12 per cent., then the *entrepreneur* in question has not been placed in a very dangerous situation even if he has to face a serious recession. He will at least have acquired the cost of his plant out of the war profits, and he will be able to put something away to reserve, for, surely, it is not reasonable that a new industry should expect to distribute 12 per cent. as dividend during the war. Besides the provision for abnormal depreciation, however, it is open to a new industry at any rate to argue a case for even a higher standard basis of normal profits than 12 per cent. Obviously, I cannot anticipate now or foresee the type of case which will be put or the kind of arguments by which we should be convinced but the possibility is there and the imagined cases of extreme hardship are, therefore, to my mind, rather beside the point. The case in fact is regularly overstated first by omitting to draw attention to the fact that the tax only deals with excess profits and secondly by glossing over the nature of the basic period and the way in which the standard profits are determined.

Now, Sir, a number of speakers who accepted other parts of the Budget speech were doubtful about the doubling of the duty on matches and there is one point on which most of them concentrated and that is the question of price. I do not at this moment wish to anticipate what I may have to say at the time when the Finance Bill comes under discussion but I do recognise that it is an important responsibility of Government in relation to a tax of this kind to ensure that the consumer is not exploited under the guise of increased taxation and that some measure of price control may prove necessary but I may have more to say on that later on, because the question of retail price at any rate is obviously intimately bound up with the size of the unit which is marketed.

Sir Cowasji Jehangir: It is not the manufacturer who is profiteering. It is the retail people. Your announcement a couple of months ago made the retailers speculate.

The Honourable Sir Jeremy Raisman: My Honourable friend has just reminded me that an announcement was made two months ago which led to speculation in regard to matches. What was done two months ago was to promulgate a rule in regard to all excisable commodities which made it impossible for issues to take place on Budget day after 5 p. m. That notification dealt with all excisable commodities and it was promulgated in order to obviate certain difficulties which have occurred in the past. The match industry which was no doubt conscious of the fact that an increase in the tax on matches would be a suitable measure at this time jumped to the conclusion that the probabilities were that the tax on matches would be increased and the trade immediately proceeded, therefore, to put up the retail price. To that extent the trade has been exploiting the consumer now for some time.

Sir Cowasji Jehangir: Not the manufacturer.

The Honourable Sir Jeremy Raisman: On my understanding of the position, it is not so much a question of exploitation by the producer, although I believe there have been small increases in the wholesale price but it is the retail price which has registered the big increase.

[Sir Jeremy Raisman.]

Several speakers in dealing with the art. silk duty wished for an assurance that this duty would be kept in force for a considerable time. In other words, they wanted me here and now to convert this into a protective duty. Well, Sir, the object of a revenue duty is to raise money and if you convert it into a protective duty, you sound the knell of that form of revenue. It is usually only a matter of time before it disappears and I am not satisfied that there is a case for protection in regard to art. silk yarn and thread. At least that is a matter which would have to be investigated in a proper manner. It should not be disposed of in a casual way whilst raising a tax for revenue purposes. I will not deal now with the position which one or two speakers touched on in regard to the art. silk fabrics, but I would point out that the duty on art. silk fabrics is already very heavy and that it was placed at that level in pursuance of a policy of protection of the cotton textile industry. I will only say that I am satisfied that the level of the duty on art. silk yarn and thread is not incompatible with the continuance of the duty on art. silk fabrics at the existing level.

An Honourable Member: What is the meaning of "is not incompatible"?

The Honourable Sir Jeremy Raisman: Well, the position is that if you regard the art. silk fabrics as a finished product, and if you regard the art. silk yarn and thread as a raw material, which it is not . . .

An Honourable Member: It is; why not?

The Honourable Sir Jeremy Raisman: . . . then it might be said that the industry of weaving art. silk fabrics has been put in an impossible position. - I do not agree that that is the case. In any case I must say that personally I do not regard that industry as having very great claims upon us. It has sprung up under the shelter of a protective duty meant for another purpose, purely out of the protection to the cotton textile industry; there was no question of protecting the industry of weaving art. silk fabrics out of imported art. silk yarn, - and I may mention that that industry has taken its habitat to some extent in certain States which are expert in the technique of diverting customs revenue from the British Indian exchequer.

Sir Cowasji Jehangir: There are a good many such factories in Bombay and all over the country.

The Honourable Sir Jeremy Raisman: Now, Sir, there is another point which speakers have clearly taken from the Press Communique of the Federation of Chambers of Commerce in regard to the repatriation scheme. They have expressed some anxiety as to whether our operations may lead to stringency in the Indian money market and thus to deflation. Well, Sir, inflation and deflation are words which are bandied about somewhat carelessly, and I must confess that I find it difficult to follow the line of argument which is put forward. All I can adduce is a very simple, commonsense argument on the other side and that is this. We ourselves will be large borrowers during the course of the next year and probably the year after that and we obviously have an important interest in keeping money reasonably cheap. It is, therefore, not likely that we would so act as to

make money dear either for industry and commerce or for ourselves. That is merely a matter of enlightened self-interest. We are in the same boat with those in industry and commerce, here.

Now, Sir, there was a point which my Honourable friend, Dr. Banerjee, raised in regard to the new taxes. I will not deal with his objection to the match tax because I am afraid the answer simply is that I must disagree with him as to whether a certain amount of indirect taxation should now be resorted to or whether the amount of borrowing should be increased. But I take his point about the income-tax surcharge and I think he said that that would press heavily on the lower middle classes and might depress their standard of living. Well, Sir, he had in mind particularly, I may say, the case of those with incomes up to five thousand rupees. Well, Sir, it may interest the House to know that this is the class which, on the whole, has fared the best in recent years during the changes in the income-tax rates. Many of them, - a large number of these assesses, even after paying on the slab system with a thirty-three and one-third per cent. surcharge, will be paying appreciably less tax than they were paying under the old scale, with one-twelfth surcharge.

Dr. P. N. Banerjee: You should not compare with the old scale.

The Honourable Sir Jeremy Raisman: It seems to me that if we are singling out special classes of income-tax payers for some mitigation of the burden of war taxation, we should at least deal with those who find themselves rather worse off and not with those who find themselves better off.

Dr. P. N. Banerjee: Compare the position with what existed years ago.

The Honourable Sir Jeremy Raisman: Yes, that is the position with which I have compared it.

Dr. P. N. Banerjee: The cost of living has increased.

Sir H. P. Mody (Bombay Millowners' Association: Indians Commerce): The cost of dying has become much cheaper. (Interruption.)

Dr. P. N. Banerjee: You are not a believer in that?

The Honourable Sir Jeremy Raisman: There was a point which my Honourable friend, Mr. Chapman-Mortimer, emphasised when he asked for some assurance and that was in regard to the stability of prices and he drew attention to the remarks of Sir Ziauddin Ahmad. I can assure him that that is a matter of constant concern to the Government and it is one which my Honourable friend, the Commerce Member, as well as myself are not likely to overlook. At the same time I have no doubt that Honourable Members will realize that price control is by no means an easy matter and that there is always a danger that intervention may do more harm than good unless it is very carefully thought out.

My Honourable friend, Sardar Sant Singh, asked me why I do not tax steel and cement. Well, Sir, I am not in the habit of discussing the

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[Sir Jeremy Raisman.]

reasons why I have not imposed particular taxes, but I would remind him that one of the criteria which must now be applied to the selection of a tax is whether it would merely mean passing money from one pocket to another: and that in the cases in which Government is almost the sole consumer of a commodity, there is no virtue in adding both to the revenue and the expenditure side.

Dr. P. N. Banerjee: That would be a mere paper transaction.

The Honourable Sir Jeremy Raisman: That would be a paper transaction. My Honourable friend, Dr. Sir Ziauddin Ahmad, seemed to have had an afternoon in the zoo. I suppose the letter "Z" stands for "Ziauddin" and the "zoo". Well, my Honourable friend had a whole catalogue of weird animals.

Dr. Sir Ziauddin Ahmad: I am sorry I could not finish the story.

The Honourable Sir Jeremy Raisman: I do not know whether my Honourable friend, has read the "Inferno" of Dante; it starts off by the poet finding himself in the middle of a very dark wood and all sorts of horrible animals beset his path. But he is afraid to venture forward. Sir Ziauddin Ahmad seemed to put me in the position of one entering on the journey to hell. I can assure him that I was not deterred by zoological considerations from any alternatives which may have occurred to him. But he alluded to some incidents in my past when he classified me as a philosopher as against himself as a mathematician. I noticed that he borrowed the one rupee note: he did not produce one from his own pocket. He obviously believes in the Latin proverb:

Fiat experimentum in corpore vili.

"If there is any experiment to be made, let it be made on some worthless body belonging to somebody else". However, he flourished this rupee note before the House and he told them that I had explained that this was a coin and not a note. Well, Sir, it is quite true that in answering the Honourable Member's question about the backing behind these notes I had pointed out that this was a paper rupee and not a currency note in the ordinary sense. But his disposal of the matter, since he mentioned philosophy, reminds me of a famous incident in the life of Dr. Samuel Johnson—not the Dr. Johnson of whom our friend, Sir Henry Gidney, has given us so many details—but the one about whom Boswell wrote. Somebody asked Dr. Johnson what he thought of the philosophy of Bishop Berkeley. Bishop Berkeley was the author of what is known as the system of subjective idealism, which suggests that the whole of the world is merely the impressions of the individual perceiving it. Dr. Johnson, who was then walking along, said: "Look, thus I dispose of it." And he kicked a stone with his foot, suggesting that the palpable reality of the physical world outside him was demonstrated in this way and that disposed of the whole argument of Bishop Berkeley. I think it is recognised that that is an entirely inadequate method of disposing of the idealist system of philosophy. Similarly, I suggest that Sir Ziauddin Ahmad's gestures and remarks on the subject of the one rupee note by no means dispose of the fallacies which he himself entertained on the subject of its status as a piece of currency.

Now, Sir, there is very little more I wish to say, but I would like to touch very briefly on the two points which the Leader of the European Group mentioned. One of these was the question of voluntary donation in relation to loans. Well, Sir, I do not wish to be understood as in any way discouraging the magnificent efforts which people have made in connection with war gifts and, as I said in my Budget speech, nobody can fail to be impressed with the response which these efforts have received. At the same time, in allotting our war effort to particular activities, it is important to bear in mind the relative proportion and the relative importance of the objects to which they are devoted. And it is also the case that what might be highly desirable at one point of time might not be quite so important at another. Well, Sir, it is clear that the sums which have to be raised in connection with a war of this magnitude are sums which cannot adequately be dealt with by the method of gifts. It is obvious that it is only by a fairly widespread scheme of savings that finance of that magnitude can be catered for. I do not wish to be misunderstood. There will always be certain types of objects which can most suitably be financed by gifts and by charitable efforts. But the main burden of the war effort will obviously, I suggest, have to be financed rather by loans, that is to the extent that it is not covered by taxation, and therefore it is desirable that a proper proportion should be maintained and that effort should be directed on an appropriate scale to the encouragement of savings. This consideration is reinforced by the fact that many individuals have made gifts and have possibly reached the point at which they cannot afford to make further gifts. In other words, a gift tends to be a gift which is made once for all or perhaps twice or three times, whereas the individual may be in a position to embark on a regular scale of saving which will enable him to contribute to the extent he can throughout the period of war. For these reasons, I do consider that the stage has been reached at which it is desirable that the question of loans and the question of savings should perhaps occupy a more prominent place in the activities of workers on behalf of the war effort than the question of gifts.

The other point on which my Honourable friend, Mr. Buss, touched was the point in regard to which Sir Frederick James asked me a question the other day, and that is what has been referred to as "the new frugality". Well, Sir I am not in a position to make a considered statement on behalf of Government but I can give some of my own personal reactions to this question. It is, of course, an intricate question and there are many conflicting arguments which can be brought to bear. But there are two points which I should like to make. The first is this that there is a moral as well as an economic point involved. If the individual feels that he would rather refrain from the consumption of particular articles during the war, then he may wish to do so regardless of any particular economic effect. It might be that by refraining from drinking whisky or smoking cigars he actually slightly sets back the war effort, but that is not in itself a sufficient reason why, after thinking of the circumstances of his friends and kinsmen in England, he should feel himself bound to continue on the same scale of self-indulgence as he did before.

Mr. L. O. Buss: Provided he gives the money to your loans.

The Honourable Sir Jeremy Raisman: Provided he does contribute the amount he saves towards war effort. But there is another point. I cannot deal with the moral or ethical point involved, but on the economic side, I would suggest that individual interpretations of the circumstances are not likely to produce the effects which communities may desire and that is so important that I, personally, feel that the individual should be content to a large extent to await the result of action by Government, that he should assume that where it is highly important that certain effects should be prevented, the Government will introduce control so as to prevent those effects. If he finds, for instance, that certain products of the United Kingdom are available for sale in India, then I do not think that it is necessary for him to enter into an elaborate argument as to whether he should consume them or not. That is, apart from the moral point but purely on the economic ground of whether he is helping in the war effort or not, I think it is unnecessary for him to enter into that kind of question. It is true that Lord Stamp pointed out that it is not much use people at home refraining from the consumption of certain luxuries, if other sections of the community continue to be employed on the production of those luxuries for overseas consumers. But then, on the other hand to the extent that the resources and man power of Great Britain cannot be completely or immediately diverted to the main war effort and, therefore, a certain section of the population must still be employed, which is better than being unemployed, on the production of unessentials, to that extent, to the extent that that inevitably happens, it is desirable that the products of that economic activity should be disposed of by Britain abroad and that the consumer should not refrain from purchasing them.

Sir F. E. James: Arising out of that, it is true that as far as imports from Great Britain and Empire countries are concerned, there is possibly a much clearer duty before the individual, but when he comes to articles which are imported from countries outside the Empire areas, for example, Japan or other countries, then the individual is at some doubt as to what his duty is.

Sir Cowasji Jehangir: What is the percentage of the population in India that is really affected by this? Infinitesimal.

The Honourable Sir Jeremy Raisman: It is a small percentage. But at the same time the question has come to prominence and I am not pretending now to give an authoritative reply on behalf of the Government, but since the question was touched upon by Mr. Buss and since it is a matter about which obviously, particularly members of the European community have thought a good deal, I merely wish to give my personal impression at this moment. But my answer to Sir Frederic James' question would be that that is the kind of thing which should be left to Government control and that until you reach a stage in relation to imports of a particular country at which you are justified in imposing prohibitions or control, until that stage is reached, there is no call on the individual and possibly no particular virtue in the individual refraining from consuming the products of that country.

These are the points on which I feel I can usefully touch. I am grateful for the general acceptance of my Budget.

Mr. M. S. Aney: Reception.

The Honourable Sir Jeremy Raisman: Yes, I am grateful for the reception accorded by the House to my proposals. I am grateful to my Honourable friend, Mr. Aney, for pointing out that acceptance is yet to come.

Mr. President (The Honourable Sir Abdur Rahim): Before the House adjourns, the Chair likes to inform Honourable Members that an arrangement has been arrived at by the Parties in this House with reference to the moving of cut motions next Thursday and the succeeding days. Next Thursday, the Muslim League Party will move their motions and will continue until Lunch time on Friday, the 7th March. On Friday, the 7th March, the European Group will move their cut motions in the afternoon. The Congress Nationalist Party will move their cut motions on Monday, the 10th March, in the morning and will continue till 3 P.M., and the unattached Members will move theirs on Monday, the 10th March, from 3 to 5 P.M.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 5th March, 1941.

"SPEAKERS' NOTES BY MINISTRY OF INFORMATION" IN BRITAIN AND ALLEGED
LIBEL ON INDIA.

254. *Dr. P. N. Banerjee: Will the Foreign Secretary please state whether the attention of Government has been drawn to the news published in the *Hindustan Times* of the 16th February, 1941, under the heading "India being libelled" in which it is said that certain "Talking points on India" were issued in Britain as speakers' notes by the Ministry of Information in connection with the British Empire Publicity campaign, in which phrases occur concerning Indian people's ignorance and religious superstitions and the "difficulty of fitting democracy into indigenous social systems" and further in which it is stated that the army is being recruited only from certain martial races and the difficulty is emphasised of getting Indian officers? If so, will Government be pleased to state what action has been taken in the matter? If none, are Government now prepared to consider the desirability of taking suitable action?

Mr. J. D. Tyson: Sir, my Honourable friend, the External Affairs Secretary, is unavoidably detained, and he has asked me to answer on his behalf.

The question should have been addressed to the Honourable the Home Member.

ACCOUNTANTS ON NORTH WESTERN RAILWAY.

255. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please refer to his reply to parts (b) and (c) of my starred question No. 3 on the 6th February, 1940, regarding accountants on the North Western Railway, and state on what date the last man was recruited direct in this cadre?

(b) Were the qualified clerks not available for promotion at the time when one Muslim and five non-Muslim accountants were recruited direct?

(c) Were no qualified hands available at the time when exemption for two Muslims and three non-Muslims from passing Appendix D examination was allowed?

(d) What circumstances required the direct appointment of exemption from Appendix D of eleven men for the posts of Accountants?

(e) What is the number of permanent and temporary Muslim Accountants at present, and what is the total number of accountants?

(f) Will Government please take notice of the paucity of Muslims in this cadre and evolve a formula to increase their number?

(g) When and how do Government propose to increase the number of Muslim Accountants?

The Honourable Sir Andrew Clow: (a) 3rd August, 1928.

(b) and (c). Qualified men were available but not in large numbers as is the case at present.

(d) The majority of these direct appointments, or exemptions were made with reference to the impending separation of Audit from Accounts in 1929, when it was uncertain how many accountants would be spared by the Auditor General from the audit side, and it was considered advisable

to take special steps to ensure an adequate supply of accountants on the Accounts side.

(e) Three permanent and two officiating out of 38 accountants.

(f) and (g). I invite the attention of the Honourable Member to my reply to part (d) of his question No. 3 asked on the 6th February, 1940.

Mr. Muhammad Nauman: With reference to the reply to part (e), may I know what effort is being made to see that, out of 38 Accountants, our number does not remain at five, as has been mentioned?

The Honourable Sir Andrew Clow: These appointments are made by promotion, so that no special effort is being made.

Mr. Muhammad Nauman: There is no direct recruitment in that Accounts Department?

The Honourable Sir Andrew Clow: Not of Accountants at present, I believe.

NON-RECOGNITION OF THE ALL-INDIA RAILWAY MUSLIM EMPLOYEES
ASSOCIATION.

256. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that Railway administrations have not accorded official recognition to the All-India Railway Muslim Employees Association, or its branches?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member please state which other Muslim organization or organizations have been given official recognition, through which the Muslim employees may bring their grievances to the notice of the authorities concerned?

The Honourable Sir Andrew Clow: (a) Yes.

(b) No communal unions have been recognized.

OPINION OF ALL-INDIA RAILWAYMEN'S FEDERATION ON THE D'SOUZA REPORT.

257. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that the opinion of All-India Railwaymen's Federation has been invited on the recommendations made in the D'Souza Report?

(b) Is it a fact that Muslims as such are not represented on this Federation?

(c) What other organizations have been asked to submit their opinions on this Report?

(d) How many of these organizations represent Muslims and how many non-Muslims?

(e) If none of the Muslim organizations has been asked to send its opinion, is the Honourable Member now prepared to refer to some Muslim organizations to send their views on the subject?

(f) Is it a fact that the Muslims' Rights Protection Board, Lahore, asked the Railway Board for a copy of the D'Souza Report? If so, what reply, if any, was given to them?

The Honourable Sir Andrew Clow: (a) No.

(b) Individuals are not represented by this Federation as it is a Federation of Unions and not a Union of employees, but I understand that the Unions affiliated to it have Muslims among their members, and Muslims are generally represented on the deputations which periodically discuss staff matters with the Railway Board.

(c) None.

(d) Does not arise.

(e) No.

(f) Yes. At the time when the report was received it was a departmental document, and no reply was then sent. It has since been decided to place it on sale and the organization is being so informed.

Mr. Muhammad Nauman: Is the Honourable Member aware, which are the unions affiliated to this organisation?

The Honourable Sir Andrew Clow: I have not the list with me here.

Mr. Muhammad Nauman: Is it not necessary for that organisation to submit a list to the Railway Board before they were recognised?

The Honourable Sir Andrew Clow: These meetings began, I think, more than ten or twelve years ago at least: I do not know whether a list was then submitted or not.

Mr. Muhammad Nauman: Has the Honourable Member made any inquiries about it, that it is not a communal union as we have been asserting that it is a Hindu organisation?

The Honourable Sir Andrew Clow: It is not a communal union, because it is not a union at all: it is a federation of unions; and, so far as I know, the unions' ranks are open to all unions of railway servants.

Mr. Muhammad Nauman: I was submitting that all these bodies, which are affiliated to this federation, are unions absolutely of the Hindu majority, and that fact was known to the Honourable Member.

The Honourable Sir Andrew Clow: In referring to a communal union, I did not mean a union which must obviously have a majority of some community, and I would not regard a union as communal, because the majority of employees were Muslims. So long as its ranks are open to all employees and it has no communal objects, we do not regard it as communal.

Mr. Muhammad Nauman: Is the Honourable Member assured that there are Muslims in these organisations which the federation represents?

The Honourable Sir Andrew Clow: Yes.

Mr. Lalchand Navalrai: Is it not a fact that there are a larger number of Muhammadans in these unions than Hindus?

The Honourable Sir Andrew Clow: I should be surprised if that is so, seeing that Hindus are in a large majority in these railways.

Mr. Lalchand Navalrai: The point is that this union in Lahore, I know, has got more Muhammadans in it than Hindus; therefore, I am asking whether the Honourable Member knows it.

Mr. Muhammad Nauman: Is it affiliated to this federation?

Mr. Lalchand Navalrai: Yes.

The Honourable Sir Andrew Clow: Unions in this federation are not confined to the Punjab.

RECOGNITION OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION.

258. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether the membership of Anglo-Indian and Domiciled European Association is open to all communities, or is restricted to any particular community?

(b) Is this a service association or a political association?

(c) Is this Association recognized by Government or Railway administrations?

(d) Is this Association allowed the use of Railway institutes to hold meetings, etc.?

(e) Are the General Managers of Railways allowed to lend Railway stores to these Associations free of hire charges?

(f) Can similar concessions be allowed to the Muslim Employees' Associations, or any other political organizations of the Muslims? If not, why not?

The Honourable Sir Andrew Clow: (a) I understand it is restricted to members of the community.

(b) It is not a Service Association.

(c) It is not recognised in the sense in which a union of railway workers is recognised.

(d) I have received no information of any such concession.

(e) No orders have been issued on the subject and I have received no information of any such concession.

(f) Does not arise.

Mr. Muhammad Nauman: With reference to the reply to part (c), what is the particular sense in which a union is recognised when all facilities are being afforded to this organisation?

The Honourable Sir Andrew Clow: Recognition involves a formal recognition, by the General Manager, of a railway union and a willingness to correspond and discuss certain matters with it.

Mr. Muhammad Nauman: Is it not a fact that correspondence is carried on with this organisation?

The Honourable Sir Andrew Clow: That may be so, but this is not a service organisation. There is no objection, for example, to the head of a department corresponding with an organisation like the Muslim League if it wishes to raise some relevant matter. But this is not a service organisation.

Sardar Sant Singh: Will Government recognise even such societies as the Sikh Protection Society, and do they reply to questions or information sought by this society from the managers of railways?

The Honourable Sir Andrew Clow: That is not a matter really concerning the railways directly: they would not reply on service matters but if it raises some other matter of interest to the community, then I take it the general manager would reply to it.

Mr. Muhammad Nauman: I understand that it is an organisation on the same footing as the Honourable Member has just put the Muslim League—viz., if the Muslim League wishes to correspond on any particular matter with the railways, then the Railway Agents will correspond with them?

The Honourable Sir Andrew Clow: So long as it was not acting in service matters. If the Muslim League wanted to have certain facilities for a conference and addressed the Railway Administration regarding those facilities, say for travelling or anything of that sort, they would certainly correspond.

FIREMEN, SHUNTERS AND DRIVERS ON NORTH WESTERN RAILWAY.

259. *Mr. M. Ghiasuddin: (a) Will the Honourable the Railway Member be pleased to state the number of Firemen, Shunters and Drivers of each grade employed on the North Western Railway?

(b) On what grounds have they been classified into four grades?

(c) Is there any allotment fixed by the Administration in each Division and Shed?

(d) Is it a fact that many posts of Firemen grade 3 are lying vacant? If so, what procedure does he propose to adopt to fill up the said vacancies?

The Honourable Sir Andrew Clow: (a) The number of Firemen, Shunters and Drivers is as follows:

	Grades IV & III.	Grades I & II.
Firemen	95	2,046
Shunters	60	513
Drivers	200	564

(b) The classification is based on the nature of the work.

(c) Yes.

(d) There are 17 vacancies which will be filled by Boy Firemen on completion of their training.

PROMOTIONS AMONG THE LOCO. RUNNING STAFF ON NORTH WESTERN RAILWAY.

260. *Mr. M. Ghiasuddin: (a) Will the Honourable the Railway Member please state whether it is a fact that the Loco. Running Staff on the North Western Railway is being promoted from grade 1 to grade 2?

(b) If so, the reasons for not promoting to grade 3?

(c) Is the Administration prepared to fix a ratio for cleaners grade 2 to be promoted as Boy Firemen, which are at present being recruited only from outside?

The Honourable Sir Andrew Clow: (a) Yes, when grade I staff pass the literacy test.

(b) It is not in the interest of the Administration to do so.

(c) No, but a cleaner who satisfies the conditions can apply along with outsiders for posts of Boy Firemen.

ILLITERATE DRIVERS WORKING ON PASSENGER TRAINS ON NORTH WESTERN RAILWAY.

261. *Mr. M. Ghiasuddin: (a) Will the Honourable the Railway Member please state whether it is a fact that there is sufficient number of literate staff with the North Western Railway to work the passenger trains?

(b) If so, why are illiterate men being given the responsibility of driving on which depends the public safety?

(c) If not, is the Administration prepared to make an endeavour to get a good number of literate drivers, by fixing some reasonable ratio in the promotion which is beneficial to the Administration with a view to public safety, fuel economy and loco. repairs?

The Honourable Sir Andrew Clow: (a) Yes.

(b) No staff are appointed as drivers without being tested by a superior officer and adequate arrangements exist to inform illiterate staff of instructions connected with the working of trains. Such staff are not, therefore, a danger to the travelling public.

(c) Does not arise.

Mr. Lalchand Navalrai: Is it not a fact that illiterate firemen are also appointed as drivers and they drive the engines?

The Honourable Sir Andrew Clow: On the less important trains it may be so.

HINDI AND URDU POEMS RECORDED BY THE ALL-INDIA RADIO.

262. *Mr. Govind V. Deshmukh: Will the Honourable Member for Communications please state the number and the names of poets whose poems have been recorded at various stations of the All-India Radio for Hindustani programmes during the last six months? How much remuneration was paid for Hindi poems thus recorded, and how much for Urdu poems?

The Honourable Sir Andrew Clow: A statement giving the names of the poets is laid on the table.

The total amount paid for Hindi and Urdu poems was Rs. 60 and Rs. 70 respectively, but no remuneration was paid to five out of the nine poets.

Statement showing the Names of Poets whose poems were recorded by All-India Radio for inclusion in the Hindustani programmes during the six months ending the 19th February, 1941.

1. Hafeez Jullunduri, Khan Sahib Abul Asr.
2. Iqbal, the late Sir Mohammad.
3. Jigar Moradabadi.
4. Josh Malihabadi.
5. Nirala, Mr. Surya Kanth Tripathi.
6. "Pradeep", Mr. Ram Chandra Trivedi.
7. Saghar Nizami.
8. Sumon, Mr. Shiv Mangal Singh.
9. Wahshat, Khan Bahadur Raza Ali.

SPEAKERS BROADCASTING IN HINDUSTANI FROM THE ALL-INDIA RADIO BROADCASTING STATIONS.

263. *Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Communications please lay on the table of this House a statement showing the names of the persons called upon during the last six months to make recorded speeches which are incorporated in the Hindustani News Bulletins of the All-India Radio?

(b) How many of them were Urdu scholars or journalists and how many Hindi scholars or journalists?

(c) How much remuneration was paid in each case?

The Honourable Sir Andrew Clow: (a) A statement giving the names is laid on the table.

(b) One is a Hindi journalist and six are Urdu journalists. Most of the others are authors or University lecturers. I cannot undertake to make any pronouncement on their scholarship.

(c) No payment was made to the Premier of the Punjab. I cannot give information regarding the others as particulars of the remuneration paid to individual speakers is confidential.

Statement showing the names of persons called upon during the six months ending the 19th February, 1941, to make recorded speeches which are incorporated in the Hindustani News Bulletins of the All-India Radio.

1. Abdul Bari, Mr.
2. Chaube, Mr. S. K.
3. Firaq, Mr. Raghupati Sahai.
4. Gulshan Rai, Mr.
5. Gupta, Mr. Dharampal.
6. Khan, Sir Sikandar Hayat.
7. Mulla, Mr. Anand Narain.
8. Niaz Fatehpuri.
9. Qureshi, Mr. Mohd. Zubair.
10. Ram Singh, Professor.
11. Salik, Mr. Abdul Majid.

12. Saksena, Dr. S. K.
13. Saxena, Dr. R. U.
14. Srivastava, Mr. Hargovind Dayal.
15. Sultan, Chaudhri Mohd.
16. Zahidie, Mr. Mushtaq Ahmed.

HINDUSTANI DRAMAS BROADCAST FROM ALL-INDIA RADIO BROADCASTING STATIONS.

264. *Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Communications please state how many Hindustani dramas have been broadcast from the various stations of the All-India Radio during the last six months?

(b) What are the names of the dramas so broadcast and the names of their authors? What was the remuneration given to each author?

The Honourable Sir Andrew Clow: (a) 84.

(b) As regards the first part of the question, I would refer the Honourable Member to the *Indian Listener*, which is available in the Library of the House. Information about remuneration paid to individual authors is confidential.

Mr. Govind V. Deshmukh: May I know, Sir, when the people who broadcast and receive remuneration, why that information relating to their remuneration should be treated as confidential?

The Honourable Sir Andrew Clow: As a rule I furnish statements of aggregate particulars, but the ordinary rule in respect of payments to non-officials is that they are confidential.

Mr. Lalchand Navalrai: Are there any instructions or rules as to the amount of remuneration to be paid?

The Honourable Sir Andrew Clow: No, there are no rigid rules; it is a matter of judgment.

Mr. Lalchand Navalrai: To whom is the matter left to decide? In whose discretion does that matter lie?

The Honourable Sir Andrew Clow: I imagine normally the Station Director, but he is, of course, subject to the control of the Controller of Broadcasting.

HINDUSTANI PROGRAMME STAFF OF THE ALL-INDIA RADIO BROADCASTING STATIONS.

265. *Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Communications please lay on the table of this House a list showing the names, salaries and allowances, if any, of the Hindustani Programme staff of the All-India Radio Stations?

(b) What was the salary of the members of this staff immediately before joining the All-India Radio?

(c) How many of them have Hindi as their mother tongue?

The Honourable Sir Andrew Clow: (a) A statement is laid on the table. The names given are of those who are directly concerned at present either in the supervision, preparation or announcing of Hindustani programmes,

but the personnel employed might vary according to the exigencies of the service.

(b) The bulk of the men were not previously employed and in respect of the remainder I do not propose to lay the particulars on the table. The remuneration given in All-India Radio is not based on previous emoluments but on sanctioned rates.

(c) No member of the staff has declared Hindi as his mother tongue but 17 know Hindi.

Statement showing the names, salaries, allowances, etc., of the Hindustani Programme Staff of All-India Radio Stations.

Name. 1	Designation. 2	Salary. 3 Rs.
DELHI STATION.		
Mr. A. A. Advani	Station Director	800
Mr. J. K. Mehra	Assistant Station Director	410
Mr. S. Arif	Director of Programmes	260
Mr. A. Qutb	Programme Assistant	180
Mr. Mohd. Iqbal	Do.	180
Mr. Hafeez Javed	Do.	170
Mr. Feroze Nizami	Do.	160
Mr. N. M. Rashid	Do.	160
Mr. Krishen Chandra	Do.	160
Mr. A. Quddus	Do.	160
Mr. Tajuddin	Do.	160
Mr. S. N. Chopra	Do.	150
Mr. Ilyasullah	Announcer	105
Mr. Ghulam Mohiuddin	Do.	100
Mr. R. N. Mehra	Do.	100
BOMBAY STATION.		
Mr. N. A. S. Lakshmanan	Station Director	800
Mr. M. A. Latif	Programme Assistant	150
Mr. Shakeel Ahmad	Announcer	100
Mr. B. S. Bhatnager	Do.	100
LUCKNOW STATION.		
Mr. A. K. Sen	Station Director	500
Mr. K. S. Mulliek	Assistant Station Director	390
Mr. Malik Hasib Ahmad	Director of Programmes	270
Mr. N. R. Bhattacharya	Programme Assistant	180
Mr. O. K. Farid	Do.	180
Mr. Ishrat Rahmani	Do.	160
Mr. Latifur Rahman	Do.	160
Mr. Ansar Ali Nasri	Do.	160
Mr. Madan Mohan Aga	Do.	160
Mr. Hamid Ali	Announcer	105
Mr. Ayaz Ahmad	Do.	105
LAHORE STATION.		
Mr. Rashid Ahmad	Station Director	575
Mr. S. S. Niazi	Assistant Station Director	410
Mr. Hans Raj Luthra	Director of Programmes	250
Mr. Agha Bashir Ahmad	Programme Assistant	170
Mr. S. A. Hafeez	Do.	160
Mr. Ghulam Ali Butt	Do.	150
Mr. Mahmud Nizami	Do.	160
Mr. Masud Hafeez	Do.	150
Mr. Iqbal Singh	Do.	150
Mr. Abdul Hamid Sheikh	Announcer	105
Mr. M. A. Hamadani	Do.	100

NOTE.—Station Directors also draw Rs. 50 per mensem as conveyance allowance.

Sardar Sant Singh: May I know, Sir, in view of the large number of complaints that we receive about the various Radio Stations, whether the Honourable Member is prepared to appoint a Committee of this House to go into the whole question and report on the matter?

The Honourable Sir Andrew Clow: I submit, Sir, that does not arise out of this question.

Sardar Sant Singh: Will the Honourable Member be prepared to appoint a Committee of his Department to go into this question and make a report to this House?

The Honourable Sir Andrew Clow: I submit that that does not arise.

STEPS FOR PROTECTION OF PROPERTY OF INDIAN NATIONALS IN SAIGON, INDO-CHINA.

266. *Raja T. Manavedan: (a) Will the Secretary for External Affairs please state the latest position with regard to properties, movable and immovable, owned by Indian nationals in Saigon and other parts of Indo-China?

(b) Is it a fact that the British Consul General at Saigon has been instructed by His Majesty's Government to take all necessary and possible steps to protect Indian property there in view of the present unsettled condition prevailing there, and if so, what those steps are?

(c) Have Government received any representation from Mr. Nadimuthu Pillay, M.L.A., or other Indian nationals, either directly or through the Madras Government in this behalf?

(d) Have Government taken any steps on those representations to protect their property in Saigon and, if not, why not?

Mr. J. D. Tyson: With your permission, Sir, I propose to reply to questions Nos. 266 and 267 together.

I would invite the Honourable Member's attention to the replies given on the 25th February to Mr. Aney's starred questions Nos. 146, 147 and 148.

EMBARGO ON TRANSMISSION OF MONEY BY INDIAN NATIONALS FROM SAIGON TO INDIA.

†267. *Raja T. Manavedan: (a) Will the Secretary for External Affairs please state whether the Government are aware of any embargo placed by the British Government on remittances of money in Saigon through bankers to Indian nationals in Madras and elsewhere?

(b) Is it a fact that the branches of the Chartered Bank and the National Bank of India in Saigon have refused to accept during the past six months or more, remittances to India of money from Saigon and belonging to Indian Nationals, though such remittances are allowed by the Government of Indo-China?

(c) Are Government prepared to take steps to inquire into this matter and arrange for prompt remittances to India by these banks in the interests of Indian nationals?

†For answer to this question, see answer to question No. 266.

EXTENSIONS OF SERVICE AFTER SUPERANNUATION ON STATE RAILWAYS.

268. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether Government have agreed to give extensions after attaining the age of superannuation, i.e., 55 years, on the State Railways?

(b) What are the fundamental bases on which extensions are granted, and in whom is vested the powers of granting extensions?

(c) If the reply to part (a) be in the affirmative, will the Honourable Member please state, community-wise, how many people have been given extensions up to date among the following categories:

(1) permanent officers of the lower gazetted service; and

(2) officiating officers of the lower gazetted service?

(d) How many cases of extension are under consideration of the Railway Board at present community-wise?

(e) Is the Honourable Member prepared to consider the appointment of a board on each State Railway to look into each case and recommend extensions to the Board in very rare cases?

(f) Is the Honourable Member prepared to consider this question and issue orders for stoppage of extensions?

The Honourable Sir Andrew Clow: (a) Government do not agree to grant extensions beyond the age of superannuation except in very special circumstances. Superannuation does not depend on the length of service but on the age of the officer.

(b) Extensions are only granted when it is in the public interest to do so. Extensions to gazetted staff may only be sanctioned by the Railway Board. In the case of non-gazetted staff, that power is vested in Heads of Departments.

(c) Although extensions are not generally granted, they were in the following cases during 1940 and 1941:

(i) Two Anglo-Indian or European Lower Gazetted Service officers were granted extensions.

(ii) One European and one Parsee.

(d) One, European.

(e) No, as there is no necessity for it.

(f) No. Exceptional circumstances arise from time to time which make extensions desirable.

Mr. Lalchand Navalrai: May I know, Sir, what are the exceptional circumstances under which extensions are granted?

The Honourable Sir Andrew Clow: They cannot be defined. There are a great many circumstances; for instance, at present, which is war time, we are likely to have a shortage of officers in some cadres owing to borrowing for other Departments.

Mr. Lalchand Navalrai: Why should not these people make way for younger people to come in?

The Honourable Sir, Andrew Clow: Very often an officer is engaged on a particular kind of work, and it is not in the public interest that he should go just at the moment when he is 55.

Mr. Lalchand Navalrai: In those cases, is only one extension given or many extensions are given?

The Honourable Sir Andrew Clow: There is no provision against giving more than one, but normally extensions are given for one year at a time; generally they don't extend very long.

ACCIDENTS ON RAILWAY LINE RUNNING ALONG BABAR ROAD, NEW DELHI.

269. *Sardar Sant Singh: (a) Has the attention of the Honourable the Railway Member been drawn to a letter published in the *Statesman* of the 31st December, 1940, on page 6, column (4), regarding many accidents that have resulted on the Great Indian Peninsula and the Bombay, Baroda and Central India Railway lines, which run along Babar Road, New Delhi? If so, what steps have been taken to remove this danger? If none, why not?

(b) Is he aware that the demand for an overbridge and barricade has been ventilated in other papers, like *Hindustan Times*? If so, has the Honourable Member's attention been invited by the Chief Commissioner, Delhi, as well? When does the Honourable Member propose to remove this grievance of the public?

The Honourable Sir Andrew Clow: (a) and (b). I have seen the articles in question in the papers, but have not received any communication from the Chief Commissioner, Delhi. The facts reported do not establish a case for an overbridge or a level crossing, but raise the question of the advisability of providing a more efficient type of fencing than the 'wire' fencing now in existence. I propose to refer this matter to the Railway Administration for consideration.

APPLICABILITY OF THE TRADE DISPUTES ACT TO POSTS AND TELEGRAPHS EMPLOYEES' UNIONS.

270. *Pandit Lakshmi Kanta Maitra: (a) Will the Honourable Member in Charge for Communications please state if the employees of the Posts and Telegraphs Department come under the Trade Disputes Act of 1929?

(b) If so, will he please state what objection, if any, he has for the recognised service unions of the employees approaching the Government of India with the request to appoint a court of enquiry under the provisions of the Act?

The Honourable Sir Andrew Clow: (a) This question, depending as it does on the interpretation of the definition of "workmen" in the Act mentioned, is one which could not be authoritatively determined save by the courts.

(b) Does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

STAFF OF THE LATE OUDH AND ROHILKHAND RAILWAY DENIED RENT-FREE ACCOMMODATION.

96. **Mr. Muhammad Azhar Ali:** Will the Honourable Member in charge of Railways be pleased to enquire and state:

- (a) how many of the staff of the late Oudh and Rohilkhand Railway who enjoyed the privilege of free accommodation before 1931 are not allowed to get the concession now, contrary to the assurance given in this House in reply to starred question No. 34 (b) and (d) on the 16th March, 1939;
- (b) whether it is a fact that an employee of the late Oudh and Rohilkhand Railway who enjoyed the privilege of rent free accommodation before 1931, irrespective of category, is entitled to enjoy the same under the rules; and
- (c) whether it is a fact that many of such staff working as Guards, Ticket Collectors and Ticket Examiners in Moradabad Division are denied this concession, which they enjoyed before 1931 and when the late Oudh and Rohilkhand Railway existed; if so, under what rules they are denied this privilege?

The Honourable Sir Andrew Clow: (a) Government have no particulars of any such case and no assurance appears to have been given in the answer cited that the privilege of rent-free accommodation was permanent. Part (b) of the answer referred to permission to occupy rent-free quarters only so long as such quarters were available.

(b) and (c). The attention of the Honourable Member is invited to the replies given to unstarred questions Nos. 161 and 34 asked in this House on the 8th April, 1938 and 16th March, 1939, respectively, to which I have nothing to add.

ASSISTANT STATION MASTERS ON EAST INDIAN RAILWAY.

97. **Mr. Muhammad Azhar Ali:** (a) Will the Honourable the Railway Member please state whether it is a fact that there are the following existing grades of Assistant Station Masters on the East Indian Railway:

1. Rs. 40—4—68,
2. Rs. 70—5—95, and
3. Rs. 100—10—140?

(b) What are the sanctioned posts in the above grades in the Moradabad Division of the East Indian Railway?

(c) Is it a fact that 'A' class Station Masters are amalgamated with Assistant Station Masters for the purpose of seniority and promotion? If so, why?

(d) When the scales of pay of 'A' class Station Masters and Assistant Station Masters (old scales and co-ordinated) are not identical in respect of maximum, why are they amalgamated for the purposes of seniority and promotions?

(e) Is it a fact that in the new scale of Rs. 30—3—45—5—60 the scales of 'A' class Station Masters and Assistant Station Masters are identical?

(f) What are the reasons for not separating the cadres of Assistant Station Masters and 'A' class Station Masters?

(g) What are the degrees of responsibilities entrusted to 'A' class Station Masters and Assistant Station Masters on the same scale of pay?

(h) How many Assistant Station Masters in the grade of Rs. 40—4—68 are blocked on the maximum and since how long in Moradabad Division of the East Indian Railway?

(i) What are the necessary qualifications for Assistant Station Masters and 'A' class Station Masters?

The Honourable Sir Andrew Clow: (a) Yes, except that the grade is Rs. 100—5—140 not Rs. 100—10—140.

(b) The information available with Government is at page 109 of the East Indian Railway Establishment Rolls for the year 1939-40, a copy of which is in the Library of the House.

(c), (d), (f) to (i). Government have no information but have called for it and I will lay a reply on the table of the House in due course.

(e) Station Masters grade VIII and Assistant Station Masters grade V are both in that scale.

MEMORIALS, ETC., FROM ASSISTANT STATION MASTERS IN MORADABAD DIVISION.

98. **Mr. Muhammad Azhar Ali:** Will the Honourable the Railway Member be pleased to state whether it is a fact that Assistant Station Masters of Moradabad Division have submitted various memorials, appeals and representations concerning their prospects and limited chances of promotions and higher responsibilities as compared with the wages paid to them? If so, what action, if any, has been taken by the Railway Board?

The Honourable Sir Andrew Clow: As regards the first part of the question, the Railway Board have not received any memorial from the Assistant Station Masters of the Moradabad Division of the East Indian Railway; the latter part does not arise.

GUARDS NOT QUALIFIED IN THE FIRST AID ON EAST INDIAN RAILWAY.

99. **Mr. Muhammad Azhar Ali:** Will the Honourable the Railway Member please state how many Guards not qualified in the First Aid (to the injured) course are employed in higher grades and posted on passenger carrying services on the East Indian Railway?

The Honourable Sir Andrew Clow: 101.

GUARDS NOT QUALIFIED IN THE FIRST AID ON EAST INDIAN RAILWAY.

100. **Mr. Muhammad Azhar Ali:** Will the Honourable the Railway Member please state how many Guards not qualified in the First Aid course have been allowed annual increments and grade promotions on the East Indian Railway?

The Honourable Sir Andrew Clow: Government do not receive information on these matters of detail, but if particulars for the year 1940 can be readily collected, they will be furnished at a later date.

RULES REGARDING RESIGNATION BY STATE RAILWAY SUBORDINATE STAFF.

101. **Mr. Muhammad Azhar Ali:** Will the Honourable the Railway Member please state the rules regarding resignation by State Railway subordinate staff?

The Honourable Sir Andrew Clow: There are no rules concerning the resignation of staff from service; but staff are entitled to resign from service in terms of their service agreements. These generally stipulate for one month's notice.

PRICES OF RAILWAY TRAINING SCHOOL CALENDARS.

102. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 8, asked in this House on the 5th November, 1940, and state the sale prices of the Training School Calendars referred to in the reply at which the public as well as the Railway servants can have them?

The Honourable Sir Andrew Clow: Each of the Calendars is priced at one rupee.

PRIOR SANCTION OF RAILWAY BOARD FOR REVISION IN SCALE OF PAY AFFECTING CLASS OR GRADE OF EMPLOYEES.

103. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to:

- (a) Paragraph 307 of East Indian Railway Gazette No. 13 of 1925, dated 1st April, 1925, viz., 'Pay and allowances under the existing rules and conditions of the East Indian Railway Company';
- (b) Chief Operating Superintendent, East Indian Railway, Circular No. OPE-270/Pt. 1, dated the 14th May, 1928, on the subject of grading of Train Examiners and Assistant Train Examiners; and
- (c) Rule 168 of the State Railway Establishment Code; and to state:
 - (i) the number and date of the prior sanction of the Railway Board on the revision in the scale of pay affecting the class or grade of employees;
 - (ii) whether the employees affected were given the option of election; if not, why not; and
 - (iii) whether the revision in the scale of pay affected the seniority of the employees in service on and before the 14th May, 1928?

The Honourable Sir Andrew Clow: (i) The prior sanction of the Railway Board was not necessary.

(ii) There was no necessity to give an option, since no employee's pay was reduced.

(iii) No one lost seniority which he already held, but the revised scales formed a basis for combining the seniority of the East Indian and Oudh and Rohilkhand Railway staff.

MOTION FOR ADJOURNMENT.

NON-RELEASE OF MR. S. SATYAMURTI.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice for the adjournment of the House from Mr. Kazmi. He wishes to discuss a definite matter of urgent public importance, namely, the failure of the Government of India in not getting the release of Mr. Satyamurti, a Member of this House, who is ill, and who had to be brought to the General Hospital, Madras, due to his illness as reported in the *Hindustan Times*, dated today.

Under whose order was Mr. Satyamurti arrested?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Under the Defence of India Rules.

Mr. President (The Honourable Sir Abdur Rahim): Under whose order?

The Honourable Sir Reginald Maxwell (Home Member): He has been sentenced to imprisonment by a Court.

Mr. President (The Honourable Sir Abdur Rahim): By a Court?

Qazi Muhammad Ahmad Kazmi: Yes.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows that this House cannot interfere in a matter like that. Where a Member has been sentenced by a Court in the ordinary administration of the law, this House cannot interfere. The Honourable Member knows it, and it has been repeatedly laid down here.

Qazi Muhammad Ahmad Kazmi: I bow to your ruling, Sir, but my submission is—I am not complaining of the conviction or of Mr. Satyamurti's detention, but I am complaining of his detention at a time when he is seriously ill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a speech. If it is a Court that has sentenced Mr. Satyamurti, I suppose there is an appeal, or at any rate it is the Appellate Court or the local authority that can direct his release. The motion is disallowed.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed to consider the Bill further to amend the Indian Railways Act, 1890, as reported by the Select Committee, clause by clause. The question is:

"That clause 5 stand part of the Bill."

There is an amendment in the name of Dr. Sir Ziauddin Ahmad, No. 22.

(Amendment No. 22 was not moved.)

Mr. President (The Honourable Sir Abdur Rahim): No. 25.

(1023)

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Before amendment No. 25 is moved, Sir, I would like to draw your attention to the other amendments which are of a more general character and of wider application. If they are not moved now, and if this particular amendment is carried, the chance of moving the others will not arise.

Mr. President (The Honourable Sir Abdur Rahim): Which amendments?

Pandit Lakshmi Kanta Maitra: For instance, my amendments Nos. 27 and 28.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member thinks that his amendments are more useful, he can persuade the House to reject this particular amendment.

Pandit Lakshmi Kanta Maitra: May I move my amendments first, Sir?

Mr. President (The Honourable Sir Abdur Rahim): No.

Pandit Lakshmi Kanta Maitra: My amendment was given notice of earlier.

Mr. President (The Honourable Sir Abdur Rahim): But it comes lower in the list.

Pandit Lakshmi Kanta Maitra: It was not my fault; but it was tabled much earlier.

Mr. President (The Honourable Sir Abdur Rahim): It is in the discretion of the Chair to put the amendments in such order as it thinks best. Is amendment No. 25 going to be moved or not?

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): I am not moving it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I have an amendment—Supplementary List No. 2.

Mr. President (The Honourable Sir Abdur Rahim): Is amendment No. 26 being moved or not?

Mr. H. A. Sathar H. Essak Sait: I am not moving.

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

Pandit Lakshmi Kanta Maitra: I thought I must be called, Sir.

Mr. President (The Honourable Sir Abdur Rahim): It is not necessary.

Pandit Lakshmi Kanta Maitra: I beg to move amendment No. 27. It runs as follows:

"That in clause 5 of the Bill, to the proposed section 113A, the following proviso be added:

'Provided that a person detected travelling in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, shall not be prevented from travelling in the carriage of the class for which he holds the pass or the ticket'."

Sir, the purpose of this amendment is to clarify the position that may arise when a person is found travelling in a higher class for which he does not hold a ticket or a pass, but not travelling without a ticket, but holding a ticket for a lower class—if such a person is detected in the train, he may be set down from that compartment, the compartment for which he does not hold a proper pass or ticket. For instance, if a passenger, holding a ticket for the intermediate class, is found travelling in a second class, it is open to the railway employee to take him down from the higher class. I want to make it clear that such a person shall not be prevented from travelling by the same train in the compartment for which he holds a ticket. This should be made clear. If it is provided in very general terms that a passenger may be set down for not holding a proper pass or ticket, but it may be interpreted by the ticket checkers to mean that the man should not be permitted to proceed by the train at all even though he holds a ticket for the lower class. I do not suggest for a moment that a man who is travelling in a higher class than that for which he holds a ticket should not be penalised for it by payment of excess fare. Let the excess fare be realised from him by all means, but if he wants to go back to the class of carriage for which he holds a ticket, he should not be prevented. If a man travels by the Frontier Mail holding an inter class ticket, and he is found travelling in a second class, if he is detected somewhere on the way, say, at Rutlam, he may be removed from the second class compartment as he does not hold a ticket for the second class, but he should not be prevented from proceeding to his destination by the same train if he goes to the class of carriage, namely, the intermediate class, for which he holds a ticket. This will not prevent Government from realising the excess fare for the length of journey travelled by the man in the higher class, but it should not prevent him from proceeding to his destination by the same train on payment of the excess fare, when he holds a ticket for the lower class. This is a very simple amendment. As the position has not been made clear by the amending provision, I think it should be made clear by the adoption of this amendment.

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

"That in clause 5 of the Bill, to the proposed section 113A, the following proviso be added:

'Provided that a person detected travelling in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, shall not be prevented from travelling in the carriage of the class for which he holds the pass or the ticket'."

The Honourable Sir Andrew Clow (Member for Railways and Communications): This amendment is in most cases unnecessary and in some objectionable. As regards the ordinary, *bona fide* passenger who has been travelling in a higher class, the section only gives power to remove him from the carriage, there is no other power. There is no power to detain him and there is nothing whatever, if he holds a ticket, to prevent him from proceeding on his journey in the proper carriage. But the case of a man who, for example, might have been detected in cheating the railway or some other offence, or travelling with a definite intent to defraud, who has been put up for trial before a magistrate.....

Pandit Lakshmi Kanta Maitra: I am not referring to those persons.

The Honourable Sir Andrew Clow: I pointed out that it is quite unnecessary in that case because we have only power to remove the man from the compartment under the section, but in the case of the man being detained for trial for cheating or something of that kind, this clause would be interpreted as giving him a right to proceed on his journey.

Pandit Lakshmi Kanta Maitra: On a point of explanation, Sir. I quite see that from the reading of the provision it is open to any one to understand the section in the sense the Honourable the Railway Member has understood it, but at the same time it cannot be denied that there is room for considerable misunderstanding. A travelling ticket checker may be misled into thinking that this is a provision

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

Pandit Lakshmi Kanta Maitra: . . . which empowers him to drive the passenger out of the train, or to prevent him from travelling by the same train.

The Honourable Sir Andrew Clow: If the ticket collector were to do anything of the kind, the passenger would have a remedy against him, because the ticket collector has no power to do so.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Clause 5 is entirely a new clause to be added to the Indian Railways Act. It is not an amendment to any particular clause but it is addition of a new clause altogether and as I read this particular clause there is no question of fraud there. It is not mentioned in that clause at all. I am giving you a case which happened actually. Certain villagers who could not read whether it is inter or third entered an inter compartment with third class tickets. When they found that it was an inter compartment with cushions, they shoved the cushions on one side and sat on the wood. The T. T. I. went there and told them: 'You have got third class tickets. Don't you see this is inter class?' The passengers said: 'We are not travelling in the inter class. We have shoved the inter (pointing to cushions) on one side and this has now become a third class compartment. We are sitting on the wood'. Mr. Maitra's amendment covers the case of those *bona fide* persons who travel in a higher class compartment by mistake. According to the new clause, those persons can be removed from the carriage altogether and debarred from

The Honourable Sir Andrew Clow: Not debarred.

Dr. Sir Ziauddin Ahmad: Only removed from the carriage?

The Honourable Sir Andrew Clow: That is all.

Dr. Sir Ziauddin Ahmad: This brings me to a still bigger issue. Now, suppose you remove a person. What will happen to him? Will he go back to another compartment in the same train, or will he be ejected and detained there at way side station or will he be taken to the magistrate or he will be allowed to walk to the next station and get into train there?

This particular clause is absolutely silent about it. I should like to visualise what would happen to the traveller who is thus ejected. If he has got no ticket, then he can be dealt with under some other clause of the Railway Act. He cannot travel but can get down, purchase a ticket and travel again in the same train. Therefore, this is the point on which we would like to have a very clear idea when we pass this clause 5. When a person is removed from the carriage, can he travel in the same carriage again? That is my first point. It should not be left to understanding but should form part of legislation.

Then, the second point is this. Suppose a person is a mendicant or a person who is unable to pay. Then will he be turned out from the station altogether. The result will be that he will walk to the next station and will try to get into the train again and go further on, so that if you turn him out he will come back again. The third point is this. Will he be taken to the magistrate to be tried for travelling without a ticket? If he is taken to the magistrate, then he must be taken in the same train. There is no point in taking him out at a wayside station. The trying magistrates will only be at junction stations or at headquarters stations. I could not visualise what is the object in removing him from the carriage altogether and what would happen subsequently. The Honourable Member has not mentioned anything about this. In one particular case, when a person is travelling in a higher class, we were given to understand that he can travel in the same carriage but in the proper compartment, for which he holds a ticket. That is all right. What would happen in the second class of cases I have mentioned where people have got no money or have got no money at that particular moment? We are not clear in our minds about this and I do not think the Railway authorities are very clear in their minds about this, as to what would happen to the passengers. We want to be sure as to what would happen in the three types of cases I have mentioned. Mr. Maitra's amendment only tries to put down explicitly the assurance which the Honourable Member has just given on the floor of the House. With these words, I support the motion.

Mr. Lalchand Navarai (Sind: Non-Muhammadan Rural): So far as the amendment is concerned, I feel that there is no difficulty in accepting it. When a man is travelling in a higher class and he has a ticket of the lower class, there is no power or authority in the railway officers to deter him from going in the proper class for which he has got a ticket. The Honourable the Railway Member has admitted that the railway authorities have got no power to stop him from travelling with the ticket he has. The Honourable Member has made that clear. To prevent him from travelling would be unreasonable and illegal. Therefore, the Honourable Member is correct in saying that he will certainly be allowed to go to the proper carriage and travel further on but the question arises with regard to the second point that the Honourable Member took. He said that if he is travelling fraudulently, then the man would not be allowed to proceed. This makes it a cognisable offence.

The Honourable Sir Andrew Clow: I said that he might be wanted before a magistrate.

Mr. Lalchand Navarai: I say that the Railway authorities have no power to arrest him or take him to a magistrate. They have only got the power to lodge a complaint and that being so, why should he be debarred from proceeding further.

The Honourable Sir Andrew Olow: The magistrate might detain him.

Mr. Lalchand Navalrai: That means that the man will be detained and he will be told, 'Don't go. We are going to the court. We will get out summons or a warrant for you'.

The Honourable Sir Andrew Olow: I was not thinking of a case like that at all. I was contemplating a case where the magistrate has issued an order. This proviso, in the amendment, is perfectly general in its terms. It does not say—prevented by whom. It applies equally to the railway official and to the magistrate.

Mr. Lalchand Navalrai: In practice, there will be no magistrates in these wayside stations.

The Honourable Sir Andrew Olow: There are in some cases.

Mr. Lalchand Navalrai: In some cases there may be but generally we do not find them in wayside stations or even on bigger stations. In the Sind Circle they have not got magistrates at the stations. Therefore, I am submitting there will be no authority to remove altogether the traveller and not to allow him to go into the proper class for which he has got a ticket. The point is that under clause 5, in the new section 118A, general authority is being given to the subordinate of the railway for the removal of the man. The amendment is that it should be made more clear that they will have no power to detain a man and prevent him from proceeding further with his proper ticket. In the case of the penalty also, we note what has been laid down in clause 4.

In clause 4 we find that it is said that any railway servant appointed by the Railway Administration in this behalf may apply to any magistrate for the recovery of the sum payable as if it were a fine. In that case also, ordinarily, as we find, if he is not able to pay there and then,—for instance, the man may not have money with him at that time but he would be willing to pay, even in that case he should not be deterred from proceeding further, as the procedure has been laid down that the penalty will be recovered by making an application to the magistrate, and that would certainly take time; and I hope the Honourable Member will realize that the clause should provide that there will be no obstruction put in the way of the man travelling on the Railway by the right class, so that in the case of a man who has fraudulently done this, or who has not been able to pay any penalty, or the person who has travelled by a higher class, in all these three cases, some distinct provision should be made, otherwise the offence will become cognizable,—and in that cognizable offence the police also can arrest a person, but not that any other subordinate railway officer will be given the power to act as a police officer and arrest him without warrant: in all these three cases it is only clear that the subordinate who exercises his power under this clause to remove him from there will be acting wrongly. In the case in which a man holds a ticket of a lower class, he should be allowed to go over to his destination. There is a section also in the Railways Act to the effect that in the case of a man who is known, his address might be taken and in the other case also, inquiries be made, and if he gives a proper address, then he is certainly allowed to go on, but then the fact is that there is no law or any rule under which he can be detained, therefore this amendment that has been proposed is only to make the clause clear.

The Honourable Sir Andrew Olow: It is, therefore, unnecessary.

Mr. Lalchand Navalrai: Even if it is unnecessary, what is the harm?

Dr. P. N. Banerjea: Yes, even if it is unnecessary, what is the harm?

Mr. Lalchand Navalrai: The Honourable Member has made it more complicated. If the Honourable Member had not said that, he can be removed altogether if he travelled fraudulently, it would have been all right if he had said that the amendment was not necessary, but the view given expression to by the Honourable Member will be taken note of and may be acted upon by the subordinates and they may say, "well, the Honourable Member has that view; we also are going to have that view and detain the man". Therefore, if the Honourable Member does not mean that,—that except through the magistrate, when an order has been recovered from the magistrate for bringing him there he can be detained, then it would be a different question . . .

The Honourable Sir Andrew Olow: That is the position.

Mr. Lalchand Navalrai: The point is that, in practice, it is not so; in practice it is certainly not possible. Supposing the magistrate is at the station; then too it is not possible. I say the magistrate may be in his room and the train might start in only two or three minutes, how is the order going to be secured from the magistrate to have this man detained? These are the difficulties which have to be considered. The Honourable Member seems to be under the impression that at every station there is a magistrate ready at the station, ready standing, to see whether any man is going to travel wrongly. If it is not so, I think what the Honourable Member has said is not correct and I hope the Honourable Member will make it clear that he does not mean that at all. Supposing that a man is travelling with a proper ticket, but he has done some wrong for which there is a person standing at the station with a warrant or summons, well, that will be a different question; it will not be a railway question at all, it will be a question between the magistrate and that person and that summons may be served on him. Therefore, I am submitting that that question does not arise, and I think this amendment, which would make it more clear, may be accepted.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, according to my reading of the clause, I think it is very badly drafted,—and the speeches show that neither the Government side has understood properly what is the significance of this nor some of the Honourable Members on this side. Four matters are being mixed up in one clause which really ought to have been split up into different clauses. Here we take, one, the case of a man without a ticket, the second is 'with ticket but of a lower class', the third category is 'people travelling beyond the place authorised by the ticket', and the fourth is 'if he refuses to deliver the ticket immediately'. If a man is found to be falling under any of these heads, what will be done by the railway employee? The railway employee may take him out of the carriage unless he there and then pays the fare and the excess fare which he is liable to pay. Now, where does the question come in, if a man is found to be one who is not able to

[Sir Muhammad Yamin Khan.]

deliver the ticket? Where is the excess fare coming in there? You say that there and then he must pay the excess fare. I cannot understand how this will be relevant here and how this clause will be interpreted by any court that there arises any question of excess fare. The man may say, "all right, I cannot deliver the ticket just now, I will search up", and by the time the train is just going to start and when one minute remains, this man is dragged out of the carriage. How is this relevant,—how this will fall under this category I cannot understand. Probably the Honourable Member was not listening and he was talking, and, therefore, for his benefit I will repeat. If a man refuses to deliver the ticket immediately, then he will be taken out of the carriage, unless he there and then pays the fare. Now, how does it apply? Tell me how this clause is to be read in this case. A man may not deliver the ticket immediately, he may take two minutes or three minutes in delivering the ticket, or in showing the ticket; therefore, he is to be taken out of the carriage unless he pays the fare. He has paid the fare, he has got the ticket but he did not show it immediately; then you say that he will be taken out.....

The Honourable Sir Andrew Olow: The Honourable Member does not seem to be speaking on the amendment.

Sir Muhammad Yamin Khan: You have mixed up four things in one section, and therefore, it is causing all this misunderstanding. Now, Sir, if the man is to be taken out, take the other case, if the man is without a ticket, well, the man is to be taken out of the carriage unless he pays there and then the fare, of course that section does come in, and the man will be taken out of the carriage but there is no question of the magistrate here. Here is a man to be removed by a railway servant authorised by the Railway Administration in this behalf or by any other person whom such railway servant may call to his aid. The magistrate won't come up to his aid. It may be a police servant, but where is the magistrate coming in—that he may be taken before the magistrate? It may be a railway porter who comes to the aid of the railway employee. You take out this man but what about his luggage? What will happen to this man if he is taken out of the carriage but his luggage is allowed to go in the train? So, this is a great flaw in this section. Then, take the other case, the third category. If a man is found to be travelling in a higher class, then he will also be taken out of the carriage unless there and then he pays the excess fare. Of course, the excess fare will be leviable from him and he can be reasonably asked to pay it. But why should he be taken out of the carriage? The wording of this section should have been that such a man will be removed to the compartment to which he is entitled and will be liable at the same time to pay the excess fare. If he refuses to pay the excess fare, then he may be stopped from travelling any further. In fact, this section ought to have been a separate section in the Bill. Then, I come to the fourth category when a man is travelling beyond the place authorised by his ticket. In this case the Railway Administration can certainly ask the man to get out of the compartment because his ticket has expired unless he pays the fare there and then for the remaining distance he wishes to travel. So, this section has really been mixed up so badly and has been drafted so badly that all these various categories do not fit in. As this section cannot now be split up into two or three sections, the best course for the Government to adopt is to accept

the amendment of Mr. Maitra. His amendment is only explanatory so that the railway staff may not be confused in arriving at a decision. If his amendment is accepted, the railway staff will be able to understand the clause properly. When the Honourable Member himself did not understand the clause and he mixed up the question of the magistrates here, I do not know how a railway employee drawing Rs. 20 or Rs. 30 a month will be able to administer it.

The Honourable Sir Andrew Olow: It was not the clause that I did not understand: it was the amendment.

Sir Muhammad Yamin Khan: The amendment is meant to clarify the section.

The Honourable Sir Andrew Olow: But it does not.

Sir Muhammad Yamin Khan: If the Honourable Member will read the amendment carefully, he will find that it does clarify the position. It would have been better if the last words of the amendment were: "shall not be prevented from travelling in the compartment of the class for which he holds the pass or the ticket".

He has used the word 'carriage'. The idea may be that the man may be stopped from travelling in a higher class when he is holding the ticket of a lower class, but the word 'carriage' is causing confusion.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): That is all the section says.

Sir Muhammad Yamin Khan: But if he is removed from the carriage at a time when there is only half a minute for the train to start, how can he get into another compartment? You should give him time also to get into the other compartment. It is all right in the case of a man who is travelling without a ticket.....

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

Sir Muhammad Yamin Khan: I was replying to the objection taken by the Honourable the Leader of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the amendment.

Sir Muhammad Yamin Khan: The amendment seeks to clarify one position only and that is that in a particular class, the man shall not be prevented from travelling further. And that, I think, is very necessary. It would not have been necessary if this clause had been split up and put down in several sections. But as the section stands at present, I think the amendment is necessary for its proper understanding. Sir, I support the amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, this may not be the experience of the Honourable the Railway Member or of the very high railway officials, but it is the

[Mr. Muhammad Azhar Ali.]

general experience of all those who represent their constituencies in this House. As many Honourable Members on this side have taken a serious objection to the wording of this clause, I think it but meet and proper that proper attention should be paid to it and care should be taken to see that no loophole is left for the harassment of the people who travel by the railway. Sir, the railways are a commercial concern and, as such, every facility should be given to the passengers to travel by them. I can say from my own experience, and, I am sure, this must be the experience of many other Honourable Members that a man, who is travelling in, say, first class, calls his servant to his class to arrange his luggage or to look after his things if he is going to the refreshment room. In such a case, the result will be that as there is no lack of mischief-makers amongst the railway employees, they can easily ask this servant as to why he is in that higher class. If he does not make over his ticket immediately and says that his master is in the bathroom or some other place.....

Mr. President (The Honourable Sir Abdur Rahim): That does not really arise on this amendment. The amendment relates to travelling in a higher class.

Mr. Muhammad Azhar Ali: If the servant goes from third class to the first class to serve his master, then he is travelling in a higher class. If you take that as an illustration and if a family is travelling, the same result will ensue, because, generally, amongst the Indian families the male members of the family keep their tickets, and not the females. If the female member is asked to produce the ticket immediately and she is unable to do that, the same result will follow. The amendment that has been moved by Pandit Maitra removes the sting which has been detected by the Members on this side of the House and we all consider that the objection is very reasonable. Therefore, I support the amendment.

Dr. P. N. Banerjee: Sir, the Honourable Member for Railways says that this amendment is unnecessary, but it has been pointed out by several Honourable Members that the amendment is necessary in view of the fact that this clause has been very badly worded. When there is such difference of opinion among Members of this Assembly would it not be better for the Honourable Member for Railways to accept the amendment in order that the whole position may be made clear? If we are unable to understand this clause properly, how can we expect a railway servant drawing a salary of Rs. 30 or Rs. 40 a month to understand it clearly? It would lead to harassment and, therefore, in order to prevent the harassment, I would ask the Honourable Member for Railways to accept this amendment although it may seem redundant.

The Honourable Sir Muhammad Zafrullah Khan: Sir, the apprehension that Honourable Members have, so far as one can judge from the speeches, is that when a passenger is found travelling in a higher class of carriage than the one for which he possesses a ticket or a pass and he is ejected under the provisions of this new clause, this clause might be construed by railway servants as investing them with authority not only to eject such a passenger from the carriage in which he is travelling and in which

he is not entitled to travel, but also that he might be detained and not permitted to continue his journey even in the class of carriage for which he is holding a pass or ticket.

Pandit Lakshmi Kanta Maitra: By the same train.

The Honourable Sir Muhammad Zafrullah Khan: Of course, that is what I mean. In my opinion the apprehension is not justified for the reason that there is nothing in the section which purports to invest any railway servant with that authority. All that the section says and has in view is that such a passenger can be removed and would be removed from the carriage in which he has no business to travel inasmuch as he does not possess a pass or ticket authorising him to travel in that class of carriage. But assuming that there is something to justify the apprehension to which Honourable Members have given expression, I do not think that this particular amendment is quite apt for achieving that which they have in mind.

Sir Muhammad Yamin Khan: You can bring your own amendment, which may be a better one.

The Honourable Sir Muhammad Zafrullah Khan: Honourable Members are approaching every one of these questions with a good deal of suspicion in their minds. One is trying to do what one can to meet them and if that is all they desire, we on this side are quite willing to consider something which would meet that apprehension and move an amendment to that effect at some later stage. This is the kind of thing we have been thinking of:

"Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket."

If this is acceptable, then with the permission of the Honourable the President, we might move this amendment. Sir, I beg to move:

"That in clause 5 of the Bill, to the proposed section 113A, the following proviso be added:

"Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket'."

Sir, I hope this will meet the apprehension of Honourable Members.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that there is no objection to this amendment on the ground that copies of the same have not been circulated.

Honourable Members: No, no.

Pandit Lakshmi Kanta Maitra: I beg leave of the House to withdraw my amendment. The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 5 of the Bill, to the proposed section 113A, the following proviso be added:

"Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket'."

The motion was adopted.

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LEGISLATIVE ASSEMBLY

[5TH MARCH 1941]

Pandit Lakshmi Kanta Maitra: Sir, I beg to move:

"That in clause 5 of the Bill, to the proposed section 113A, the following proviso be added:

'Provided that no passenger shall under any circumstances be so removed at any station which is not either a railway junction station or the administrative headquarters of a district'."

Sir, this amendment is designed to place a delinquent in a somewhat better position than that in which he otherwise might be as a result of the clauses adopted by the House. Sir, for the first time by this provision of eviction, we give railway servants power to eject a passenger travelling without ticket. My point is that in the interests of the passengers travelling without ticket as also in the interests of the railway administration itself, it is desirable that the delinquent shall not be placed in an utterly helpless position.

Mr. Lalchand Navalrai: Defaulter and not delinquent.

Pandit Lakshmi Kanta Maitra: Yes, if the defaulter is set down at any wayside station at odd hours, he may be placed in a position in which he cannot either pay the fares to the railway administration or the excess that may be due from him, besides being in a very inconvenient and an uncomfortable position. If he is set down at a railway junction for instance, it may be possible for him to find money from his friends or relations who may be there, and to pay up the dues and he may thereby be saved from further harassment and trouble. I am not unmindful of the fact that in the Railways Act of 1890 there are certain provisions which authorise eviction of passengers; but they stand under different categories altogether. There are, for instance, provisions contained in sections 118, 119, 120 and 122. In none of these cases, from the point of view of the travelling public, can any body have any objection, as in such cases, a passenger who is sought to be removed has behaved in such a way as to make himself a nuisance to the travelling public or that his travelling becomes dangerous to his fellow passengers and so on and so forth. But the present provision goes a long way to widen the scope of the power of ejection; and accordingly I think we should provide that he should be ejected, if necessary, either at a junction station or at some administrative headquarters of a district. I dilated on this point at considerable length in connection with the general consideration of the Select Committee's Report, and I commend this amendment to the acceptance of the House. Sir, I move.

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

"That in clause 5 of the Bill, to the proposed section 113A, the following proviso be added:

'Provided that no passenger shall under any circumstances be so removed at any station which is not either a railway junction station or the administrative headquarters of a district'."

The Honourable Sir Andrew Clow: Sir, I oppose this amendment. It seems to me to go further than any reasonable person can claim. It means, for example, that if any one should get into the train at Delhi he is entitled to a free trip as far as Muttra—90 miles away.

Pandit Lakshmi Kanta Maitra: Charge him.

The Honourable Sir Andrew Clow: But he may not have any money. The very type of people whom we are trying to get at are the people—

mendicants and people posing as religious gentlemen who keep on jumping on our trains. If removed, they slip away and get in at a station where the station master is not so vigilant or the staff is not so vigilant and then they get another little ride for a few miles till somebody takes them and pulls them out. Under this proviso their religious pilgrimage will be greatly facilitated; they would have an opportunity of getting longer jumps and in addition would be provided with free accommodation at the end of journey because we are not even given the power to evict them at a terminal station.

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

"That in clause 5 of the Bill, to the proposed section 113A, the following proviso be added:

'Provided that no passenger shall under any circumstances be so removed at any station which is not either a railway junction station or the administrative headquarters of a district'."

The motion was negatived.

Dr. P. N. Banerjee: Sir, the next amendment is mine on the Supplementary List No. 2.

The Honourable Sir Andrew Clow: I suggest for your consideration, Sir, that the amendment at the end of the Supplementary List No. 3—amendment No. 6—is likely to command more support in the House and it would facilitate our discussion. . . .

Dr. P. N. Banerjee: No. Mine is of somewhat wider import.

The Honourable Sir Andrew Clow: But I think the other one will command wider support.

Dr. P. N. Banerjee: Mine is a little wider.

Mr. President (The Honourable Sir Abdur Rahim): There is an amendment in the name of Mr. Essak Sait on Supplementary List No. 3.

Mr. H. A. Sathar H. Essak Sait: Sir, I move my amendment with a little change because of the proviso that has already been accepted. Therefore, my amendment will read like this. . . .

Dr. P. N. Banerjee: On a point of order, Sir; my amendment is somewhat wider than this: it is more comprehensive, and if this one is accepted, my amendment cannot be moved.

Mr. President (The Honourable Sir Abdur Rahim): Which amendment is that?

Dr. P. N. Banerjee: Supplementary List No. 2: it is the only amendment in that list.

Mr. President (The Honourable Sir Abdur Rahim): It is practically the same subject.

Dr. P. N. Banerjee: No, Sir. It is more comprehensive; therefore, I want to move it.

Mr. President (The Honourable Sir Abdur Rahim): One is not inconsistent with the other. Mr. Essak Sait can move his amendment, and after the result of that is known, Mr. Banerjee can move his amendment unless it is barred. The objection is practically the same. Mr. Essak Sait.

Dr. P. N. Banerjee: Allow me to submit, Sir, that this motion will not be covered: Mr. Essak's amendment is more restricted than mine.

Mr. President (The Honourable Sir Abdur Rahim): If it is not barred, then the Honourable Member can move it. He cannot move it now. Mr. Essak Sait will move his amendment.

Mr. H. A. Sathar H. Essak Sait: Sir, I move:

"That in clause 5 of the Bill, to the proposed section 113A, the following further proviso be added:

'Provided further that women and children, if unaccompanied by male passengers shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M.'"

Sir, I think the purport of my amendment will be quite clear to Honourable Members. We have been discussing this clause 5 for a long time now. But my point is this. We are now granting powers to the railway executive for the first time to remove passengers from railway compartments if they are found to travel without ticket and if they come within the mischief mentioned in this clause. I would very much wish that this clause had been omitted. I had a motion to the effect, but our position in this House being what it is today, we can only get our points settled by compromises, and not by the force of our votes, and therefore we had to hold very prolonged conferences with the Government Members, and this is the best that I could get. In order to make my position quite clear to the House and to my constituency outside, I must point out that I am not accepting the principle underlying this clause 5 at all, but as I said, situated as we are, I could only get what I have now got, and so I am proposing this amendment. By this amendment I want to restrict as much as possible, the power given to the railway executive to remove any passenger at any time of the day or night and to get the help of any person for such removal, particularly with regard to the removal, of ladies and children. Sir, all over the world feelings with regard to ladies and children are very delicate, and if we do not restrict these powers in respect of the removal of women and children, it may lead to very great difficulties later on, and therefore I suggest,—and I hope the House will accept it,—that the powers given to the railway authority for the removal of women and children travelling without a male relative or friend should be restricted in the following manner. First of all, they should not be removed from the railway compartment at any hour of the night; that is to say, no lady or child, who is not accompanied by a male passenger, can be removed from the carriage between the hours of 6 P.M. and 6 A.M. Then if in the day time they are to be removed, they can be removed only at the stations mentioned in this amendment, that is to say, they can be removed either at the station at which they first enter the train, or at a junction or terminal station or at a station at the headquarters of a civil district. Supposing they are detected at the station they first entered the train, then the railway authority will have the right to remove them then and there. But if the train leaves with such passengers, then those people can be removed only at the next junction station, or at any junction after they are detected, but not at any wayside or roadside station. Then these people can also be removed at the terminus station, that is to say, the station at which the journey ends. And further more, they can also be removed at stations which are the headquarters of a civil district. They will be big stations, and that is why they are permitted to be removed at such big stations. The idea underlying

this is that there should be as little harassment as possible when ladies and children are removed. If they are to be removed at wayside stations, in the middle of the night one can imagine the trouble and the inconvenience that will be caused to them. It is to prevent all these things that I am moving this amendment, and I commend it to the House.

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

"That in clause 5 of the Bill, to the proposed section 113A, the following further proviso be added:

'Provided further that women and children, if unaccompanied by male passengers, shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M.'"

As regards the amendment which stands in the name of Dr. Banerjee, that also is designed to meet the same contingency. The proper course for him and those who support his amendment will be to argue that instead of this remedy the other remedy is preferable. If he can persuade the House to reject this motion then he can move his motion.

Dr. P. N. Banerjee: May I speak to this amendment, Sir?

Mr. President (The Honourable Sir Abdur Rahim): Yes.

Dr. P. N. Banerjee: Sir, at the time when the second reading of this Bill was being considered, I made my position perfectly clear. I said that I had no sympathy with the ticketless traveller who wishes to defraud the railway administration. At the same time, I urged that the provisions of this Bill should not be so worded that it might lead to harassment and oppression of people. It is absolutely necessary that some protection should be given to women and children. The women of this country suffer under two handicaps,—90 or 95 per cent., of them suffer under two handicaps, namely, illiteracy and *pardah*. Therefore, special protection should be given to them. If a *pardanashin* illiterate woman is asked to vacate a compartment and get down at a station somewhere between a starting station and station of destination,—at a wayside or roadside station, what will be her condition? Who will help her? Even if it be a junction station or the headquarters of a district, how can she receive help? She may have no relations or friends there; in such a case she will not receive any protection. Similarly, in the case of children, there will be great difficulties. And in the case of both women and children it may happen that they are unable to produce their tickets. The clause has been read by several speakers before, and one part of the clause says that he or she may be removed unless the ticket is immediately shown. Now, a *pardanashin* lady may travel on the train in a compartment different from the compartment in which her male relative or friend travels, or it may happen that she has lost the ticket. These *pardanashin* ladies are not very careful about their tickets, and you may understand the plight of a woman when she is removed at a roadside station. You cannot say that this lady was travelling in order to defraud the company. If she does so, you may arrest her either at the station of destination or at the starting station, and then if you are satisfied that she is not innocent, you may inflict on her adequate punishment. You may realise a fine, you may bring her before a Magistrate and have her convicted; but to

[Dr. P. N. Banerjea.]

remove her at a roadside station will be very unfair and very unjust. I admit that the amendment moved by my Honourable friend, Mr. Essak Sait, goes some distance towards removing my objection, but it does not go the whole length. I, therefore, urge, that my amendment which is more comprehensive should be accepted in order that there may not be any harassment or oppression of women and children.

I do not wish to vote against this amendment because I may not get the other amendment through. Our voting strength is not so great as it would have been if the Congress Party had been here, but I would request the Honourable the Railway Member to consider this aspect of the question. It is from no desire to oppose him that I make this suggestion, but it is from a desire to give adequate protection to women and children that I make this suggestion. Women and children do require protection. The Act is likely to be administered in a very stringent manner,—it ought to be administered in a very stringent manner. Fraudulent ticketless travel ought to be stopped by all means. But whilst stringency should be shown in preventing ticketless travel, *bona fide* cases of difficulty should not be lost sight of. We should not ignore the possibility of innocent people being harassed, particularly women and children.

The Honourable Sir Andrew Clow: If my Honourable friend, Mr. Essak Sait, has misgivings about this amendment

Dr. P. N. Banerjea: He moved it in a half-hearted manner.

The Honourable Sir Andrew Clow: I assure him that I also have misgivings about it. It seems to me to leave dangerous openings for abuse and I must warn him that if it is abused I may have to approach the House again with a stiffer provision. It gives a very dangerous latitude to children, for example, jumping trains. The House knows what boys are. Boys can jump on to the footboards of trains after 6 o'clock and travel for about 12 hours at night free of charge. The boy has no money at the other end and no magistrate is likely to put him into prison. Dr. Banerjea, of course, says it does not go the whole length. It does not go the whole length of India. Under his amendment, a boy can get into the train at Peshawar and say that his destination is Tuticorin, and he will be entitled to travel three or four days till he gets to his place of destination. He says his place of destination is Tuticorin.

Dr. P. N. Banerjea: That would be dishonesty. I never said that and I never wanted to encourage dishonesty. Why should you put things into my mouth which I did not say? I did not expect this from you.

The Honourable Sir Andrew Clow: I appeal to your protection, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member (Dr. Banerjea) is not justified in interrupting in that manner.

The Honourable Sir Andrew Clow: I never put a single word in Dr. Banerjea's mouth. What he said was that this does not go the whole length. I say it does not go the whole length of India.

Dr. P. N. Banerjea: It ought to be reasonably interpreted.

The Honourable Sir Andrew Clow: If the amendment were adopted, any child, any boy who had got into the train at Peshawar and said that his destination was Tuticorin would be entitled to travel and nobody could disprove it.

Dr. P. N. Banerjea: It is absurd.

The Honourable Sir Andrew Clow: I quite agree with him that that is absurd.

Dr. P. N. Banerjea: Your statement is absurd.

The Honourable Sir Andrew Clow: As a matter of fact, I gather that the Burma Legislature has passed an Act to deal with children under which, if they fail to pay a fine, they are liable to whipping. But the Burma Legislature is possibly made of sterner stuff

Dr. P. N. Banerjea: Imitate that Legislature!

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not interrupt.

The Honourable Sir Andrew Clow: than this Assembly, and I have not followed their example in trying to persuade this Assembly to take that course. As I said, the amendment proposed by Mr. Essak Sait, goes as far, perhaps farther, than any one can reasonably claim, and while I view it with considerable misgivings I am always anxious to try and meet the House as far as I can and I will not oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is :
"That in clause 5 of the Bill, to the proposed section 113-A, the following further proviso be added :

"Provided further that women and children, if unaccompanied by male passengers, shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Dr. Banerjea's amendment is barred. The question is :

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 3 has stood over. The question is :

"That clause 3 stand part of the Bill."

The Chair finds there are a number of amendments for substitution.

Mr. Lalchand Navalrai: There is one amendment which is in the main List, No. 3, that clause (b) be omitted.

The Honourable Sir Andrew Olow: There are several amendments which are for complete substitution, and I suggest that they be disposed of first.

Mr. President (The Honourable Sir Abdur Rahim): The amendments for substitution will be dealt with first. There are three of them. The best course will be that all the three amendments be moved and then there will be a discussion.

Mr. M. S. Aney (Berar : Non-Muhammadan): May I suggest one thing? All amendments should be moved, and those amendments which seek to amend certain portions of the existing clause of the Bill may be put to vote first and those which seek to substitute the whole clause may be put to vote last.

Mr. President (The Honourable Sir Abdur Rahim): What would be the good of that? That will be of no-use.

Mr. J. H. F. Raper (Government of India: Nominated Official): Sir, I move:

"That for clause 3 of the Bill the following be substituted:

'3 (1) Section 112 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered,

(a) in clause (a) for the words and figures 'in contravention of section 68 any carriage on a railway' the words and figures 'or remains in any carriage on a railway in contravention of section 68' shall be substituted; and

(b) after the words 'shall be punished' the words 'with imprisonment for a term which may extend to three months or' shall be inserted.

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely:

'(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months'."

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

"That for clause 3 of the Bill the following be substituted:

'3 (1) Section 112 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered,

(a) in clause (a) for the words and figures 'in contravention of section 68 any carriage on a railway' the words and figures 'or remains in any carriage on a railway in contravention of section 68' shall be substituted; and

(b) after the words 'shall be punished' the words 'with imprisonment for a term which may extend to three months or' shall be inserted.

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely:

'(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months'."

Pandit Lakshmi Kanta Maitra: Sir, I move:

"That for clause 3 of the Bill the following be substituted:

'3. For section 112 of the said Act the following shall be substituted, namely:

'112. (1) If a person, with intent to defraud a railway administration, enters or remains in any carriage on a railway in contravention of section 68, he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(2) If a person, with intent to defraud a railway administration, uses a single pass or a single ticket which has already been used on a previous journey, or in the case of a return ticket, a half thereof which has already been so used, he shall be punished with imprisonment for a term which may extend to four months or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled'."

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

"That for clause 3 of the Bill the following be substituted:

3. For section 112 of the said Act the following shall be substituted, namely:

'112. (1) If a person, with intent to defraud a railway administration, enters or remains in any carriage on a railway in contravention of section 68, he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

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Mr. H. A. Sathar H. Essak Salt: Sir, I move:

"That for clause 3 of the Bill the following be substituted:

Fraudulently travelling or attempting to travel without proper pass or ticket.

'3. For section 112 of the said Act, the following shall be substituted, namely:

'112. (1) If a person, with intent to defraud a railway administration, enters or remains in any carriage on a railway in contravention of section 68, he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(2) If a person accused of an offence punishable under sub-section (1) has been previously convicted of an offence punishable under sub-section (1), he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(3) If a person, with intent to defraud a railway administration, uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of a return ticket, a half thereof which has already been so used, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(4) Notwithstanding anything contained in section 65 or section 67 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months'."

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

"That for clause 3 of the Bill the following be substituted:

Fraudulently travelling or attempting to travel without proper pass or ticket.

'3. For section 112 of the said Act, the following shall be substituted, namely:

'112. (1) If a person, with intent to defraud a railway administration, enters or remains in any carriage on a railway in contravention of section 68, he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

[Mr. President.]

(2) If a person accused of an offence punishable under sub-section (1) has been previously convicted of an offence punishable under sub-section (1), he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(3) If a person, with intent to defraud a railway administration, uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of a return ticket, a half thereof which has already been so used, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(4) Notwithstanding anything contained in section 65 or section 67 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

Now, these three amendments are before the House.

Mr. J. H. F. Raper: During the course of the debate on other clauses of the Bill, Government have been made aware that in the opinion of many Honourable Members the maximum penalty under this section was unnecessarily severe. We cannot, however, refrain from taking a grave view of fraud, especially of fraud on the community but we are anxious to meet as far as practicable the view held by a number of Members of this Honourable House. My amendment, therefore, proposes to reduce the maximum period of imprisonment to three months which is, I notice, the term suggested in the amendments by my Honourable friends, Pandit Maitra and Mr. Essak Sait. We consider it however very important to retain the period of imprisonment in default of payment which would result from the original section and the proposed sub-section (2) has this effect. The objection to Mr. Essak Sait's amendment lies chiefly in the fact that for fraud it provides that there shall only be a fine for the first offence.

Pandit Lakshmi Kanta Maitra: Mr. President, the amendment which I have moved seeks to lay down two distinct classes of offences that might be committed under the section. The first part deals with the class of cases where there is travelling without a ticket. There is no doubt the governing clause that, in order to sustain a conviction under section 112, sub-clause (1), the intent to defraud the Railway Administration has got to be proved. Sir, men in the legal profession know very well how difficult it is for the prosecution to prove intent to defraud, and how equally difficult it is for the defence to prove innocence when he is charged with intent to defraud the Railway; that is to say, the proof of a clear intent to defraud in many cases cannot be established to the satisfaction of the court, and also the accused whenever so charged with intent to defraud cannot in most cases successfully prove it otherwise. I have, therefore, provided that in such cases there should be only a sentence of fine in addition to the single fare for any distance which the defaulter may have travelled. Under the law as it stands at the present moment, the punishment for such offence, *vide* section 112 of the Railways Act, is only a fine of one hundred rupees. I do not see any reason why we should change this standard punishment in this Bill.

But the other class of cases stands on an entirely different footing. There, besides the intent to cheat or defraud the Railway Administration, is the further element of moral turpitude as disclosed in the overt act of using or trying to use a ticket which has already been used on a previous

journey and in the case of a return ticket one-half thereof which has already been so used. I do not think it will be fair to lump together these two distinct classes of offences and provide one common form of punishment for both. As I have shown, a clear distinction may be drawn and I think ought to be drawn between these two classes of cases and separate forms of punishment ought to be provided. That I look upon the latter category of cases as more serious than the former is clear from my amendment wherein I provide for it four months' imprisonment in place of three as proposed by Mr. Raper; but I want to leave it at that. The amendment proposed by my Honourable friend, Mr. Raper, makes another addition by a sub-clause which disturbs the existing law as provided by the Indian Penal Code in the matter of awarding the punishment. Sir, sub-clause (2), I submit, takes away the salutary provision made in the Indian Penal Code by section 65. That section clearly provides that :

"the term for which the court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence if the offence be punishable with imprisonment as well as fine."

This provision has been holding the field since, I believe 1862, and it has not been disturbed by any other measure so far. The judiciary in this country has been giving effect to it, as they have found it a very salutary provision restricting the power of certain classes of magistrates in certain classes of cases where certain specific forms of punishment are laid down. I do not quite understand why this provision of the Indian Penal Code, which still holds the field and against which there has not been any criticism by any High Court in India, should come in for a sort of virtual repeal in connection with the trial of offences under the Indian Railways Act. Now, let us see what it comes to. Section 65 of the Indian Penal Code has been interpreted by the judicial courts in India in a certain manner. The different High Courts, for instance, the Burma High Court and the Patna High Court, have laid down a special procedure in connection with this section. But, Sir, the effect, in general, may be briefly stated as follows. In any case decided by magistrates where imprisonment has been awarded as part of the substantive sentence, the period of imprisonment awarded in default of payment of fine shall not exceed one-fourth of the period of imprisonment which such magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of the payment of fine. That has been the established practice. One has to read along with it the provisions of section 33 of the Criminal Procedure Code. That section does not authorise the magistrate to pass a sentence in default of the payment of fine in excess of the term prescribed by this section. Now, what would this additional provision sought to be made by my Honourable friend, Mr. Raper, come to mean? It means this. According to Mr. Raper's amendment, the maximum penalty which may be inflicted on a person travelling without a ticket or travelling with a used ticket is a substantive punishment of three months imprisonment or fine. But in default of the payment of fine, the magistrate cannot according to Section 65 of the Penal Code award more than three weeks' imprisonment, *i.e.*, one-fourth of the maximum term which the magistrate can inflict under the section.

Now, this Statutory restriction of the Magistrate's power is sought to be removed by the sub-clause proposed by my Honourable friend, Mr. Raper. If there is a sentence of fine and, if, in case of its non-payment, a sentence of imprisonment is to be awarded,

[Pandit Lakshmi Kanta Maitra.]

then, according to this proviso, it may go up to three months. So, I say that it makes a violent departure from the Indian Penal Code which can by no means be justified. I know it will be said: Well, it is taking away the severity which we want to impose in the sentence and that the term awarded by the trying Magistrate in default of fine would not be sufficiently deterrent as the maximum term would not exceed, in any case, three weeks. Let me tell them at once that I join issue with them on that question. I do not think that depriving a man of three weeks' liberty is such a small matter as they think and we should not, therefore, provide for the maximum of three months. I have pointed out several times in my speeches on this Bill that this penal provision which seeks to give protection to the Indian Railway Administrations is not applicable to any other alternative system of transport. I say it is highly unfair that while other competitive systems of transport do not enjoy any kind of protection they propose to give additional protection to the Railways by this provision. I do not understand why the railways should claim this special privilege in the shape of this stringent provision. I am one of those who do not believe that heavy sentences by themselves will eradicate an evil. There must be other factors which must be in operation to wipe it out. Member after Member in this part of the House has said that the Indian railway systems do not provide sufficient facilities for the purchase of tickets at many railway stations. I do not think this part of our case has at all been carefully considered by the Railway Department. They do not seem to attach any importance to our grievance against them in this respect. I have not heard up till now one sentence from the Members who are sponsoring this Bill to assure us that such facilities would be given. They seem either to ignore it or not to believe in our allegations. It is palpable to every Indian who travels in lower classes that the facilities generally afforded by the railway systems are very meagre. There are many important stations where though the notice indicates that the counters are open for continuous booking they are not attended to as such. I do not say that the railway employees are to blame always. In many cases they are so over-worked that one or two counters cannot meet the needs of the vast masses of people that go in for tickets. That is a fact which has been ignored completely and we have failed so far to drive home this point to my friends on the Treasury Bench. What have they done? What steps have they proposed? We have just passed through the railway budget. Have they provided any additional facilities for the purchase of tickets? You do not care to meet this elementary necessity and yet you come forward with stringent provisions by which many innocent persons may be victimised. I am against that. Unless and until you exhaust all these possibilities of checking ticketless travelling, you cannot come forward with clean hands and demand these additional powers.

Now, Sir, it has been argued, time and again, by the sponsors of this Bill that deterrent sentence of imprisonment should be inflicted so that people may be deterred from taking to this mode of travelling. But I think we have to view this question, as I said once before, from the point of view of the public exchequer. If you cannot realise your fees and fines from people, you can certainly sentence them to jail. You cannot sentence a man to jail for a long travel unless you accept that your checking

staff is hopelessly inefficient. So, in the nature of things the travel must be a short one and for this short travel you are in a position to inflict three weeks' rigorous imprisonment in default of payment of fine. Is it a joke, I ask? If a man has incurred a liability of one rupee or 8 annas for a journey and is unable to pay that amount and assuming that he is sentenced to a fine of Rs. 100 or in default to undergo imprisonment for three weeks, then for these three weeks the public exchequer will have to spend money to feed him in the jail. It may be Rs. 10 for the sake of annas eight. Our public jails and His Majesty's penitentiaries should not be so hospitable and if those who are in charge of them are so disposed, then it is our duty to tell them that they should not be permitted to try the offences in that fashion. From the point of view of the public exchequer, we cannot support sending numerous people to jail when you cannot realise your dues from them, though, at the same time, I concede that you may sentence them to some terms of imprisonment. You have made a provision which is unique, if I may say so, in the annals of penal legislation that an alternative sentence for fine will be a deterrent sentence. That is ridiculous and no lawyer can approve of it. Therefore, by my amendment I have gone a step further than the Government has proposed to go, that is to say, instead of awarding three months' imprisonment, I have provided four months' imprisonment in case of those people who intend to deprive the railways of their dues. But I am not going to give the Government by this Bill the power to scrap up the provisions of section 65 of the Indian Penal Code and give the Magistrates power to award in lieu of fine, an alternative sentence of three months' imprisonment which is the maximum laid down as a substantive punishment for the offence. Sir, I have made my position clear to the House. The sub-section which has been proposed by my Honourable friend, Mr. Raper, is a provision which nobody should support. That is an absurd position and I hope my Honourable friends over here will give my amendment the serious consideration it deserves.

Mr. H. A. Sathar H. Essak Sait: Sir, the difference between my amendment and the amendment of Mr. Raper has been explained by Mr. Raper himself. The difference is very small though it is material. What my amendment seeks to provide is that first offenders should not be punished with imprisonment at all, but that they should only be fined. But then if an offender commits the same offence for a second or a third time, then he will be liable to imprisonment. That is what I want to provide, while Mr. Raper wants to send even the first offender, the second offender and everybody to jail. He does not discriminate between the first offender and the second offender. I think, Sir, my amendment should stand to reason after all the tall talk that Mr. Raper had that he wants to meet the wishes of the House and that sort of thing. If you look at Mr. Raper's amendment, rather closely, you will find out what is the concession shown by him. The clause in the Bill provided a substantive punishment of one year, now he says he has reduced it to three months. My Honourable friend, Pandit Lakshmi Kanta Maitra, explained what these three months come to. Actually it comes to nothing, because he has removed the effect of sections 65 and 67 of the Indian Penal Code from the administration of this Act, that is to say sections 65 and 67 of the Indian Penal Code are not to be enforced so far as these imprisonments or fines are concerned. If

[Mr. H. A. Sathar H. Essak Sait.]

Mr. Raper were willing to give up his sub-clause (2) of clause 2, then his concession will certainly be substantial, but actually with sub-clause (2) of clause 2 remaining, his concession means nothing because even otherwise when the Bill provided one year as substantive punishment the actual punishment would have been only three months under sections 65 and 67 of the Indian Penal Code. Actually, Mr. Raper's concession comes to nothing. What I am asking of the Honourable Member in charge is a very small matter. I also agree that the punishment should be three months and not less or at least that this restriction under the Indian Penal Code should not apply so far as these concessions are concerned, provided first offenders are let off with a fine only. That is the gist of my amendment and I hope the House will accord its support to it and also that the Honourable Member in charge will be willing to give his support to it.

Mr. M. S. Aney: Sir, may I ask one question? May I know whether the Honourable Member for Railways is willing to provide or not in his amendment that the provisions governing first offenders in the Criminal Procedure Code, section 562, shall apply to these offenders also?

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.

Dr. P. N. Banerjee: Sir, there are three amendments before us at the present moment. I believe that each of these amendments has its merits and defects. The amendment moved by the Honourable Mr. Raper looks somewhat simpler than the other two amendments. Pandit Maitra's amendment provides for certain matters which Mr. Raper's amendment does not include. Mr. Essak Sait's amendment is somewhat longer and a bit more complex. Personally speaking, I would have preferred the amendment moved by my friend, Pandit Maitra. But I do not think that there is much chance of its being accepted in its present form. I am prepared to support the amendment which has been moved by Mr. Raper if he modifies his amendment to some extent and includes the spirit of the other two amendments. What are these? The main respect in which Mr. Raper's amendment appears to me to be defective is that he places substantial punishment on the same footing as a punishment in lieu of fine. That is not quite correct; and if Sir Andrew Clow is prepared to accept the spirit of Pandit Maitra's amendment in this regard, namely, to allow the fundamental proposition laid down in the criminal law to stand, then he may suitably modify his amendment.

There is another matter which was raised by my Leader in the question relating to first offenders which he asked a short while ago, and I think he would be prepared to accept that in the amendment or embody its spirit in the amendment. Lastly, I would suggest a slight verbal alteration—not an alteration in the words used in this amendment but an alteration in the order of the words used. He places imprisonment first and fine afterwards: but the usual order adopted in the Penal Code and the Criminal

Procedure Code is that fine is placed first and imprisonment next. If the Honourable Sir Andrew Clow is prepared to make these modifications in the amendment moved by the Honourable Mr. Raper, I think he will be able to meet the wishes of the House to the full extent. In this connection I am glad to find that Sir Andrew Clow has shown a great deal of courage. When I spoke at the consideration stage about punishment, I said that the science of penology had now made much progress, at which the Honourable Mr. Raper and his entourage laughed. I also heard some whispers among his entourage to the effect, 'What is penology'? Now, I believe

The Honourable Sir Andrew Clow: There were no such whispers.

Dr. P. N. Banerjee: Not from you; "Your entourage" I said. Now, perhaps his friends and favourites have had time to look up the dictionary in order to find out the meaning of that term. However, as regards the substance of that part of my speech, I am glad that it has been accepted by Sir Andrew Clow. I said on that occasion that the punishment to be awarded should be of a deterrent character but not too severe; and Mr. Raper in moving his amendment has practically expressed the same view. He said that it should not be unnecessarily severe. That was my point of view; and I am glad the maximum punishment has now been reduced from one year to three months. So far so good. I congratulate the Honourable Sir Andrew Clow on his change of view and in his confession of a change of view. I hope now that he will go a little further and meet the wishes of the Opposition so that this Bill may be deprived of all its defective features. If he accepts my suggestions, there will be no difficulty in placing before the House an amendment which will include all the suggestions made by me and which will be acceptable to all the sections of this House.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, it appears to me that the Honourable Member in charge of the Bill is very fond of sending people to jail, as is evident even from the latest offer which has been made in the amendment moved by Mr. Raper on behalf of the Government. We are deadly opposed to sending to jail any man for a wrong committed to a business concern. If we are going to yield on this point, then other business concerns also will come forward with similar measures. We are afraid of that. However, I see that two of my colleagues here have also tabled two amendments which also include provision for imprisonment, but I think they have done so in utter helplessness or hopelessness, because they have recognised the strength and position of the Government in this House. Therefore, they considered it best to take as much as they could get, but I do not think the Honourable the Railway Member could be moved even by an inch. If he moves, well and good . . .

The Honourable Sir Andrew Clow: Moved by yards.

Maulvi Muhammad Abdul Ghani: Out of the two amendments proposed,—one by my friend, Mr. Essak Sait, and the other by my friend, Pandit Lakshmi Kanta Maitra, I think the amendment of my friend, Mr. Essak Sait, will be acceptable to the Railway Member, because imprisonment is also provided in it, but that provision will apply only to those who are out to defy the railway authorities or those who are habitual offenders. At the very outset I said that we cannot commit ourselves to this principle;

[Maulvi Muhammad Abdul Ghani.]

that is, to give sanction to previous conviction. You know, Sir, that after great trial and experience the provision in the Indian Penal Code was made for previous conviction, and that too only in certain cases,—for instance, offences against property; whereas in this case my friend gives the right of previous conviction to the railway authorities. Although the public outside the House are deadly against imprisonment, I hope the Honourable the Railway Member will reconsider this provision, and will accept the amendment of my friend, Mr. Essak Sait.

Mr. Lalchand Navalrai: Sir, this is the most drastic and difficult provision that has been included in this Bill

Dr. P. N. Banerjea: It is less drastic than the provision in the original Bill.

Mr. Lalchand Navalrai: I will come to that presently and you will see whether the admiration you expressed to the Railway Member is justified or not.

Sir, I am of the opinion that there should be no provision for imprisonment in this Bill. At the time of the general discussion at the consideration stage of this Bill, there was some unanimity on this side of the House on the point that there should be no imprisonment provision. We do see our own position here. We see that in this House any Bill of any nature, however heinous and serious it may be, can be passed. But I am not so pessimistic as some of my friends on this side are to come to a compromise with the Government on the question of imprisonment. They may feel helpless, but it is their duty to come forward in the interests of the travelling public and save them, and not be a party to an amendment only to lessen or curtail the period of imprisonment. My learned friend, Dr. Banerjea, said, that the Honourable the Railway Member had moved to such an extent that he, Dr. Banerjea, expressed great admiration for him. I think the Railway Member then said, if I heard him correctly, he had moved yards off. But, Sir, what do we find now? We have in the Act itself only fine as punishment, and that, since the year 1890, and if you will go through the other section of the Railway Act, you will see that the intention of the Legislature was that this Railway Act should be worked in a very lenient manner. From that point of view, they have provided imprisonment in only one or two serious cases, otherwise you will find that the punishment provided for is fine.

As regards the improvement that the Railway Member has made with respect to punishment, it is this. When the predecessor of the present Railway Member had presented a Bill, he had provided for two months imprisonment, and now—this is moving further by yards,—the imprisonment concession provided is three months. This is how the Railway Member is moving. Sir, as I said, there should be no imprisonment at all. This is the most objectionable feature that appears in this Bill. If the Honourable the Railway Member cannot remove this objectionable feature, then my submission is that he should consider and provide such punishment as will be consistent with the other laws. If he cannot do even that much, then he should try and minimise the rigour or the intensity of the punishment.

Now, coming to that question, it has been suggested that at least the Railway Member should agree that if there is going to be punishment of imprisonment at all, then the first offender should not be given

imprisonment. In practice when the law is applied by courts we always find that it is considered that there should be leniency in respect of the first offence. Here I would submit that the traveller is not an offender at all, I would call him a defaulter. It is not a criminal offence that the man commits. After all, this is a commercial concern and the travelling public should be dealt with in such a manner that people may go and use the railway and not go to the motor buses and other conveyances. The railways should see that they do not lose the custom of the public. If nothing more can be done on the question of imprisonment, then it should at least be restricted to the second offence. I said that he is a defaulter. He has not purchased a ticket and if you are going to impute to him fraud, in the first place, it will be very difficult to prove, and there will be cases on the border line in which the magistrate may think that the wrong committed by the man comes under section 112. In that case the first offence should not be visited with imprisonment. As regards the second point, I say that there ought to have been some consultation with the legal advisers of the Treasury Benches. Under no law does the imprisonment for default exceed one-fourth of the maximum imprisonment. Now, the Honourable the Railway Member is enacting a law which will be inconsistent with all other laws, and instead of 22 days or three weeks imprisonment, he says that the imprisonment will be for three months. Why does he depart from the law as it is at present? It applies even to criminal offences, and as such, why should a peculiar provision be enacted and the sanction of this House got—a House which on this side is only an empty House—at this stage to take advantage of an empty House to make an inconsistent law, a law which I submit would be a revolution in the general law which is being administered since 1860. The Indian Penal Code was enacted in 1860, and since then it has been administered. My Honourable friend is laying down not only one standard, but two standards even in this Bill. Clause 4 says:

“ The Magistrate . . . may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month.”

It is one month there in default, and here in the amendment it is three months. It is also against the general law. I should like to know why it is that the law under section 65 of the Indian Penal Code which is in force now and is being applied in the case of even serious offences, should not be applied in the case of a wrong that is done under a Railway Act. I, therefore, submit that there is neither consistency nor justice in providing punishment to the extent of three months for all offences, whether first or second, and also as regards default I have said that he is making a new law which should not be made at all. If nothing further can be expected from the Honourable Member, I hope at least that these two provisions will be amended.

Mr. J. Ramsay Scott (United Provinces: European): Mr. Deputy President, we are not enamoured with any of the three amendments, but as we are being given a choice of three evils, we do not oppose the amendment moved by my Honourable friend, Mr. Raper. We feel that the Bill, as originally introduced, has been so emasculated in the course of its passage, as to be of little or no use to the railways to prevent the growing, I might perhaps say, evil that seems to have come to stay. As the Bill will probably become an Act by the 1st April, I hope that we shall be supplied with the latest up to date statistics for the year 1940-41 and with those statistics which are available after the passing of this Bill, at the

[Mr. J. Ramsay Scott.]

time of the next railway budget, in order that we may see the effect of this legislation, I do not want to have to face another amending Bill at an early date. I would, therefore, like an assurance from the Railway Department or the Railway Member that he considers that this Bill would be effective.

Sir, I support Mr. Raper's amendment.

Mr. M. S. Aney: I take it that the main principle of the Bill that was introduced in this House was to provide punishment of imprisonment for those who are known as ticketless travellers. So, any amendment that is considered at this stage must not lose sight of that principle in my opinion. If that principle is to be ignored for any reason, then I would tell the Honourable Member that instead of dealing with amendments this way or that way, it would be better for him to withdraw the Bill and leave the law as it is. It is not after all a bad law. It was at least the contention that the law as it stood was not sufficient for them to cope with the growing evil of ticketless travelling, and some drastic provision ought to be made to bring offenders to book and award them serious punishment, and that is why they have to come in with a piece of legislation of this kind. So, I would not quarrel with him on the ground that a provision of imprisonment has been laid down there. So far as that point is concerned, I want to make my position clear.

Having done that, I would not like the Government to take undue liberty with the principles or legislation itself. I do not want to yield to my friend, Dr. Bamerjea, in expressing my appreciation of the spirit of conciliation shown by the Honourable Member in charge, Sir Andrew Clow. I think there is a good deal of difference in providing a substantive punishment of imprisonment for one year and a substantive punishment for three months only. In these two periods of imprisonment there is a good deal of difference, and to say that to reduce the period of punishment from one year to three months is no concession at all is doing violence to the language in my opinion. Therefore, I admit that there is that concession. But, having expressed myself unreservedly, about the conciliatory attitude which the Honourable Member has taken, I would at the same time see that in giving one concession he does not unduly encroach upon certain protective provisions which all offenders enjoy under the existing laws, and which restrict magistrate's discretion in the matter of punishment.

Now, what is being done by this amendment is to provide a punishment of three months imprisonment or certain amount of fine, not exceeding Rs. 100, for the offence under section 112 of the Indian Railways Act. Now, it has been the policy and a recognised principle that the law has to provide the maximum punishment either in the form of imprisonment or in the form of fine. What should be the punishment to be given to any offender is a matter on which the law leaves complete discretion to the magistrate himself upto the limit of the maximum provided. That is the first principle. The legislature can only do this. It can provide punishment, so many months imprisonment rigorous or simple whatever it may be and with fine or without fine—either the one or the other or both. In this case the punishment is in the alternative imprisonment or fine. That will be the position in section

112 after it is amended by this Bill. Now, the principle which is recognised and has been found to be salutary for all these years is that it is for the magistrate to use his discretion as to which are the two punishments to be given. If he chooses to give the punishment of fine, instead of imprisonment, it means that he does not think it is an offence fit for awarding the man the punishment of imprisonment at all. That is what it means. But it is also true that the magistrate has a right to recover the fine from that man and the inability or unwillingness of a man to pay the fine has never been considered by the legislature as a proper excuse for giving him the exemption from fine imposed. In lieu of the fine he has to undergo imprisonment but bearing in mind the fact that the magistrate chooses the lesser punishment and not the bigger punishment, Penal Code has made salutary provisions for enabling the magistrate to see what shall be the proper period of imprisonment for the man to undergo in lieu of the fine. That is an important point and when there are two punishments provided and the magistrate does not give the first punishment but chooses the latter, then the Indian Penal Code has laid down certain definite principles. In case the punishment of fine is provided and the fine is not paid, how is the defaulter to be dealt with. In that case the magistrate can only give him punishment which does not exceed one-fourth of the maximum punishment provided for the offence under the law. It is laid down in section 65-I. P. C. Section 67 has no application to the present case, as it applies to a case of imprisonment with fine. It has no application in a case of offences for which the punishment is imprisonment or fine and not both. Section 67 contemplates cases where the punishment provided by the law is both imprisonment and fine, while section 65 deals with those cases where the punishment is imprisonment or fine. Now, the discretion that is prescribed for the offence left to the magistrate to impose imprisonment in case of default only upto 1/4th period is taken away by the proposed amendment. Even if the magistrate instead of awarding the punishment of imprisonment gives a fine, it may be Rs. 100 or 50, it is laid down here in that case. The magistrate can award imprisonment in default of the payment of fine for the maximum period prescribed for the offence itself, viz., three months. Now it is certainly contrary to prevailing ideas of criminology and punishment that the maximum punishment provided for the offence itself as a substantive punishment is also to be the measure of the maximum period of imprisonment to be awarded in default. That is certainly a departure of a very serious nature in my opinion. There are many special and local laws. There are many laws such as excise laws, forest laws in which provisions have been made for the sake of penalising certain breaches of the rules and the provisions of the law. But at no time has it been thought necessary that they should also simultaneously enact that in case a fine under the law is not paid, the punishment should be such as to override the salutary provisions of sections 65 and 67 of Indian Penal Code. Why is it that the Railway Department wants to make an exception in this Bill? Why is it that it should depart from this salutary principle of legislation and restrict the discretion of the magistrate to such an extent. I believe it would be wrong for this House to give its consent to clause 3 as it stands here. I do not think the Honourable the Railway Member will lose much. They must really leave some discretion to the magistrate in this matter. If they think that the case is such that the man ought to be sent to jail, the magistrates will certainly send the man to jail. It may be for one month or two months or the full period. If not, the man will

[Mr. M. S. Aney.]

be fined and it must be left to the magistrate to find out what shall be the period for which the man can be sent to jail in default of payment of fine, the period of which will, in the absence of the special proviso in this clause, evidently be governed by the provisions of section 65 of the Indian Penal Code. I think the matter must stand at that and for that reason I cannot accept the amendment tabled by my Honourable friend, Mr. Raper. In actual administration he will lose nothing. The magistrate will use his discretion properly in this matter. He should rest content with that and not insist upon asking for something which is against the prevailing notions of criminal jurisprudence. As lawyers and citizens, we regard the provisions laid down in sections 65 and 67 as very salutary provisions in the matter of enabling the magistrate to award punishments in lieu of fine. Those salutary principles are being violated by this clause.

Having said that, my second point is this. I made a casual suggestion to my Honourable friend, Sir Andrew Clow, whether it would be possible for him to consider the extension of the provisions laid down in section 562 of the Criminal Procedure Code for first offenders in this section also. Now, he probably was doubtful, and I was myself not quite sure till I looked into the provisions myself whether those provisions would apply. But the position is not like this. Section 562 deals with two cases. In the case of certain offenders below the age of 21, the court is given the power of releasing them on probation of good conduct instead of sentencing them to punishment. That is one part of it. The second part of it is this. There is no question of age there. But for certain kinds of offences which are mentioned there and which are not punishable with more than two years imprisonment under the Indian Penal Code, the accused can also be dealt with merely by administering admonition to the accused and nothing more is to be done. The law restricts the exercise of this power in cases of offences punishable under the Penal Code only. What I wanted to suggest is whether the Honourable Member will make some provision here in this law itself that the provisions of section 562 can be applied by the magistrate in dealing with offenders under this law in suitable cases. I want something like that. That was the meaning of my suggestion. I know that I have not tabled any amendment of that kind and not having thought over the matter before I cannot give off hand any amendment also.

Dr. P. N. Banerjee: An amendment can be drafted immediately.

Mr. M. S. Aney: There may be difficulties in giving off-hand amendments. They may have repercussions elsewhere. The real object of my friend's suggestion was that first offenders should be dealt with leniently. So, if he thinks that this concession, which is generally given to all first offenders, under proper conditions and when extenuating circumstances exist under the Penal Code and under the Criminal Procedure Code, should also be extended to first offenders under this law, he will be making a concession which will be very much appreciated and which will make the position of Members on this side of the House much more easy in my opinion, in supporting the amendment which he has brought forward. I only want him to give me an assurance to this effect that he will do something like that, in the other House and if so, I shall have no objection for the present to proceeding with the amendment as it is.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, so far as the charming personality of Sir Andrew Clow is concerned, I love him for his great qualities of head and heart, but as soon as he assumes the role of a legislator, all my love for him oozes out of the palm of my hand. I wish I could, like my friends, Dr. Banerjee and Mr. Aney, express my appreciation of the mercy that he has shown to us by changing the substantive punishment from one year's imprisonment to three months, but as I am definitely opposed to the idea of any imprisonment being inflicted upon first offenders under the Railways Act, I cannot extend my admiration to him like my other friends. Sir, the human race, according to Eastern philosophers, is divided into three groups,—group I, those who are virtuous by nature, and the prophets and sages are made of this stuff, and they do not require the guidance of mundane law. They will do good, whatever the conditions may be. If Jesus Christ came to this world in the year of grace 1941 and happened to travel on a railway and unwittingly travelled in the second class having a ticket of the third class, he might be hauled up before a magistrate and given a sentence of three months. Then, in the other extreme there is another group of men, vicious by temperament, disciples of the devil and no one, however resourceful he may be, could prevent them from indulging in their vile practices. These two groups are small groups of men. The middle group of the human race, constitutes the overwhelming majority of mankind—the ordinary individuals, amenable to guidance and susceptible to persuasion, and laws are made for them. So, the object of every right-thinking law-giver should be to deal with this middle group in such a manner as to inspire confidence in them. They can be led by advice, and it will be very foolish, when they come to grips with law, to inflict upon them vindictive punishment in the first instance. Now, under the present measure, three months' imprisonment would be inflicted upon a man who committed his first offence. I am against it and the majority of Members on this side are against it. Although they know perfectly well, situated as we are today, that it would be impossible for us to carry our decision with the strength of our votes. We know that perfectly well, and these empty Congress Benches with their gaping mouths confirm that. But may I appeal to the good-sense of the railway authorities, especially Sir Andrew Clow, to consider calmly whether it is advisable to retain in the Bill three months' substantive imprisonment as a punishment in the first instance? I am not against placing a deterrent restraint upon the activities of those who are habitual offenders but I am against men being imprisoned for having committed an offence under this Bill for the first time. How do we stand to lose if, instead of giving three months to the first offender, you punish him with a fine? That is a sufficiently deterrent penalty. A fine up to one hundred rupees for an offence in the first instance is a sufficient deterrent. If you go beyond that, it becomes vindictive and I would ask you to reconsider this clause and re-draft the Bill and take away this imprisonment provision altogether. If you did this, all the travelling public in this country would be grateful to you and the House would admire you, and then I would be in the same position as Dr. Banerjee to extend my appreciation to Sir Andrew Clow.

The Honourable Sir Andrew Clow: Sir, I had hoped, and like other Members of the House worked, to secure complete agreement on this clause. If that has not proved possible, the amendments on the table show that we are a little nearer agreement than we once were. Even the light has dawned on my Honourable friend, Mr. Lalchand Navalrai, for I see he has

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tabled an amendment which he may not have the chance of moving, to enhance the fine from one hundred rupees to three hundred rupees.

Mr. Lalchand Navalrai: But not imprisonment; I am against that.

The Honourable Sir Andrew Clow: Now, let me deal first with the preliminary objection which I heard once more from my friend, Mr. Abdul Ghani, that it is unreasonable that a business concern like the Railways should ask for special legislation in this matter. All I can say is that in every country in the world, including Great Britain, it has been recognized that special legislation is necessary to deal with a gentleman who commits a fraud on the Railways or tries to travel without a ticket.

Dr. P. N. Banerjea: Gentleman?

The Honourable Sir Andrew Clow: He calls himself a gentleman! Then, Mr. Aney made an eloquent appeal for the first offender. Well, the man convicted of cheating under this clause is not always the first offender; it may be his first offence under the law but, of course, there are other cases of his having contravened section 113. However, I do not attach much importance to that point. I would like to point out that there is nothing in this clause requiring the magistrate to treat the man severely; he can impose an absolutely nominal fine if he thinks that the case requires such leniency. I do not think there is any need to bring in the special provision for first offenders of section 562 of the Criminal Procedure Code.

Where I am afraid I do differ from Honourable Members opposite is this that I do sincerely believe that a fine of Rs. 100 is not an adequate maximum for an offence which involves fraud, and fraud on the community, even if that is the first offence. I doubt if a fine in all circumstances can be adequate. I would ask the House to keep constantly in mind the fact that we cannot expect and I sincerely do not want that every person convicted under this section should go to jail. I do not believe they will, but you have to retain a more severe punishment for the more aggravated cases. Mr. Maitra's amendment really leaves the law substantially where it is because the extra punishment he is willing to provide only covers an extremely rare case, and that is really one of my objections to Mr. Essak Sait's amendment. Let me take one of the aggravated cases which I am thinking and that is a case where a number of men, not previously convicted, travel in a large body on a train. When I was speaking the other day, I mentioned a petition that I had received from an Association. I was sorry that I led some Honourable Members to think that I was merely speaking derisively. I was not at all and I am going to read the petition to the House. It is addressed to A. G. Clow, Esq., General Manager, Bombay, Baroda and Central India Railway, Bombay. I do not know why I was elevated to that position; possibly it was because these gentlemen from whom the petition emanates particularly resort to that railway. The petition reads thus:

"Dear Sir, while thanking you for your taking so much trouble about the ticketless travellers, I, on behalf of Mendicant Society and Ticketless Passengers Association, beg to point out that you will kindly arrange to have in your administration jail for ticketless travellers. We do not like to be associated with ordinary criminals in ordinary jails. We are determined, as we have no other alternative, but to travel without ticket in all railways whenever necessary. Further in my next."

The Association professes to have its headquarters in Howrah. In the next petition I received from this gentleman I was invited to preside over a Conference of ticketless travellers. Most unfortunately, my duties in this House prevented me from doing that. Now, I have since heard that this Association or Party intend to travel for a particular pilgrimage in numbers of 30 and 40 without ticket and I have sent a gentle warning to the gentleman that the action he proposes to take is illegal and we will do our best to prevent it.

Sir Muhammad Yamin Khan: Has he given his address?

The Honourable Sir Andrew Clow: Yes, it is in Calcutta, where there are many strange Associations.

Maulana Zafar Ali Khan: Do you still think that it is not a joke?

The Honourable Sir Andrew Clow: I thought at first that it was an endeavour to indulge in a gentle leg-pull but the letters bear the mark of being genuine. Obviously, the author did not know where I was and what post I held.

Now I come to Mr. Raper's amendment. I think two objections were made to this amendment. The first is a minor one by Dr. Banerjea. He said that we were putting imprisonment first and he asked me to look up the Indian Penal Code where I would find that fine was put first. I have looked up the Indian Penal Code. That is not the case. The imprisonment is, I think, invariably mentioned first and fine second. I do not think the point is of any particular significance. I come to the more important objection which was voiced by Mr. Maitra, Mr. Aney and some others regarding the relation of imprisonment in default to the substantive term of imprisonment. However suitable the provisions in the Indian Penal Code may be for the ordinary case, I hope to show the House that they are not suitable here. The position at present, with a hundred rupee fine, is that imprisonment in default under the provisions of the Indian Penal Code can extend to four months, but when we add, as we propose to do here, a substantive sentence of three months' imprisonment, in other words, when we make the maximum penalty much more severe, that has the effect, if we do not interfere with the Indian Penal Code provisions, of reducing the maximum term of imprisonment for default from four months to three weeks.

Pandit Lakshmi Kanta Maitra: From three months to three weeks and from four months to one month.

The Honourable Sir Andrew Clow: No, we put in here three months' imprisonment, so that, it is reduced to three weeks. In other words, though we take a much more serious view of the offence, we reduce the imprisonment in default from four months to three weeks.

Now, Dr. Banerjea has referred to the careful individual study and appreciation of penology since 1860 and one of the things that has been impressed upon me almost since I came to this country is that a very short term of imprisonment is generally a mistake. You should not imprison at all unless you are going to give something which is a little longer than this trifling sentence. Although, therefore, to those who approach the question from the point of view of 1860, three months imprisonment in this case may seem to be excessive, actually we are reducing the maximum term

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of imprisonment that can be awarded in default of fine. I hope, Sir, that will convince the House that the proposals we have put forward are reasonable and I commend them to the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): There are three amendments before the House, and the Chair proposes to put them in the order in which they have been moved.

Pandit Lakshmi Kanta Maitra: On a point of order, Sir. The amendment which stands in my name is of wider scope and therefore it should be put to the vote first. It does away with the proviso in the amendment of Mr. Raper. If my amendment falls through, then, of course, a more restricted amendment may be put to the vote. If my Honourable friend, Mr. Raper's amendment, is taken first and if it is carried, then our amendments will be practically barred. You will notice that in the amendment which is tabled in my name the proviso which disturbs section 65 of the Indian Penal Code does not occur at all.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair does not feel justified in disturbing the order in which the amendments have been moved.

Pandit Lakshmi Kanta Maitra: You are not disturbing the order. It is a matter of voting. The question is whether the amendment of wider import should not be put to the vote first?

Mr. Deputy President (Mr. Akhil Chandra Datta): Will the Honourable Member please state his objection again?

Pandit Lakshmi Kanta Maitra: The point is this. In the amendment proposed by Mr. Raper you will notice that in the concluding portion of his amendment there is the following proviso:

"Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months."

In my amendment on the other hand, this portion is done away with. In other words my amendment does not seek to disturb the existing law as provided by section 65 of the Indian Penal Code. If Mr. Raper's amendment is first put and carried, then it will bar my amendment as well as that of Mr. Essak Sait.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair sees the point. The Chair will now put Pandit Lakshmi Kanta Maitra's amendment first. The question is:

"That for clause 3 of the Bill the following be substituted:

'3. For section 112 of the said Act the following shall be substituted, namely:

'112. (1) If a person, with intent to defraud a railway administration, enters or remains in any carriage on a railway in contravention of section 68, he shall be punished with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled.

(2) If a person, with intent to defraud a railway administration, uses a single pass or a single ticket which has already been used on a previous journey, or in the case of a return ticket, a half thereof which has already been so used, he shall be punished with imprisonment for a term which may extend to four months or with fine which may extend to one hundred rupees in addition to the amount of the single fare for any distance which he may have travelled."

The Assembly divided:

[During the course of the Division, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair]

AYES—26.

Abdul Ghani, Maulvi Muhammad.
Aney, Mr. M. S.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ismail Khan, Haji Chaudhury Muhammad.
Lalchand Navalrai, Mr.

Liaqat Ali Khan, Nawabzada Muhammad.
Maitra, Pandit Lakshmi Kanta.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi S'ed.
Nauman, Mr. Muhammad.
Parma Nand, Bhai.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

NOES—38.

Abdul Hamid, Khan Sahib Shaikh.
Ahmad Nawas Khan, Major Nawab Sir.
Bewoor, Sir Gurunath.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Clow, The Honourable Sir Andrew.
Daga, Seth Sunderlal.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Ikramullah, Mr. Muhammad.
Imam, Mr. Saiyid Haider.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.

Lawson, Mr. C. P.
Manavedan, Raja T.
Maxwell, The Honourable Sir Reginald.
Mazharul Islam, Maulvi.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mukharji, Mr. Basanta Kumar.
Oulsnam, Mr. S. H. Y.
Pillay, Mr. T. S. S.
Raper, Mr. J. H. F.
Rau, Sir Raghavendra.
Scott, Mr. J. Ramsay.
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Sheehy, Mr. J. F.
Sivaraj, Rao Sahib N.
Snence, Sir George.
Thomas, Mr. J. H.
Tyson, Mr. J. D.
Zafarullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now put the amendment moved by Mr. Raper.

Some Honourable Members: No, no. Mr. Essak Sait's amendment has to be put next.

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

"That for clause 3 of the Bill the following be substituted."

Sir Muhammad Yamin Khan: Sir, may I point out that it was arranged

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member please not interrupt while the Chair is speaking? The question is:

"That for clause 3 of the Bill the following be substituted.

'3 (1) Section 112 of the said Act shall be re-numbered as sub-section (1) of that section and in the sub-section as so re-numbered,

(a) in clause (a) for the words and figures 'in contravention of section 68 any carriage on a railway' the words and figures 'or remains in any carriage a railway in contravention of section 68' shall be substituted; and

(b) after the words 'shall be punished' the words 'with imprisonment for a term which may extend to three months or' shall be inserted.

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely:

'(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months'."

Mr. M. S. Aney: Sir, before you put the question, may I bring it to your notice that the Deputy President had already ruled that the amendments are to be put in a particular order, and, accordingly, one amendment was put. The second amendment, according to that ruling, is the amendment of Mr. Essak Sait, and the third will be that of Mr. Raper. That is the order in which he has ruled that the amendments are to be put and we bring that fact to your notice. I believe that ruling can stand.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I should like to make one slight correction. All that I ruled from the Chair was that Pandit Maitra's amendment should be put first and, as regards the others, I did not rule which was to be put next. That was their submission, but I did not decide one way or the other.

Mr. M. S. Aney: If that is so, then I withdraw what I said.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has put the question.

The motion was adopted..

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Andrew Clow: Sir, I move:

"That the Bill, as amended, be passed."

I have only one word to add, if I may be permitted to reply to a very awkward question on clause 3 from Mr. Ramsay Scott. He asked me to give him my assurance that I was satisfied that this Bill was sufficiently stringent. I am afraid that I should find it rather difficult to give him a complete assurance on that point, because it has undoubtedly been greatly weakened in its passage through the House. I feel, however, that perhaps we are right in erring in this matter on the side of leniency, and despite his objection to my suggestion that it may be necessary to approach the House again, perhaps that is the better way of doing it. In other words we shall try to use the material the House has given us to the best of our ability, to improve the administrative machinery so that the Bill may be sufficiently protective and so that there may be as little possibility of abuse to the public as we can secure, and to see if we cannot, with the powers now conferred on us, secure adequate protection against the ticketless traveller.

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

"That the Bill, as amended, be passed."

Dr. Sir Ziauddin Ahmad: Sir, there is a fundamental difference of opinion between the Honourable Member and ourselves on this side of the House. The Honourable gentleman believes that by enhancing the punishment he will minimise the ticketless travelling. We on this side believe that he can achieve the very same object much better by improving his system of ticket-checking. That is really the fundamental difference. Mr. Scott, who always supports the Treasury Benches, put his opposition in a very mild form: he did not believe also that by increasing this punishment the number of ticketless travellers will diminish—he attempted to convince the Honourable Member by asking: "Please take statistics for 1940-41 and also the statistics for 1941-42 and you will find no improvement; and if no improvement is made, probably the Honourable Member will come forward with punishment more intensive than at present." I can assure him that it is not the intensity of the punishment which will stop ticketless travelling. The only satisfactory remedy is what we suggested from this side of the House, namely, improvement in the system of checking tickets on the lines which I mentioned in my opening speech when the report of the Select Committee came up for consideration, and which I do not like to repeat now. But I do emphasise this particular fact that the real remedy, lies in improving the system of ticket-checking; and then and then alone the evil will be minimised. I was rather amused when he read the letter of the Ticketless Travellers Association: but I thought that the person who wrote it had some humour in him and so I do not take it in any spirit other than the spirit of humour. Though we are now enacting it as a law by the sheer force of the Government votes, in spite of the opposition of this side of the House. I hope that the Government will look into the matter and see that the provisions of this Bill are not abused by the servants belonging to the railway administration, that he will make early effort and see that the system of checking tickets is also improved. With these words I resume my seat.

Pandit Lakshmi Kanta Maitra: Mr. President, at long last the Honourable the Communications Member has been able to place on the Statute-book a Bill.....

Mr. Akhil Chandra Datta: Not yet.

Pandit Lakshmi Kanta Maitra: which has been hanging fire since 1936. Sir, I am not altogether happy over the Bill as it has been enacted into law by this House. From our point of view the Bill makes a serious departure from the principle of criminal law, and we could not persuade ourselves to accept the interpretation of the provisions as given by the Honourable Members of the Treasury Benches. Sir, as one who strenuously opposed this obnoxious Bill from the very beginning of its introduction in the year 1936 and as one who has tried to fight out all its mischievous provisions, I think I should not ignore the changes that have after all been effected by this House as a result of our criticism and also as a result of our conferences with the sponsors of this Bill. That the contention of this part of the House was not altogether without substance will be apparent from the fact that even the sponsors of the Bill who provided for one year's imprisonment for ticketless travelling had to come down to three months. I do not think, Sir, that it was conceded to purely from the point of view of pleasing us, but I believe that the arguments which we had been advancing from this side of the House on that most important part of the Bill, the darkest spot in the Bill, if I may say so, must have gone home to the other side, and they made the response they did. Sir, it is gratifying to note that my Honourable friend, Sir Andrew Clow, has been pleased to observe that he would try to make the machinery for the administration of its provisions as effective as he possibly could, eliminating thereby the chances of their abuse. For the present, Sir, we have to be content with that assurance. I believe that, whatever may be the value of such an assurance, in the actual administration of the law, there are bound to be difficulties, and unless the Railway Administrations in India carefully bear in mind some of the objections we have taken to this Bill, they would not be able even with the best of intentions, to remedy the defects in their administration.

Sir, I have pointed out, and I believe several other Honourable Members have also pointed out on the floor of this House during the stage of the general discussion, as also during the stage of consideration of the provisions, that we want greater and adequate facilities for issuing tickets as a first step. Let this not be lost on my friends there. Let them not think that by mere provisions of legislation, however stringent they may be, they will be able to achieve their object in completely checking ticketless travelling. Sir, I showed at an earlier stage that the so-called vice of ticketless travel is not of such a volume as to call for this measure. I pointed out from the figures that at the most the vice of ticketless travel amounted to 5 per cent of the total travelling population on the Indian Railways. My friend, Sir Andrew Clow, argued in reply that that was no reason why provision should not be made, and he brought forward the analogy of murder. He said that murders were not of common occurrence, but still there had to be a provision for murder. I am afraid, Sir, that that was an argument which cuts both ways. In spite of the provision for murder.....

Mr. President (The Honourable Sir Abdur Rahim): Is there any use arguing the whole thing over again?

Pandit Lakshmi Kanta Maitra: It is not a question of arguing the thing over again.....

Mr. President (The Honourable Sir Abdur Rahim): The House has adopted the clauses.

Pandit Lakshmi Kanta Maitra: The House has accepted it, no doubt, but there are not going to be very many speakers, and I am making general observations.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must remember, it is Third Reading.

Pandit Lakshmi Kanta Maitra: Yes, Sir. That was a wrong analogy, 4 P.M. I should say, which my friend, Sir Andrew Clow, gave. Be that as it may. I would now draw my Honourable friend's attention to one or two matters which still leave us in doubt, and I am afraid, may land people into difficulties while the Act is put into operation. We have passed the provisions of section 68 in an amended form. Section 68 of the Railways Act provides that no person shall, without the permission of a railway servant, enter any carriage and so on. There the Article is indefinite. Any railway servant may give permission to anybody to board a compartment or remain there. The amendment which we have carried also makes an additional provision that such a person shall, if so authorised, grant a certificate. But in clause 4 it will be found that in the first proviso it is said "where the passenger has immediately after incurring the charge and before leaving detected by a railway servant notified to the railway servant on duty with the train" and so on. There we come to another category of Railway people. It is then and then only that he will be entitled to the minimum excess charge. The position, therefore, comes to this that any railway servant may give permission, but not necessarily this certificate, unless he has got special authority for the purpose, and that the person so granting certificate may not be on duty in the train. Now, the passenger travelling without ticket but with permission of a Railway servant may be detected by any railway servant, and unless he notifies to the man on duty in the train the fact of his travelling without a ticket, he will have to pay the excess charge and all that. So, notwithstanding any permission obtained from any railway servant, a *bona fide* passenger travelling in the train without ticket may incur excess charge if he is not enabled to notify the fact of his so travelling, to the particular railway person on duty in the train. Thus, the fact of receiving permission does not help a *bona fide* passenger. I hope my Honourable friend will think over that, and I would suggest that when the Bill goes to the other House he may bring it into line with the general spirit of section 68. We have provided that ordinarily when permission is sought a certificate shall be given. It may be difficult in practice to issue that certificate. It will be extremely difficult as there may be want of time and also a variety of other circumstances which may make it absolutely impossible to get the certificate. I would suggest that in making rules the Honourable the Communications Member would see to it that grant of certificate becomes a very easy matter, that provision is made for printed certificates so that immediately on the mere asking the passenger may get one to arm himself against levy of excess charge.

[Pandit Lakshmi Kanta Maitra.]

Some arrangement should be made by which people who come at the last moment and who for a variety of reasons cannot face the ticket counter may straight off proceed on the journey armed with the certificate so that they may not be mulcted in excess fare. That is a point which should be very carefully borne in mind. Besides, as many railway servants as possible should be authorised to grant the permission and the certificate. Unless that is done, I think with the best of intentions in the world you cannot prevent hardship to *bona fide* honest passengers who may have to travel without ticket on many an occasion. Though the provisions of clause 5 have been adopted, I would ask the Honourable the Communications Member to carefully reconsider the position and see that needless harassment to passengers is not caused. It is not possible for any human organisation or human institution to evolve a perfect thing, we are perfectly aware of that. But I hope my Honourable friends would not rest on their oars and think that they have achieved everything by enacting the provisions of this Bill into law.

In conclusion, I would like to thank my Honourable friend, Sir Andrew Clow, and my Honourable friend, Mr. Raper, for showing some spirit of accommodation in connection with this Bill. Though on many occasions I had to differ from them and though there had been occasions for exchange of strong expressions—I hope my Honourable friends have become accustomed to the rough and tumble of ordinary parliamentary life,—I hope they would remember that my sole object was to make the provisions of the Bill as innocuous as possible, and I feel we have achieved some little measure of success in that direction.

Sir, I support the motion.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Mr. President, I congratulate the Honourable the Railway Member for having done his best to justify a bad heritage that he got from the previous Railway Member. I know that he was not responsible for it, and at the same time I feel that the Opposition have also succeeded to a considerable extent in removing the undesirable features of this Bill. This Bill was drafted as early as the 18th March, 1936, and today it is the 5th March, 1941, when we have reached the stage of passing it and in this period the Bill has undergone sufficiently large changes. The first undesirable feature of the Bill was that it wanted to change the very principle of jurisprudence. It wanted to lay the onus of proving innocence on the accused. In the Statement of Objects and Reasons of the Bill as it was introduced, it was said:

"In cases in which action is taken under section 112 the onus of proving intent to defraud rests on the railway staff, the discharge of which is not always practicable. It is proposed, therefore, that the onus of proving that there was no intent to defraud should rest on the person found travelling without a proper ticket."

I am very glad to find, and I think every one of us here will be glad to find that this principle has not been incorporated in the present measure.

Now, the question is, what have the Government achieved by enacting this Bill? One of the main purposes so far as section 112 is concerned, has been conceded by them as being not proper according to the principles of jurisprudence. The only question that remains is that some provisions have been made which will be deterrent so far as travellers without tickets

are concerned. In that connection also I would only just read out a sentence from the Statement of Objects and Reasons of this very Bill when it was introduced. It said:

"Where a distress warrant is issued against any person, the results are usually quite incommensurate with the time, trouble and expense involved in court proceedings, etc., as the amount payable is frequently not realised. To deal effectively with such cases, it is necessary that railway servants should be empowered to arrest such persons as refuse to pay the charges due if there is reason to believe that it will not be possible to get them to appear before a magistrate without undue delay, trouble or expense. Provision for this has been made in the proposed amendment to section 131 of the Act."

This provision also has not been included in this Act. This provision was to the effect that the railway servant would have the authority of arresting a man without warrant. So, as a matter of fact, the two chief things which were aimed at have not been achieved by this Bill at all. Now, what they have got is the old Act with a provision of a sentence of imprisonment added. We wish you must get the greatest amount of earnings from the railways but at the same time I hope that an attempt for it will not result in an additional burden on the pockets of the taxpayers, because old experience shows that most of the persons who are travelling without tickets are not in a position to pay their fares. Simply sending them to jail would be providing them with food and clothing at the expense and cost of the taxpayer himself. If this Bill is going to be of some use to the railways in so far as it brings some money its provisions must be utilised but it should not be used in such a way that it may add a greater burden on the taxpayers of India.

Now, Sir, in this connection I would just make one or two observations. Persons who travel without ticket and who are in a position to pay the fare are those who are somehow or other connected with the railway administration itself. The method of keeping the checking staff under the same administration as the other staff of the railway is, results in a certain amount of undue influence which can be exercised on the checking staff themselves. I know of a case where a constable was travelling with a train from Dehra Dun to Lashkar and taking a woman without a ticket. One of the T. T. Es. caught that constable travelling with the woman without a ticket. The constable at the Railway station of Lashkar got one of the passengers to bring a complaint against the T. T. E. to the effect that he wanted to enter the female compartment. The result was that the T. T. E., who had the audacity of charging the woman who was travelling with the constable, was run in under the Railways Act. Fortunately for him he had taken sufficient care while he charged the woman and he was ultimately acquitted. No steps were taken against the complainant. This happened in 1936. Then some applications were made and ultimately the police chaled the complainant for making a false complaint under section 182-I. P. C. The complainant when he was summoned before the Court admitted that he had launched the charge against the T. T. E. at the instigation of the police constable. He was fined to pay a small sum of money but the constable was not touched and no action was taken against the constable himself. Later on, I have heard that the constable was transferred from the railway police to the district police, which is a more profitable job. It may be a compliment to the Railway Member that the police do not think service in the railways as profitable as the service in the district, and it is a fact that people in the police service like the district service more than the railway

[Qazi Muhammad Ahmad Kazmi.]

service. My point is that if you are not prepared to strengthen the hands of your checking staff, if you won't help them in the matter of checking, then this Act will be of absolutely no help as appears from the very Objects and Reasons which were put before this House at the time when this Bill was introduced. I again congratulate the Honourable the Railway Member and hope, as has been pointed out by other Members, that the provisions of this Act which are likely to be misused by the checking staff will not be allowed to be misused. With these words I support the motion.

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

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

"That the question be now put."

The motion was adopted.

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

"That the Bill, as amended, be passed."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): With reference to the Demands for Grants, the Chair understands that an arrangement has been made by the Parties as to the particular demands and cut motions that will be discussed, and the Chair takes it that the Government have been notified of the numbers of the cut motions which are going to be moved tomorrow.

The Honourable Sir Andrew Olow: I believe so.

The President (The Honourable Sir Abdur Rahim): The Chair had better read this. The Muslim League Party will discuss the cut motions relating to the Supply Department. The next is Civil Aviation; third,—Baluchistan; fourth,—Census; and fifth,—Delhi Administration.

The Honourable Sir Andrew Olow: I should like to draw your attention to the fact that these subjects give nothing more than the grants.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has got only one number—No. 4. As regards others, the Chair has not got the numbers. The Chair would, therefore, ask Honourable Members who are moving them to give particulars, the different Parties to give notice of the particular amendments which they wish to move. They must give them today.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 6th March, 1941.

LEGISLATIVE ASSEMBLY.

Thursday, 6th March, 1941.

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.

MEMBER SWORN.

Mr. Frederick Tymms, C.I.E., (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MALARIA IN THE CENTRALLY ADMINISTERED AREAS AND INADEQUATE SUPPLY OF QUININE.

271. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Education Secretary be pleased to state:

- the number of people who suffered from malaria in 1940 in the centrally administered parts of the country;
- the number of people who died of malaria during 1940 in the aforesaid areas;
- what quantity of quinine was supplied during this period in these areas; and
- if it is a fact that the price of quinine has disproportionately increased on account of war supply, and, whether on that account at present quinine cannot be adequately supplied to malarious areas; and if it is so, what substitute of quinine has been determined by Government for the relief of people suffering from malaria?

Mr. J. D. Tyson: (a) Statistics of deaths from malaria are compiled but not of attacks.

(b) The figures of deaths from malaria for 1940 are not yet available.

(c) 1847 lbs.

(d) The wholesale price of quinine has gone up by about 80 per cent. The Honourable Member's attention is, however, drawn to the Press Note, dated the 24th June, 1940, in which it was stated that steps had been taken to ensure an adequate supply of quinine sulphate in India for all Government purposes during the next four years. Provision has thus been made to supply quinine at reasonable rates to all hospitals under Provincial Governments and States, including local fund and municipal dispensaries. The last portion of this part does not arise.

Mr. Govind V. Deshmukh: May I know what are the steps which were taken—the steps referred to in the answer?

Mr. J. D. Tyson: I think that arises under the next question, but the steps taken are that we have imported a very large quantity indeed of quinine from Java over a period of six months—sufficient to add fifty per cent. to the Central Government's supply and also to give the Central Government a supply which they will hold as a reserve for the Provinces.

Mr. Govind V. Deshmukh: May I know if there has been any extension of the cinchona plantation?

Mr. J. D. Tyson: I must ask for notice of that.

Mr. Muhammad Nauman: Are we to understand that quinine sulphate is not prepared in Indian chemical laboratories at all?

Mr. J. D. Tyson: No, Sir, it is prepared both in Madras and Bengal.

Mr. Muhammad Nauman: What then are the factors on account of which the prices of this stuff which is produced in this country have increased by 80 per cent.?

Mr. J. D. Tyson: I shall have to ask for notice.

Mr. Muhammad Nauman: I think, Sir, the supplementary question is relevant to the question here?

Mr. J. D. Tyson: The wholesale price of quinine is related, of course, to the price charged by the principal producer, which is Java.

MEASURES FOR CHECKING MALARIA.

272. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Education Secretary be pleased to lay on the table a statement showing the number of people who were attacked by malaria and the death rate on account of malaria, Province by Province, during 1940?

(b) Will he please state whether any special arrangement is under contemplation of the Government of India to cope with attacks of malaria and if so, what?

Mr. J. D. Tyson: (a) As I have just stated in reply to part (a) of question No. 271, statistics of attacks of malaria are not compiled. 'Fever' mortality figures for 1940 have not yet been received from the provinces.

(b) The lines on which malaria control is being carried out in India are briefly indicated on pages 14-16 of the Preliminary Annual Report of the Public Health Commissioner with the Government of India for 1939, copies of which are available in the Library of the House. In addition I may inform the House that the reserve stock of quinine with the Government of India, which had fallen to 90,000 lbs., has been raised by purchases to 150,000 lbs. in order that Government may be in a position to meet exceptional demands arising from epidemic conditions.

Mr. Muhammad Nauman: May I know if the Provincial Governments also contributed some funds towards that?

Mr. J. D. Tyson: Yes, Sir, they did. In order that we and they might have the benefit of the lower price to be expected from placing a large order, we invited them to state their probable needs over a period—I think it was three or four years ahead—and on the basis of the total figure thus achieved, we placed a very large order with Java.

MEASURES FOR CHECKING TUBERCULOSIS.

273. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Education Secretary be pleased to state the number of people freshly attacked by tuberculosis during 1940:

(1) in the centrally administered areas, and

(2) in other provinces?

(b) Is the disease on the increase? If so, in which Provinces or areas?

(c) What arrangements are made by Government to cope with the situation created by this sort of increase of tuberculosis cases:

(1) Curative, and

(2) Preventive?

Mr. J. D. Tyson: (a) The information is not available.

(b) In the absence of compulsory medical certification of the cause of death, reasonably accurate estimates of the incidence of, and mortality from, tuberculosis can be made only on the basis of the data collected by surveys carried out by trained staffs in limited areas. A sufficient number of such surveys have not yet been carried out to enable definite conclusions to be reached regarding the trend of the disease in different parts of the country.

(c) (1) and (2). So far as the Government of India are concerned, they are giving a substantial grant to the Tuberculosis Association of India for the construction of a Tuberculosis Sanatorium at Kasauli intended as a central training institution for specialisation in dealing with tuberculosis as well as for nurses and other tuberculosis workers. The Government of India are also giving a recurring grant to the Association for the maintenance of a Tuberculosis Clinic at New Delhi. In addition, the Indian Research Fund Association, which is almost wholly financed by the Government of India, has been giving grants for tuberculosis research from 1927-28, which amount to about Rs. 56,000 for the four years ending with 1940-41.

Mr. Muhammad Nauman: May I know in this connection, if the information is not available, will Government be pleased to make an endeavour to find out the approximate figure?

Mr. J. D. Tyson: No, Sir, I do not think I can hold out any hope of being able to give the approximate figure for India as a whole because tuberculosis is very different from diseases like malaria; it is an insidious disease; people have it without realizing it, and we simply have not the statistics—they are not compiled anywhere except in very few municipal areas and in areas where we have these surveys.

Mr. Muhammad Nauman: May I know how many beds are proposed to be constructed at Kasauli?

Mr. J. D. Tyson: I forget the number; I am afraid I would not care to say, Sir, offhand.

LOSS OF LIBRARY BOOKS OF THE DIRECTOR GENERAL OF ARCHAEOLOGY IN TRANSIT FROM SIMLA TO DELHI.

274. ***Mr. Umar Aly Shah:** (a) Will the Secretary, Department of Education, Health and Lands, please state if it is a fact that some boxes containing books of the library of the Director General of Archaeology were said to have been lost in transit from Simla to Delhi? If so, was this loss reported to Government?

(b) What enquiries were made and who was found responsible for the loss?

(c) What is the value of books said to have been lost? Was the thief apprehended in this case?

Mr. J. D. Tyson: (a), (b) and (c). The reply to the first part of (a) is in the negative. The rest of the question does not arise.

APPEALS BY EMPLOYEES IN THE ARCHAEOLOGICAL DEPARTMENT.

275. ***Mr. Umar Aly Shah:** (a) Will the Secretary, Department of Education, Health and Lands, please state if it is a fact that during the last three years certain Muslims in the Archaeological Department appealed to the Government of India in the Department of Education, Health and Lands against orders affecting their prospects in service?

(b) Is it a fact that all these appeals, petitions, etc., were rejected?

(c) Is it a fact that a number of appeals were also made by Muslim employees in the Archaeological Department to the Director General of Archaeology and that all these appeals were rejected?

(d) Is it a fact that certain Hindus appealed to the Department of Education, Health and Lands and that their appeals were accepted?

(e) How many appeals by Hindus have been rejected during the period in question?

Mr. J. D. Tyson: (a) Yes.

(b) No.

(c) There were three such appeals, in all of which the Director, after due consideration, confirmed the orders of the local Superintendent.

(d) and (e). One Hindu employed in the Archaeological Survey appealed and the orders against him were modified.

DISREGARD OF THE CLAIMS OF THE SENIOR-MOST MUSLIM ASSISTANT IN THE OFFICE OF THE DIRECTOR GENERAL OF ARCHAEOLOGY FOR THE OFFICE SUPERINTENDENT'S POST.

†276. ***Dr. Habibur Rahman:** (a) Will the Secretary, Department of Education, Health and Lands, please state how many Muslims have held the post of Office Superintendent in the office of the Director General of Archaeology from the time the Archaeological Department came into being?

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

(b) Will the Secretary please state why the claims of the senior Muslim Assistant in the office of the Director General were overlooked for appointment to that post?

(c) Is it a fact that the next senior Muslim clerk also has been superseded by a junior non-Muslim clerk in the matter of promotion to the post of Assistant?

Mr. J. D. Tyson: (a) One Muslim has officiated on a few occasions.

(b) When the last vacancy occurred the suitability of all eligible Assistants, including the senior Muslim Assistant, was considered.

(c) Yes; but posts of Assistants in the Government of India Attached Offices are selection posts for purposes of promotion and the appointment was made after considering the relative merits of all eligible clerks.

COMPETENCY OF THE ARCHAEOLOGICAL SUPERINTENDENT, CENTRAL CIRCLE TO PUNISH AN OFFICER TRANSFERRED TO HIS CIRCLE.

†277. ***Dr. Habibur Rahman:** (a) Will the Secretary, Department of Education, Health and Lands be pleased to state if, an officer of the Archaeological Department who has been transferred from Mohenjo-daro under the direct administrative control of the Director General of Archaeology, to Nalanda, under the administrative control of the Superintendent, Archaeological Survey, Central Circle, could be treated as "a lent officer" within the meaning of rule 6 promulgated in the Government of India, Home Department Notification No. F-9-19/30-Ests. dated the 27th February, 1932?

(b) Is the Superintendent, Archaeological Survey, Central Circle, competent to punish this officer?

Mr. J. D. Tyson: (a) No.

(b) Yes, while serving in the post at Nalanda.

PILGRIM SHIPS HAVING ARRANGEMENTS FOR CONGREGATIONAL PRAYERS AND A LIBRARY ON BOARD.

†278. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Secretary for Education, Health and Lands be pleased to state which out of the seven ships of the Mogul Line engaged in the pilgrim trade, have separate arrangement for saying prayers in congregation and a library on board, and which of the three pilgrim ships of the Scindia Company engaged in that trade have these arrangements provided on board?

Mr. J. D. Tyson: On the s.s. "Rizwani" and the s.s. "Rahmani" of the Mogul Line special prayer decks are provided. On the remaining ships of this Line the Amirs-ul-Haj can make arrangements for the reservation of part of the decks for congregational prayers. All the ships of the Mogul Line now possess libraries. Special prayer spaces and libraries are provided on the ships operated by the Scindia Steam Navigation Company.

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

FULL FARES CHARGED FOR CHILDREN BELOW 12 YEARS ON THE PILGRIM SHIP S. S. "AKBAR".

†279. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands be pleased to state the number of boys and girls under 12 years of age that sailed by the pilgrim ship s. s. "Akbar" from Calcutta in November 1940?

(b) Is it a fact that full fares were charged for all these young pilgrims who were below the age of 12?

(c) If the answer to part (b) be in the negative, what was the fare charged?

(d) If the answer to part (b) be in the affirmative, is it a fact that during 1937-38 and 1938-39 seasons, when the Scindia Company was also in the pilgrim trade, the shipping companies usually charged half fares for children between three and 12 years of age and carried children below three years of age free of charge?

Mr. J. D. Tyson: (a) Four.

(b) No.

(c) Rs. 125-8-0 for a boy under 10 years; Rs. 25 each for two girls aged 3 and 4½ years respectively. No charge for an infant under one year.

(d) Does not arise.

INADEQUACY OF PILGRIM SHIPS FOR RETURN JOURNEY FROM JEDDAH.

†280. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Education Secretary please state whether it is a fact that at the time of the sailing of s.s. "Jehangir" from Jeddah in February, 1940, with a full complement of pilgrims, about 100 pilgrims were left behind in Jeddah, as there was no space, or steamer, available to bring them back?

(b) Is it a fact that within three days of the sailing of the above ship, about 1,800 more pilgrims reached Jeddah?

(c) Is it a fact that by the time the next ship sailed with a full complement of pilgrims who had already waited in Jeddah for about two weeks, about 800 more pilgrims were still waiting in Jeddah for a ship?

(d) Is it a fact that ultimately these pilgrims got a ship after a stay in Jeddah of about four to five weeks?

(e) Is it a fact that at the above time, when these pilgrims had to wait in Jeddah under unfavourable conditions for 35 to 40 days, the other ships of the Mogul Line were plying on other cargo and trade routes? If so, how many ships were plying on cargo runs and, if not, where and on what were they employed during the above period?

(f) What is the time limit under the law in which the shipping companies have to provide a ship for the return of the pilgrims holding return tickets?

(g) What is the penalty laid down under the law if a ship is not provided within the specified time?

(h) Did the Mogul Line fail to provide a ship within the specified time during 1939-40 season, and if so, was any penalty levied on them and,

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

if so, how much did it amount to, or had they to pay any compensation to the pilgrims and, if so, how much did it amount to?

Mr. J. D. Tyson: (a) No: only 29 pilgrims were left behind when the "Jehangir" sailed from Jeddah on the 6th February.

(b) No.

(c) No. The next ship, which sailed on the 16th February, was only half full when she sailed and no pilgrims were left waiting at Jeddah.

(d) and (e). Do not arise.

(f) and (g). The attention of the Honourable Member is invited to section 209A of the Indian Merchant Shipping Act, 1923.

(h) Certain pilgrims had to wait at Jeddah for a longer period than the fifteen days laid down in section 209A of the Indian Merchant Shipping Act. No amount was claimed from the Company by the Central Government on account of such detention. The shipping company, however, on their own initiative paid to pilgrims detained at Jeddah a sum of Rs. 8,315 at the rate of Re. 1 a day and in addition spent Rs. 8,566 on their food.

UNSTARRED QUESTIONS AND ANSWERS.

INVITING MESSRS. SCINDIA NAVIGATION COMPANY TO CARRY HAJ PILGRIMS.

104. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands be pleased to state if the following resolution was passed by the Karachi Port Haj Committee at their meeting held on 21st November, 1940, and again confirmed at their meeting held on 20th January, 1941?

"This Committee is strongly of opinion that in order to raise further the standard of services to the Hajis already raised by the entry of Messrs. Scindia Steam Navigation Company there should be more than one Shipping Company in the trade at all times, and the Government should have invited Messrs. Scindia Company to take pilgrims this year if war conditions permit. (Dr. B. F. Khambatta and Colonel D. S. Johnston dissented)".

(b) If the answer to part (a) be in the affirmative, will he please state what action Government have taken thereon, and if no action has been taken, whether Government propose to take any action in future and, if so, what and when?

Mr. J. D. Tyson: (a) Government have no information.

(b) Does not arise.

COMPLAINTS AGAINST THE USE OF PILGRIM SHIPS S. S. "ALAVI", "JEHANGIR", "KHOSRU" AND "AKBAR".

105. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that for bringing back its pilgrims during 1939-40 season, the Mogul Line used s.ss. "Islami" and "Rizwani" for one voyage only and thereafter only the two unpopular and old ships s.ss. "Alavi" and "Jehangir" were used for this purpose?

(b) Have any complaints been received against allowing s.s. "Alavi", "Jehangir", "Khosru" and "Akbar" for carrying pilgrims? If so, from whom and since when are they being received?

(c) Have any of the Port Haj Committees or public organizations made any representation to the Government not to allow these four old ships to be used for the carriage of pilgrims? If so, from whom have these representations been received and how many times?

(d) If the answer to parts (b) and (c) be in the affirmative, what action have Government taken and, if no action has been taken, do they propose to take any action in future and, if so, when?

Mr. J. D. Tyson: (a) The s.s. "Islami" and s.s. "Rizwani" were used for one voyage only and the s.s. "Alavi" and s.s. "Jehangir" were used for two and three voyages respectively during the inward season of 1939-40.

(b)-(d). From time to time complaints have been received from various committees and organisations regarding these ships. All these ships, however, comply with the provisions of the Indian Merchant Shipping Act, 1923, and the rules framed under that Act, and the Government of India have no power to prevent any Shipping Company from operating ships which have been granted certificates in accordance with sections 153-155 of the Indian Merchant Shipping Act.

THE INSURANCE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I present the Report of the Select Committee on the Bill further to amend the Insurance Act, 1938.

ELECTION OF A MEMBER TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEJAZ.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Wednesday, the 5th March, 1941, the time fixed for receiving nominations for the election of a Member to the Standing Committee on Pilgrimage to the Hejaz only one nomination was received. As there is only one vacancy, I declare Syed Ghulam Bhik Nairang to be duly elected.

THE GENERAL BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Mr. President (The Honourable Sir Abdur Rahim): As regards the discussions on the Demands for Grants and cut motions, the Chair has to fix the time limits. As on the last occasion, the Mover of a cut motion will have 20 minutes, and there will be fifteen minutes for other Members who wish to speak, and 20 minutes, or more, if necessary, for the Government Member to reply.

The Chair finds that the numbers of cut motions have been supplied, but it is not known whether they were supplied in time to the Government or not. The Muslim League will move their cut motion now, the first motion is No. 14 in the Final List.

DEMAND No. 12—EXECUTIVE COUNCIL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I beg to move:

"That a sum not exceeding Rs. 1,23,000 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 March, 1942, in respect of 'Executive Council'."

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

"That a sum not exceeding Rs. 1,23,000 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 March, 1942, in respect of 'Executive Council'."

Administration of the Supply and the Allied Departments.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move:

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

Sir, I wish to make it clear in the beginning that we are not against war efforts. We support all the measures taken by the Government to bring the war to a successful conclusion. Our complaint is that our resources are not mobilised in full for the defence of the country. Our capacity of production especially by cottage industries is much greater than what has so far been tapped. But what we really want to emphasise is that our efforts being limited our resources should be well organised and well conducted and well economised. It is on these three points that I want to draw the attention of the House.

Sir, We have the machinery of the Supply Department, we have a Member of the Executive Council in charge of the entire department. But as he himself said several times, he is responsible for the policy, and the administration including appointments.—I do not know to whom he is responsible. He has got a Secretariat like the Secretariat of any other Department of the Government of India. Now, Sir, under that Secretariat we have got two Directorates, one is the Directorate of Munitions and Engineering Works and the other is the Directorate for other things. Coming to the Director of Munitions, we find that he has got the powers of the Government, he is the administrative head as well as the executive officer. We have crippled the independence of purchase, we have crippled the power of the Government in making purchase, we have also crippled the power of appointment. The Honourable Member said that he is responsible for all appointments in the said Directorate, but if it were so, I am sure he will not restrict the appointment of stenographers to ladies and give nothing to gentlemen stenographers. If he had his full say, this would not have happened. The Director of Munitions Production combines in him the powers of all:

"Khud Kūza-o Khud Kūza gar-o Khud gil-e Kūza."

Sir Syed Raza Ali (Cities of the United Provinces : Muhammadan Urban) :

"Khud rind-i subu-kash."

Dr. Sir Ziauddin Ahmad : I accept the amendment. What we on this side suggest is that the Finance Department should have control in the same manner as they have control over other Departments.

Coming to the other Directorate which is located in Delhi and where we have all other articles except engineering ones, I have no doubt that they are taking steps to amalgamate and co-ordinate all their efforts. But I think the amalgamation is not what it ought to be. We have still got really the waters of the Jumna and the Chambal running in the same river in parallel streams. You see it at once, one part of the appointment is in the civil side and the other is on the military side. Here, I should take analogy from the Education Department. I have been in the Education Department and I always resented whenever a juggler came and called himself a Professor. On one occasion I moved the Government and said that it is an insult to the Universities that these jugglers should be allowed to call themselves 'Professors' and that if they persisted in calling themselves 'Professors', they should write word with two 'f's'. A professor with one 'f' is a learned man in the University and a professor with two 'f's' is a juggler. Similarly my idea of a Colonel is quite different. My idea of a 'colonel' is that he is a great patriot, he serves the country at the risk of his life, he is a person who has gone through all the stages of military discipline, he has lived the life of respectable poverty and his wealth does not consist in £. s. d. but in respect which he commands. That is my idea of a colonel and that is the idea which I think military officers have always upheld. But here, what I find is, that a Colonel in the Army takes about 23 years to reach that status. The authority who should put his foot down on the misuse of the sacred title of a Colonel in the Supply Department is H. E. the Commander-in-Chief himself. The rank of 'Lieutenant-Colonel' should be achieved by long continuous service. We have extended this to the Medical Department already on account of their association with war services. But I think it is really an insult to extend it to a person who does not know how to handle a rifle and who cannot walk in the right manner. It is more insulting that a person becomes a 'Lieutenant-Colonel' in two years. I am not criticising individuals, but I am criticising the system. One individual who was recruited as Staff Captain on 26th September, 1939, was promoted in July, 1940, to a Major and then within a few months became a Lieutenant-Colonel. Thus a person becomes a Major within two years. I should very much like that these 'Colonels' should write their titles with 'k' and not with 'c' so that a 'Colonel' with letter 'c' is one who has lived an honourable life of poverty and who always lives for the safety of the country. During the war 'Colonel' with 'k' is one who makes money and the 'Colonel' with 'c' risks his life. That is the difference between 'c' Colonel and 'k' Colonel. I have got some examples in which these promotions have been made. But within the limited time at my disposal I cannot enter into details. What I want is this, let the people who hold the military rank keep the rank if they go to the Supply Department. They should continue to hold their own titles and be entitled to future promotions according to military regulations, but a person who has never been in the Army and who is made a Colonel simply because he is an expert in jute, or simply because he is an expert

in *ghi* is something which I cannot understand. Why should we, the Members of the Legislature, be not called 'Colonels', because we are experts in criticism. Why should we not be called 'Majors' because we are experts in using strong language. You have extended the sacred titles 'Lieutenant-Colonels' and 'Majors' to persons appointed for commercial negotiations, why not have the same in the Assembly also?

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : You will be a General.

Mr. M. Ghiasuddin (Punjab : Landholders) : A General with 'J'.

Dr. Sir Ziauddin Ahmad : The other point which I wish to refer to is this. There is great difficulty for a person to get himself registered in the Supply Department for the purpose of getting contracts. There are a great many troubles which persons are experiencing in this matter but the short time at my disposal does not enable me to explain the whole thing in full. I think all the difficulties which merchants are experiencing should be removed.

The second difficulty is about samples. In the case of food-stuffs these samples are always sent to Kasauli for examination. I am given to understand that now they are taking some care but formerly they took no care about these things. They took enormous time to have the result of chemical examination sent to the proper authority; and every one knows that, like the fees paid in courts, any one who wishes to expedite the result of chemical examination must pay a fee. It is not considered to be corruption but, unfortunately, no income-tax is to be paid on it.

The next thing is about specifications. Specifications are always written in the language of the oracle of Delphi which can be interpreted in any way you choose. I will give you one example of a particular reply. "If it is to be made of black metal it should be made white by tinning; but if it is made of white tin it should be tinned with this white tin." Any one not reading it carefully will understand that if you make it with black stuff you must tin it but if you have already made it with white tin it is not necessary to do it. It is very misleading and the most simple thing would have been to say that in every case it ought to be tinned. But the way in which it has been put is really misleading and it provides a loophole for the inspectors to catch, if his good will is not otherwise changed. So these specifications should be in simple language. The specifications prepared by the inspectors themselves should be examined very carefully by the Secretariat of the Supply Department and a copy should be laid before the Advisory Committee so that they may be able to see whether the specifications are in simple language or not. Another point is that in these specifications there is always loophole for corruption, and if you look at it carefully you will find that the inspector can always catch hold of the contractor by putting a special point in the specification itself.

Coming to the next point as regards inspection, it is important that we should have expert technical men as inspectors just as we used to have inspectors in the Indian Stores Department. We had no complaints about them but here we find that inspectors are often appointed who do not know anything about the work. And they are very often appointed on daily wages and do not belong to the permanent staff; and any blooming fellow who comes up here at once gets a military uniform and is made either a Lieutenant or Captain or anything he likes, though he has never

[Dr. Sir Ziauddin Ahmad.]

been in the Army before. The argument that is brought forward is that inspection is done by the Master General of Ordnance. I can understand that in the case of Munition the Master General is the final authority.

The Honourable Sir Jeremy Raisman: Sir, may I ask the Honourable Member whether by "blooming" he means a man in the spring of youth?

Dr. Sir Ziauddin Ahmad: I do not mind interruptions provided they are outside my 20 minutes.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not be interrupted.

Dr. Sir Ziauddin Ahmad: The next thing is about tenders. There are four systems of tenders,—the open tender, the limited tender, the single tender, and tender by negotiation. The thing which is most criticised and leads to corrupt practices is the system of limited tender because the system is faulty. The Secretariat take three weeks to discuss the preliminaries and give only one week to the merchants. Those persons who hang about the Supply Department or who have got some connection there get information about three weeks earlier, and after the lapse of three weeks the notices are sent to the various people whose names have already been entered and those unfortunate men are given only one week to prepare their tender, to send the articles to Cawnpore and have them approved there, and, afterwards, they send their tender to the Supply Department at Delhi. And a week is hopelessly insufficient for persons residing in Calcutta, Bombay or Madras. I hope this system will now disappear as we have now got these orders well in advance, and there are only two systems which we should observe, namely, open tender and tender by negotiation. Whenever we have tender by negotiation, the principle of negotiation should be the same in Calcutta as in Delhi.

The next point is that the Finance Member should bring forward a Bill to control profiteering. It is a scandal, specially in Calcutta and Bombay, where strict financial control is absolutely necessary. I think it is legitimate on his part to examine these things carefully and bring forward a Bill to regulate the unnecessary and scandalous profiteering in connection with the Supply Department.

I will now summarise my recommendations and probably in connection with the Finance Bill I may enlarge them. (1) Purchase methods should be clean. (2) The purchase organisation should be independent. (3) In purchase we must have a strong man who should not be influenced by the pressure of the Chambers of Commerce. (4) Constant watch by the Supply Department over profiteering. (5) Strong supervision by a branch of the Supply Department over purchasing. (6) Only two forms of tender should as far as possible be resorted to,—the open tender and tender by negotiation,—the systems of limited tender and single tender should be avoided. (7) Strict control by the Supply and Finance Departments over inspection and some responsible officers should watch the work of inspection. (8) Specifications should be in simple language and should not be drawn up by the inspectors themselves, so that there may be no loophole for corruption. (9) Appointments should be well distributed and should not be the monopoly of one particular class, either in the

higher appointments or in the lower appointments. (10) Every person engaged in work whose opportunities of corruption are greater should disclose, according to the service regulations, his immovable property. I understand that there is a regulation in the service that every Government servant must disclose his immovable property at the end of every year but in the case of this Department this should be subject to two changes: (i) the disclosures should be after every six months and (ii) the bank deposits and shares should also be disclosed. (11) We should establish an appeal tribunal. It may be a single officer in the Supply Department or a board of three persons, but there ought to be some kind of tribunal so that contractors should not be left at the mercy of an inspector. This is very desirable because I know definitely that there is an impression that honest business men cannot do business with the Supply Department and it is only dishonest business men who can do work with them.

Lastly,—and I finish,—the whole of India buys articles both from Hindus and Muslims and the English people. Why should the Government feel shy in purchasing their articles from Muslims? It is not too much when I say that a fair share of these contracts should also be given to the Muslims. From the figures given to me I find that the number of Muslim contractors is negligible: somehow or other they cannot adapt themselves to the conditions now prevalent in the Supply Department. With these words, I move.

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

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

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Sir, I have not heard from my Honourable friend a speech so confusing as he made today.....

Mr. President (The Honourable Sir Abdur Rahim): There is too much noise in the House.

Sir Abdul Halim Ghuznavi: He started by reading his cut motion—"to discuss the administration of the Supply and Allied Departments".....(Interruption).

Mr. President (The Honourable Sir Abdur Rahim): It is not fair to make running comments like that.

Sir Abdul Halim Ghuznavi: The first charge he made was that the Government of India should have the control of the Department that is run in Calcutta by the Director General of Munitions Production; and then he went on bungling with all sorts of matters which are quite irrelevant to the Supply Department. He went on to say how a Captain becomes a Lieutenant (Laughter)—I am sorry I got confused.....

Dr. Sir Ziauddin Ahmad: There are demotions also—I have got examples of that.

Sir Abdul Halim Ghuznavi: Then, he spoke about the Kasauli examination of foodstuffs. Sir, the Honourable Member is a member of the Supply Department Standing Advisory Committee. He had an opportunity only the other day—on the 3rd of this month—to bring forward all that he has brought forward here.....

(Interruption by Dr. Sir Ziauddin Ahmad.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must be in his seat if he wants to make remarks.

Sir Abdul Halim Ghuznavi: He attended the committee, but he mentioned nothing. So far as the financial control of this Department in Calcutta is concerned, I think my Honourable friend has been told times without number that there is absolute control by the Government of India over that Department and there is a Financial Officer who is directly under the Government of India, without whose advice the Director General of Munitions cannot order and cannot proceed unless he is in agreement with the Financial Controller who is there to watch there as the watch-dog of the Government of India. What else does he want? What is the idea of financial control on which he was expatiating in this House today? There is that financial control. Either you say it is not sufficient. Then, in what way would you suggest it should be made more effective?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): When you got your last contract?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member, Mr. Kazmi, is not in his seat.

Sir Abdul Halim Ghuznavi: Then, about the tender system. He advocated open tender and he advocated the negotiated tender; but he was against limited tender system and against the single tender system.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Is not open tender the best?

Sir Abdul Halim Ghuznavi: Who says it is not the best? During peace time that is so, not during war time.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): During war time some other people are required?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not interrupt: he will have his chance.

Sir Abdul Halim Ghuznavi: My Honourable friend need not interrupt. He does not know anything about industrial India. There is the system of open tender now where it is possible to have open tenders. Then there is another sort of tender, the limited tender. Let me explain to the House what is meant by limited tender. A particular thing is manufactured by a particular firm or firms which are registered. Excepting those firms, no other firm can manufacture those particular goods. That is what is called limited tender. What is the idea of having an open tender for those particular kinds of goods when the Government know and the trade knows that there are only fifty firms in India or twenty firms, that can manufacture that particular kind of goods? Those twenty firms are known to the trade and to the Government and to the Supply Department. They are registered and they are called upon to submit tenders. No one knows what the other is going to submit.....

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Is that an exhaustive list?

Sir Abdul Halim Ghuznavi: Yes. The names are there and even if you make it open tender only those fifty or twenty firms would tender and nobody else. Why not then have the limited tender and not expose to the world from where you are getting these goods and thus give information to the enemy?

Dr. Sir Ziauddin Ahmad: On a point of personal explanation, Sir. The point I wanted to make was that out of these fifty firms, forty get only one week's notice while the remaining ten get three weeks' notice.

Sir Abdul Halim Ghuznavi: My Honourable friend is absolutely mistaken. He does not know the system. He knows nothing at all about it: somebody has told him something and immediately he puts it down in his notes. That is not so at all. They all get sufficient time to tender. At one and the same time the notice is published and sufficient time is given to the tenderers; and tenders are opened publicly. What is the apprehension?.....

Mr. Muhammad Nauman: How do you know?

Mr. President (The Honourable Sir Abdur Rahim): Order, order; the Honourable Member need not reply to that question.

Sir Abdul Halim Ghuznavi: I know as much as the Honourable Member knows.....

Mr. Muhammad Nauman: He does not know.

Sir Abdul Halim Ghuznavi: He does not know, because he would not study.

Dr. Sir Ziauddin Ahmad: I do not study £. s. d., but I study the papers all right.

Sir Abdul Halim Ghuznavi: He has made out no case of the grievances that he wanted to be redressed, about the financial control so far as the Supply Department was concerned. Then he went on to the Inspectorate. He had spoken the other day on the 3rd March in the Committee about this particular grievance and he got a reply and still he has brought this forward on the floor of the House. There are permanent inspectors and temporary inspectors and I agree entirely with my Honourable friend in what he said. Temporary inspectors are liable to blunder.....

Pandit Lakshmi Kanta Maitra: What is their function? To inspect members?

Sir Abdul Halim Ghuznavi: To inspect the goods. Then he says he wants strong men in this Department. I have not been able to understand what he means by strong men—Sandows or what—I do not know. He has not said what he had in mind—he merely said he wanted strong men.

Pandit Lakshmi Kanta Maitra: Men are not fed on arrowroot.

Sir Abdul Halim Ghuznavi: So far as the Supply Department Standing Committee is concerned, the Members of both Houses are represented there, and they are given every opportunity every month to bring forward the public grievances or whatever they hear outside to the notice of the Honourable Member, and if they will continue to do that, they will not only be helping the Government, but also they will be helping the trade and the business. Sir, I oppose this motion.

Mr. Muhammad Nauman: Sir, I will not take much time of the House in narrating the old story which has been current in this country for a long time that the Supply Department is a dumping ground for all sorts of commodities and for all sorts of people who have had no place or an outlet elsewhere. My Honourable friend, Dr. Sir Ziauddin Ahmad, has already made, concrete suggestions, and he has made those suggestions after his experience as a member of the Supply Department Committee. That will reveal to the House that, whatever picture has been shown to the Members of the Supply Department Committee, that is not at all sufficient to convince them that they are getting all the informations that they needed. That is a great disappointment to Members, and at least on this side of the House. Sir, when I moved the Resolution in last November that Members of both the Houses of Legislatures should be associated with the Supply Department, it was with a view to improve the state of affairs there, and I also wanted that those Members should be supplied with as much information as was possible without disclosing any such matters which may be strictly confidential and may prejudice the successful prosecution of war. But from the speech of my friend, Dr. Sir Ziauddin Ahmad, I feel that probably members of the Supply Department Committee are not given information, even necessary information I mean, as to how tenders are being issued, and how the inspection is being carried on, etc.

My Honourable friend, Sir Abdul Halim Ghuznavi, tried to defend the Government on that point. I do not know how he could get more informations than his other colleague in the Supply Department Committee, but, somehow, my friend, Sir Abdul Halim, very strongly supported the system of limited tenders, and said that Government were fully alive to the fact that there were only a few persons, 10, 20 or 30 who are able to supply a certain class of article or manufactured goods, and only those few people are given timely information. But what serious objection can there be in adopting the open tender system? The only objection that I can think of as existing in the minds of the Government Members would probably be that that system might reveal to other people what the requirements of the Government are. If that is the apprehension in their minds, then we must have an assurance from Government that they will register in their list the names of all organisations and firms who supply a particular class or type of goods. As my friend, Dr. Sir Ziauddin Ahmad, pointed out, it is really difficult for honest business men to deal with the Supply Department or with the Contracts Directorate. It may be somewhat unpleasant for the Government Members to hear this complaint, but this is a fact. Unfortunately, the consensus of opinion among business men is that they find it extremely difficult to deal with either of these two Departments. I do not know on what that

opinion is based,—whether it is based on some facts or it is the result of some guess by somebody, I cannot say,—but there seems to be some truth in what they say as the Persian saying goes:

"Ta Nebashad chizek murdum ne goend chiz ha."

"Unless there is some truth in anything people will not talk about it so loud." There must be something wrong somewhere, and there is no doubt that the facilities for registration of trading firms do not at all exist. It takes six months to get a firm registered as one of the recognised contractors or approved contractors as they say. Naturally, the entire paraphernalia of the Government has to be put into action, all sorts of information through red tape system about the financial status and position of the firm has to be collected, and so it takes much more time than it should ordinarily take in such Departments. Then what happens? Only a few favoured people or those who have access to the Supply Department either through their own selves or through some friends who may already be known to the Department, or through the influence of some other factors, are alone eligible to be registered as approved contractors and who get the cream out of everything. But the real cream is taken away by the fortunate few who are given the tenders in time, because some of them have arrangements and manipulate to get information as to what the Government would require after ten or twenty days or even after a month. Therefore, this is a serious matter and we want the Government to give their best consideration to it.

Sir, there is a strong feeling in this country that all those who are prepared to take a proper share in dealing with the Supply Department or the Stores Department or in the Contracts Directorate are not given the same amount of facility as the other as commercial concern or business people of this country who are already registered are being given. This is the grievance which has been put forward from all quarters, and that is why we have been advocating the adoption of the system of open tenders. Of course, tender by negotiation is another thing which my friend, Dr. Sir Ziauddin Ahmad, has approved. I personally do not like it, but in cases where limited tenders do not secure the best results, tenders by negotiations can be replaced, and in that case Government need not reveal such information as they think will not be in the interest of the country to do.

Then, with regard to financial control, my friend, Sir Abdul Halim Ghuznavi, asked what better control could there be than the present one. I do not know what information my friend has except this, that the Finance Member controls everything, but he does so with the red tape system and by paper Government. The point is what is the real and effective control that is exercised on the Supply Department by the Finance Department. So far as we know, there is none. Therefore, my friend, Dr. Sir Ziauddin Ahmad, suggested that a Committee, not of the House, but of the officials who may be considered fit to advise on financial matters may be constituted to see that the financial policy laid down for the Supply Department and other allied departments is properly carried out, and that is what my friend, Dr. Sir Ziauddin Ahmad, advocated.

Then, my friend, Sir Abdul Halim Ghuznavi, said that somebody who is in charge of the purchases in Calcutta or who is the Director of Munitions is the most capable person. I do not doubt his statement, but the point is, if any particular man is efficient, there is no reason why the

[Mr. Muhammad Nauman.]

organization of control should not be made strict, or at least as strict as it would have been made if there was not such an efficient man as my friend, Sir Abdul Halim Ghuznavi, stated that there is now one in Calcutta. Sir, particular individuals may be good or may be bad, but the machinery should be set up in such a manner which would not allow any person to abuse his position. That is the real object. And by putting forward this cut motion, our real object is to bring to the notice of the Government of India that there is a real grievance in this country and that it should be remedied in the manner suggested by us. They might be receiving proper attention in one way, namely, that the Department is getting supplies, but they are not receiving proper attention in the other way which we think that they should get, namely, that they should get their supplies at the lowest possible prices, in the best interests of the exchequer and at competitive rates. That is the real purpose of moving this cut motion.

We have not got much time to elaborate the different points, but I think there is one point regarding the specification of tenders. Sometimes the specifications are such that they are not understood by the normal class of business men who deal in the particular kind of goods. For instance, in a case in which Directorate of Contracts required sheep skin for aprons, they used a Latin name, and it was not intelligible even to skin merchants who have been in the trade for a century. When the individual contractor wrote to the Department what it was and whether it was sheep skin, the reply came, "yes". Then, again, certain limitations are placed which the Department know that it is not possible to comply with. For example, in the case of the same sheep skin, they said, all to be male sheep skin. I do not suppose any expert in the world can inspect and say after the skin has been tanned, whether it is the skin of a male sheep or of a female sheep. All sorts of things are put in so that honest business man may feel hesitant. I do not want to suggest anything as to what advantages it gives to people who decide tenders or in what particular position inspectors feel themselves when such ambiguities are maintained on the tender. But I should say that it should be the look-out of the Government to see that the description is intelligible to the majority of that class of people who are supplying those variety of goods. That should be one of the chief considerations when tender specifications are written out in this country. That is a concrete suggestion and I hope it will receive the attention of the Government.

As regards the method of inspection and inspectors, of course, the inspectors ought to be highly technical people who have to pass the goods delivered. It is no use employing people whose knowledge may be very good on theories, but who have no practical experience. For example, regarding tanning itself, a man may have received a very good technical training in Northampton or Southampton, and may have served a trade a little while to get training, but if he has been out of the trade for 10 or 15 years, do you expect that he can be any good authority regarding the passing of tanned class of goods? He cannot be. Experience is a great thing, and unless you are at it for a long time and continuously, I am afraid the person won't have that technical knowledge which a person with a theoretical knowledge and practical experience in the line has got.

My suggestion would be that Government should appoint those men as inspectors who would be technicians in that particular line in which they are to pass goods. They ought to be people of high character. Sir Abdul Halim Ghuznavi remarked he did not know what Dr. Sir Ziauddin Ahmad meant by saying, a strong man.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Muhammad Nauman: By saying a strong man, he meant a man of strong character, a man of high reliability. He may not be very stout and strong in body.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Muhammad Nauman: . . . but he should be of a high integrity. With these few remarks, I sit down.

Mr. Muhammad Muazzam Sahib Bahadur (Nominated Non-Official): It is always a pleasure to hear Dr. Sir Ziauddin Ahmad speak on any subject. The other day when he was speaking on the administration of the railways, it appeared to me that the booklet which he has produced recently has had much to do with his speech, especially on the administrative policy of the railways. I wish that in the case of the Supply Department also he had produced another booklet of a similar type so that we may have known the dozen and more points that he tried to bring out in his speech today. Out of those dozen points which he tried to make, there is one point which stands out as of special importance. I am referring to the remarks he made regarding specifications supplied to tenderers, meaning thereby that the system adopted is such that it leaves a loophole for corruption—those are his words. May I say that I have some remembrance in that line of the Great War of 1914-18, and of some friends of mine who had tendered successfully and become contractors to the Government during the Great War. My recollection is that all those friends of mine who were contractors for the Government during that period made huge profits, whereas during the present war so far—I have got friends in Madras and in Delhi who have been contracting to the Supply Department, and the feeling among them is that the words, "war profits" are actually a misnomer. The profits that these people make are nothing compared to the profits made during the last war. That is a great tribute to the policy and administration adopted by the Supply Department at the present time.

My Honourable friend, Dr. Sir Ziauddin Ahmad, then remarked about the rank allotted to certain officers in the Contracts Directorate and other allied Departments under the Supply Department. I think it stands to reason that if a Lieut.-Colonel is asked to perform certain duties relating to war contracts and a civilian officer is posted to a position almost exactly on a level with the one that is carried on by the military officer,—I think it stands to reason that the civilian officer should draw as much emoluments as the military officer, otherwise he would be doing his work in a half-hearted manner. Besides it would open the door to temptation

An Honourable Member: What temptation?

Mr. Muhammad Muazzam Sahib Bahadur: Bribery, corruption. (Interruption.) Suppose a civilian officer is employed on a pay of Rs. 200 a month and a like post is given to an officer of the military department, and a Lieut.-Colonel is appointed to perform duties exactly similar to the ones which the civilian officer is asked to perform, and the Lieut.-Colonel gets Rs. 2,000 a month. It is natural that the civilian officers would feel rather cowed down and they would not have the zest and I would go further and say that it would open the door to temptation. In that way, if civilians have been appointed to ranks which have been enjoyed by military officers in the Supply Department, they are perfectly justified in drawing salaries which are given to the military officers and it is for that reason that these officers are given the rank of Captains, Majors and Lieut.-Colonels. Then my Honourable friend referred to the employment of lady stenographers. Whether it is lady stenographers or men stenographers, it is a minor matter. After all, the Supply Department is a huge organisation and it has to deal with the prime necessities of life right up to the scientific armaments which are needed in present day warfare. The management of such a huge organisation naturally leads in some instances to dishonesty, however well managed it may be. You can never prevent that

Dr. P. N. Banerjee: But you should not encourage dishonesty.

Mr. Muhammad Muazzam Sahib Bahadur: Of course not. That is very necessary. In the last war huge profits were made and during the present war, they are just able to make both ends meet and nothing is left to them except a very small margin of profit. Then my Honourable friend referred to the system of tenders. I think my friend, Sir Abdul Halim Ghuznavi, is more competent to speak on that subject than I am.

Sir Cowasji Jehangir: Does the Excess Profits Tax apply to these contractors?

Mr. Muhammad Muazzam Sahib Bahadur: Then, Sir, my Honourable friend referred to the delays which occur in the report submitted by the Kasauli Institute with regard to foodstuffs they examine. He gave us to understand that the effect of this delay is to keep out certain tenderers and to benefit certain others. I have not heard anything about that except the statement made by my Honourable friend. With regard to specifications, I think it would have been far better for my Honourable friend to have read out those specifications, so that we may be in a position to judge for ourselves. He never read out any specification.

Then, Sir, my Honourable friend referred to the want of experience on the part of Inspectors, whose duties were performed by some people in the Indian Stores Department and he deprecated the policy now adopted of having Inspectors appointed from the Directorate of Supply.

An Honourable Member: They are temporary.

Mr. Muhammad Muazzam Sahib Bahadur: If they are temporary, I suppose it is due to the stress of necessity. I deprecate the temporary appointment of Inspectors, because the ultimate results cannot be satisfactory. But so far as the Indian Stores Department is concerned, it is now part and parcel of the Supply Department. As such, whether these

inspections are carried on by the Indian Stores Department or by the Contracts Directorate, it is immaterial, provided you have the proper kind of staff. I oppose the cut motion.

Sir F. E. James (Madras: European): Sir, I have seldom listened to a debate with more impatience. The House is now discussing perhaps the most vital and the most important Department of the whole of India's war effort, for, after all, the fighting forces are completely and absolutely dependent upon supply. I have listened in vain for some attempt to deal with this question in a big way. My Honourable friend Sir Ziauddin Ahmad's speech, to my mind, has proved one thing and that is that the Advisory Committee to the Department, some of whose members are elected by this House, has been of little value to them or to us, and it is unfortunate that the House has not been asked to deal with some of the bigger issues which were referred to in the speech of the Honourable the Finance Member who pointed out that with the present trends in the course of the war the position of India as an arsenal of supply is becoming daily more important to the war efforts of the Commonwealth of British countries.

Now, Sir, I am not in a position to speak with any detailed knowledge of the Department of Supply but I speak, so to speak, as an outsider, as one who has had brought to his notice from time to time certain problems concerning which I should like to make a very brief reference. We have been told by the Honourable the Finance Member that the orders which have already been placed in this country amount to over 82 crores of rupees. There was at one time some doubt in the minds of those who live in my constituency as to whether there had been a sufficiently fair distribution from the geographical point of view of the orders which were passing through the Supply Department. I am glad to acknowledge the fact that the recent decentralisation of control which has been effected in the Department has to a very large extent met those misapprehensions and that as far as South India is concerned her industries are participating to a far greater extent in the war effort, as far as supply is concerned, than they did to begin with.

The question of inspection has been referred to. May I stress the importance of adequate inspection? May I also stress the importance not only of adequate inspection but of independent inspection? Inspection may make the whole difference between life and death when matters connected with the fighting forces are being dealt with and I should like to hear the Honourable the Leader of the House to tell us that he is satisfied that the inspecting staff is not only efficient but is absolutely independent and free from any suggestion of undue influence.

Now, Sir, there is another question I should like to ask. I am going to ask the Honourable the Leader of the House whether he is finding any difficulties in the way of the organisation of the Supply Department which ought to be remedied and which can be remedied by those who are principally concerned. Hitherto, the debate has proceeded in the other direction. Members have mentioned their peculiar and particular difficulties and criticisms. I should like to tell the Honourable the Leader of the House that as far as my own community is concerned, we are desperately anxious that he should not be impeded in any way in the speeding up of India's supply production. If there are difficulties which are under his control to remove or which are beyond his control to remove immediately,

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will he let us know what they are, and if we can help, we shall gladly do so because this matter of supply is so absolutely fundamental to the success of the cause in which every Member in this House really believes.

There is one point to which I should like to refer which touches the Eastern Group Conference and its results. The Eastern Group Supply Council is to be situated in India, which, in itself, is a tribute to the special position which India holds not only strategically but in the matter of supply. Has that Council really started work and what are its relations to the Supply Department in this country and to the Supply Departments in the other co-operating countries within the Eastern Group? I understand that there are still members of that Council who have not arrived in India. I hope that their non-arrival will not mean that the work of the Council is being in any way held up. Then, I was glad to learn from the Finance Member's speech that authority has now been received from His Majesty's Government to purchase certain essential articles of supply in the United States and Canada and that an officer has been placed on special duty in America. I suppose his jurisdiction extends to the United States and Canada. Is that officer a member of the Department of Supply in this country? Is he responsible to the Honourable Member who is in charge of the Supply Department? What is his relationship to the Purchasing Commission which is in the United States today on behalf of the United Kingdom, and what steps are being taken to prevent any overlapping in the search for supply on the part of the representatives from India and the representatives from the United Kingdom? We, I know, would not for one moment have any competition in that field. We, therefore, hope that there is the fullest co-operation between that officer and those who represent His Majesty's Government in that particular field.

Then, Sir, my final point refers to the activities of the Roger Mission. I think the importance of the work of that Mission has been under-estimated in this country. But I notice that the Mission has now submitted its reports on the possibilities of expanding India's output of war supplies to His Majesty's Government, who are giving the reports their urgent consideration. It is hoped that as a result India will before long substantially be able to increase her output of munitions. What, then, is the position of the Roger Mission today? Has it disbanded? I understand that Sir Alexander Roger, who has an industrial experience possessed by few persons in this country, is still undertaking certain tasks either on behalf of His Majesty's Government or on behalf of the Government of India. But may we take it that the Roger Mission, having submitted its report, has completed its work? If not, on what work is it now engaged, or what is the particular duty which is now being carried out by its Chairman?

My final word would be to say this. There have been many criticisms of the Supply Department in the past. It must be remembered that in the countries which form part of the Commonwealth it was not until the war came that they began to organise themselves upon a war basis, and the undertaking of the Supply Department is one of the greatest undertakings of any Department in this country. It is not surprising that mistakes were made; it is not surprising that there were criticisms; but, I think, the general feeling in my own constituency is that great progress has been made and that necessary re-organisations have taken place. Many of the criticisms which were formerly put forward have been met and there is not one amongst us who would not pay a tribute to the head of the Supply

Department for his devotion to duty, for his quickness in appreciating the difficulties of others and for the rapid way in which he has put changes which have been decided upon into immediate and effective action.

Mr. M. S. Aney (Berar: Non-Muhammadian): Sir, I agree with my Honourable friend, Sir Frederick James, that the Supply Department occupies a very important place in the effort for the successful prosecution of the war which the country has to make. The matter, therefore, has to be considered not merely purely as a matter of accounts but as a matter having relation to the very big issues involved in the successful prosecution of the war itself. It is on account of that that this Department has largely attracted the attention of the non-official Members of this House for the last so many months. It may not be correct to say that the non-official Members of this House were not alive to the importance of the undertakings which this Department has to perform and fulfil. It was for this reason that this part of the House was anxious to urge on the Government that there should be some association of non-official Members with the working of this Department in some form or another, and the Honourable Member had made some arrangement of appointing a Supply Committee also of this House. But there are certain points on which one would like to have some more light thrown by the Honourable Member in charge or by the Finance Member in order that the people should feel that the working of this Department is being carried on for the purpose for which it is intended and with such co-operation of the Indians as it is possible for them to have with safety. Whatever information is vouchsafed has not been able to make the people entirely free from anxiety on this point. In the first place I would draw the attention of the Honourable the Finance Member to certain points which strike me—some important points which I gathered from the figures given under the Demand for Grant for the Department of Supply on pages 480-82. The importance of the work will also be realized from the very fact that the expenditure on the Supply Department has arisen from practically a negligible figure of Rs. 6,49,000 in the year 1939 to Rs. 58,26,000 in the estimates for next year. That in itself shows that the work of this Department has been expanding and greater expenditure has to be met, but if we analyse the figures further, we find that the revised estimates for 1940-41 show the figure to be standing at Rs. 49,30,000 and the Budget estimates for 1941-42 show that it will be Rs. 58,26,000. There is practically a rise of nine lakhs and a few thousand more; that is the difference between the Budget estimates for 1941-42 and the Revised estimates for 1940-41. Now, this difference also is accounted for by the fact that there is a provision of a lump sum for additional establishment to be provided for to the extent of about 10 lakhs in the Budget estimates. That accounts for the difference between the Revised estimates of this year and the Budget estimates for the coming year. Now what strikes me as something not easily intelligible is this, that there are a number of officers shown for the year 1940-41 and 1941-42; for the former year the number of officers given is 38 and for the coming year it is given as 159. I really do not know whether this 159 is not the existing number of officers in the Department or does that figure include the number of officers which they want to provide for in the coming year. I believe it does not include the number of officers to be included in the coming year for which a provision of a lump sum to the extent of ten lakhs is made.

The Honourable Sir Jeremy Raisman: No.

Mr. M. S. Aney: It could not be? Then the figure 88 shown as falling under the one year 1940-41 is not the correct one. . . .

Sir Raghavendra Rau (Government of India: Nominated Official): That must be the Budget estimate, at the beginning of 1940-41. . . .

Mr. M. S. Aney: . . . and not as it existed when the Revised estimates were made?

Sir Raghavendra Rau: No.

Mr. M. S. Aney: Otherwise it is difficult to understand the whole thing. Then there is another point to which I would make a reference. Of these 159 or 160 officers, how many officers are really Indian officers occupying key positions? That is a point I would like to know: it would go a long way towards reconciling public opinion in this matter. The other day a reply was given in another place but that reply was so vague that we were not in a position to understand exactly how the situation stands. What is the total number of Indian officers in this figure 188, and what percentage of them occupy what may be called key positions there, because that will show that there is a growing tendency on the part of those who are in charge of this Department to associate the Indian element not merely with either ministerial or clerical work or the ordinary routine work but even in those works which mean the laying down of the policy and some such important thing connected with defence. Then, after that, there is another thing which I would like to ask the Government, and then I would wind up my remarks. As I have already maintained that this work of supply occupies a very important place and my Honourable friend, Sir F. E. James, raised the point that so far as the orders placed with the Government of India in the Supply Department are concerned, there is now, according to him at least, some satisfaction to the effect that all the Provinces have been given a fair advantage of the distribution of these orders in the matter of the supply of those orders. I would like to have a more clear statement on that point also so that it should be possible for us to know what is the position of these Provinces. I know it is a matter of supply, and much will depend upon the industrial development of each Province, but at the same time it would be of interest for us to know how far under the existing conditions the different Provinces have been able to attempt industrialization in some way or other and what encouragement or advantage the different Provincial Governments are having or taking so as to make an effort towards the industrialization of those Provinces. From that point of view I believe some detailed statement in this House would be of great use. With these observations I support the cut motion.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Sir, before making an attempt to reply to such criticism of the Supply Department as has been given expression to during the course of the debate

I would like to say this, that the Supply Department is in charge of work of an emergency character, work which is not normally carried on, at least not in the same volume, by ordinary Government Departments, and, therefore, there has not been the least tendency on my part to pretend at any time that there may not be or that there is not room for improvement in various directions. As a matter of fact changes are continuously being effected in the organization and methods of the Supply Department as defects become apparent or improvements suggest themselves. Therefore, I was hoping that during the course of the debate suggestions might come to the surface which might be worth investigating further. I am somewhat disappointed that the debate has not thrown up any suggestions of that character. I do not again from that draw the inference that all that is necessary has already been done and that there is no further room for improvement. Perhaps some Honourable Members like the Honourable the Mover of the cut motion are reserving their more detailed suggestions for another occasion, for, throughout his speech Sir Ziauddin Ahmad gave warnings that for the moment he was only tabling the heads of the speech he proposes to make during the consideration motion of the Finance Bill, so that today he was merely giving us the benefit of the index, but on a further occasion he will give us the benefit of the contents of his speech. Nevertheless, I must try to meet such criticism as has been put forward and in trying to meet that criticism I am afraid I must take up some of the time of the House in explaining over again in outline at least the organisation of the Department. It seems to me that in spite of several attempts made in Committee to explain the organisation and the working of the Department, there is at least one Honourable Member of the Committee who does not appear to have grasped either the functions or the organisation or the method of work of the Department.

Dr. P. N. Banerjee: Have the other Members grasped?

The Honourable Sir Muhammad Zafrullah Khan: At any rate, I have had no indication from any other direction that the working and organisation of the Department have not been understood. As a matter of fact, another Honourable Member, I mean Mr. Muhammad Nauman, has made a grievance that apparently information is not being supplied to the Committee. For here is my Honourable friend, Dr. Sir Ziauddin Ahmad, who stands up and gives utterance to certain things which indicate that he has no information on certain points. But what I understood Sir Ziauddin Ahmad to say was that he wanted the organization of the Department, in certain respects, to be on different lines from the lines on which it is based at present, and how can he say that unless he has information as to what the Department is doing and how it is doing it. On the other hand when another Member of the Committee gave certain information, Mr. Muhammad Nauman said, "Oh!, how does he know, where does he get the information from". But when that Honourable Member said that he got it during the sittings of the Committee, Mr. Muhammad Nauman said: "But Dr. Sir Ziauddin Ahmad does not seem to have got it". I will say this that except with regard to one matter as to which I said that if I was convinced that the information was wanted for some purpose which would help Honourable Members to understand something concerning the Department, I have freely supplied information on every matter on which information had been asked for. I have given it in my own statements and

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in statements made by the heads of various sections of the Department; I have given it by way of memoranda, by way of notes and by every possible means in which I could convey information. That it does not appear to have sunk very deep in certain quarters is, I assure the House, not my fault.

I shall make another attempt to describe the organisation of the Department. Let me first try to impress upon the House that the Department does not consist of sections which place orders and of other sections which make purchases. The whole Department, if I might put it broadly, is a purchasing organization, orders are placed upon us by His Majesty's Government, by Allied Governments or other countries and by our own Defence and other Departments and we have to execute these orders. That makes us suppliers and the distinction sought to be drawn between the Government of India and the Directorates General, between the Directorates General and the purchasing organisations, as if these were a number of contending partners in an uneasy partnership is not justified. When an order comes in if it requires planning, the planning has got to be done in concert between the appropriate Directorate General and Purchasing Organisation. When the planning has been done and the actual purchase is to be made, the actual purchase is made by the purchasing organisation concerned. These purchasing organisations we took over one from the military side and the other from the Commerce Department, that is to say the Directorate of Contracts from the military side and the Indian Stores Department from the Commerce Department.

With regard to the two Directors General, the question asked was what is the control exercised over them. The question might well be what is the control exercised over the Supply Department? The Supply Department is constituted as follows: There is the main Secretariat, then there are the two Directorates General, the Directorate General dealing with munitions production, that is to say roughly steel, engineering and metals and the Directorate General of Supply which deals with other stores. With the Director General of Munitions Production are associated sections both of the Indian Stores Department and of the Directorate of Contracts which deal with those articles which are assigned to that Director General. With the Director General of Supply are associated those sections of the Indian Stores Department and of the Directorate of Contracts which deal with those articles which are dealt with by the Directorate General of Supply. Each of these Directorates General also has a Financial Adviser, a representative of the Finance Department. They also have their secretariat establishments so that each is more or less a complete department in itself, the Director General at the head of the Department having the powers of a Secretary to Government. Associated with him are appropriate sections of the purchasing organisations and also the Financial Adviser representing the Finance Department. They together plan and place orders for all the articles with which they deal. The Director General of Supply similarly has associated with him a Financial Adviser.

Sir Cowasji Jehangir: Are the Financial Advisers properly staffed from the Finance Department?

The Honourable Sir Muhammad Zafrullah Khan: Oh! yes.

As I was saying, the Director General of Supply has associated with him a Financial Adviser and also the necessary secretariat staff, so that they too are a complete organisation, and these organisations are the Government of India. I do not know and I cannot understand what Honourable Members mean by saying, "What control does the Government of India exercise over them?" They are, for the purposes assigned to them, the Government of India. Of course, the Member in charge is responsible for the running of the whole of the Department, but if it is meant that every little thing that has got to be done must be put up to the Member and be sanctioned by him before anybody can take any action, that is physically impossible and cannot be done; it would require a hundred Members to do the work of the whole Department over again after it had been done by the various sections of the Department.

Dr. Sir Ziauddin Ahmad: Is it not a fact that Government have amalgamated the Indian Stores Department and the Department of the Director of Contracts?

The Honourable Sir Muhammad Zafrullah Khan: No, not technically, because we are under obligation to the two parent Departments of these two organisations to restore them to their parents after the war is over in the condition in which we took them over from the parent Departments; that is to say, we are under obligation to restore the Directorate of Contracts to the Defence Department and restore the Indian Stores Department to the Commerce Department. Therefore, no technical amalgamation has been carried out, but any overlapping which would have resulted from these two purchasing organisations discharging similar functions with regard to certain stores has been eliminated in the way I have explained. Suppose sections A, B, C of the Directorate of Contracts were dealing with steel and engineering and metals before the war, and sections X, Y, Z of the Indian Stores Department were also dealing with similar articles for the Civil Departments of Government. Now A, B, C of the Contracts Directorate and X, Y, Z of the Indian Stores Department have all been put down together at Calcutta and they are attached to the Directorate-General of Munitions Production; and they are now working, though in separate and distinct sections, as one purchasing organisation attached to that Directorate-General; and the same thing has happened with regard to stores which are dealt with by the Director-General of Supply.

Mr. M. S. Aney: Are they functioning as one Department?

The Honourable Sir Muhammad Zafrullah Khan: The head of the purchasing organisation in Calcutta in charge of both these sets of sections is Brigadier Thomas who was the Director of Contracts and the head of the purchasing organisation as it stands today in Delhi, that is to say, sections from the Indian Stores Department as well as the Directorate of Contracts is Mr. Sur who was Chief Controller of the Indian Stores Department.

Dr. Sir Ziauddin Ahmad: Do I understand that the amalgamation between the Indian Stores Department and the Director of Contracts has been carried out in Calcutta and not in Delhi?

The Honourable Sir Muhammad Zafrullah Khan: Yes, in Delhi too.

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Now in regard to financial control, there is a Financial Adviser for the whole of the Department and he has other representatives of the Finance Department,—one attached to the main secretariat, one attached to the Directorate-General of Munitions Production in Calcutta and one attached to the Director-General of Supply in Delhi. So that there is at each stage adequate financial control and examination of all proposals that emanate from any part of the Department.

With regard to the Directorate of Contracts one objection taken by Sir Ziauddin Ahmad was that there have been very rapid promotions in military ranks and, of course, consequently, in emoluments. With regard to military ranks I hope the House will at least now realise, after I have described the organisation of the Department that the Directorate of Contracts is a military department. For the moment it has been placed at the disposal of the Supply Department in the sense that it works with the Supply Department but its organisation is on military lines, and we cannot tinker with its organisation, as I have said, being under obligation to restore it intact to the Defence Department after the war is over. The ranks there have always been held on a military basis and continue to be held on a military basis. There has been one change since it came over to us and it is this that it came over to us as a Department into the officers' ranks of which no Indian recruitment was being made; but we have been able to persuade the military authorities that a certain amount of Indian recruitment should be made into the officers' ranks and we have already granted commissions to, I believe, at least eight Indian officers in the Directorate of Contracts, and this I hope will continue. With regard to rapid promotions, I believe there have been one or two such cases; they have been already discussed on the floor of the House during question time, and I have made no secret of my own opinion that these were cases of rapid promotion. There was a certain amount of justification for them having regard to the fact that the Directorate of Contracts with its peace-time establishment had a very limited number of officers. It expanded very rapidly after the war and the result was that in some cases,—two have come to my notice,—there was promotion which might be regarded as rapid promotion. In one of these cases,—and I believe that is the case which was referred to by Sir Ziauddin Ahmad,—the promotion to the highest rank to which he has referred was only temporary. That officer had risen from Captain to Major within a short time owing to the fact that several high posts had to be created in that Department which had to be filled by Majors, but his rise to Lieutenant-Colonelcy was in a temporary capacity for a short time and he has again reverted to the rank of Major. This is a kind of thing which cannot altogether be avoided when rapid expansion has to take place. And I may say with regard to the other criticism also that that particular officer though he was in civil employ when he was taken over and given military rank had been for a number of years,—I believe for 15 or 16 years,—in the Indian Army Reserve of Officers where he held the rank of Captain for a long time before he was appointed to this Department as Staff Captain. But I have looked into this matter and I have come to certain arrangements with the Master-General of Ordnance and the Director of Contracts which should obviate similar cases recurring in the future except where it cannot possibly be helped and there is no remedy for it.

There were several other matters referred to by Sir Ziauddin Ahmad; for instance, that the testing of samples,—he referred only to Kasauli, but I suppose his criticism was general,—used to take too long. He has himself said that there has been considerable improvement in that respect already. He then referred to the matter of fees which he said are described as fees but everybody knows what they are; and there are other Honourable Members who have made reference to similar kinds of expenditure incurred in respect of the inspectorate. On that matter I may say this. I too have heard rumours, but I cannot condemn anybody on the basis of a rumour. I have made appeals to members of the commercial and industrial community that if they will bring to my notice any concrete cases where I am satisfied that anything of that kind has occurred I am prepared to take the most drastic steps to put the matter right.

I do not know what more I am expected to do in this connection. Sometimes I am told that if anybody gives information he is doomed for the future so far as orders are concerned. I have said that I will guarantee that no such firm or individual will suffer on account of their having brought to notice a matter of that kind. But unless there is satisfactory proof, I am unable to take action. I am most anxious—I am more anxious than Honourable Members themselves, because, after all, it is my responsibility and it is not directly their responsibility—to put an end to anything of that kind that may exist; but I want the help of people who have knowledge of these matters to come forward and supply me with information. And without levity, may I also say this—it is neither a justification for anything of this sort if it does exist nor an excuse nor a palliation of it—but there is an aspect which makes it more difficult to deal with a matter of this kind and which is summed up in the Punjabi proverb:

"Randi te randepa kat lendi aye gwandhi nahin katan dende."

which means that a widow left to herself might remain chaste, but it is the neighbours who interfere and see that she loses her chastity. Without the co-operation of commercial and industrial individuals and firms, if this evil does exist—and it may well exist for all I know—it cannot be dealt with; and I do hope that that co-operation will be forthcoming and that we shall be able to deal with it.

Then, specifications were referred to. There also, in the first place, I must impress upon the House that we are suppliers; and as suppliers we have got to supply articles according to specification; that is to say, the specification which is given to us. It is for the Governments and Departments which place orders with us to say what they want; and then it is for us to make every possible effort to supply what they want. When an article cannot be supplied according to the specification, every effort is made to procure a suitable substitute and to persuade the authorities placing the order to carry out tests in order to decide whether the substitute is or is not suitable; and if it is suitable it is accepted in substitution of the article originally asked for. Two references have been made, one by Sir Ziauddin Ahmad and another by Mr. Nauman to specifications which on the face of them looked very stupid. But the actual specifications, if they were brought to my notice, would be more convincing than their paraphrase as understood by the two Honourable Members.

Certain observations with regard to the inspectorate and their qualifications have been made. It goes without saying that an inspector must have the qualifications to be able to judge the quality of the article which has

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got to be inspected. I do not know what is meant by part time inspectors—possibly the reference is to inspectors who may be paid by the day rather than by the month

An Honourable Member: Yes.

The Honourable Sir Muhammad Zafrullah Khan: I have had one or two references made to me on that question recently—the matter I think was raised only the day before yesterday in the Committee; and I shall look into it and see how the system operates in actual practice.

Another matter which has been raised and to which a great deal of importance has been attached is the question of tenders. It is said: "We have no objection to open tenders". As a matter of fact that is the normal way of doing things. Nor is objection taken to what has been described as negotiated tenders, by which is meant, I suppose, settling the terms of a contract by negotiation. But it has been urged that the system of calling for single tenders and the system of calling for limited tenders should be abolished. Now, the system of single tenders is resorted to when there is only one known source of supply for the particular article wanted; and a single tender and a negotiated contract might very often be the same thing. In any case where there is only one known source of supply, for instance, for particular kinds of fabricated steel the only source in the country may be Tatas, I should like to know what earthly good it would do to issue open tenders.

Dr. Sir Ziauddin Ahmad: Not in this case.

The Honourable Sir Muhammad Zafrullah Khan: Very good. In such a case single tender would be justified. I assure Honourable Members that only in such cases is single tender resorted to. A limited tender is only an enlargement of the single tender system. Limited tender is resorted to when there are a certain number of sources of supply but they are definitely limited. Take for instance, the supply of textiles of a certain description. These can only be supplied by certain textile mills and if a tender is issued to all such textile mills in India in respect of stores which can be supplied only by them, what objection can there be to this system and what good would it serve if it was insisted upon that in such cases there ought to be open tender. Sir Ziauddin Ahmad himself put a question a few days ago with regard to a tender of that description. He said: "Why was it not advertised?" "To whom was it issued?" and I gave him the reply that it was issued to 66 mills and in addition it was issued to all the millowners' associations who were requested to bring it to the notice of any mills which might have been omitted in the list of mills which we had here with regard to that particular description of textiles

Mr. Muhammad Nauman: May I ask one question? If it can be issued to 66 mills, what is the particular harm in making it an open tender?

The Honourable Sir Muhammad Zafrullah Khan: I do not know the number of occasions when I have tried to put before the House this aspect of the matter that a thing is done because it is required to be done and there is justification for it, rather than because there is no harm in doing it

Sir Gowsaji Jehangir: Has the Honourable Member made it quite certain that in the case of these limited tenders, tenders are sent, in the case of textile mills, to all textile mills who can make that article? Has he made quite certain of that fact?

The Honourable Sir Muhammad Zafrullah Khan: I have said that they are sent to all the textile mills known to us and also to Millowners' Associations with a request that they should bring it to the notice of mills to whom it may not have been sent by the department, to make it quite certain that it reaches everybody who is interested in the matter. But apart from that sometimes the limited tender system has to be resorted to because the urgency of the demand is such that there is no time to issue an open tender. That the single tender and the limited tender are exceptions is admitted. But they are resorted to only when exceptional circumstances of the kind which I have tried to describe arise. I think there can be no difference that the single tender must be resorted to if there is only one known source of supply and it is sheer waste of time and effort to put out open tenders. In regard to limited tenders, there may be a difference of opinion here and there—I will not say that on no occasion anybody else could possibly have tendered but I can say that taken by and large it causes no prejudice.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): May I know one thing from the Honourable Member—apart from these 66, whether there is any firm which has not received any demand for supplies for any tender of the kind during the pendency of the war?

The Honourable Sir Muhammad Zafrullah Khan: Obviously I could not answer that on the spur of the moment; but that number 66 was given with reference to the particular order which was the subject matter of that question. I have used that as an illustration: I am not saying that there are only 66 mills in India. I have said that with regard to that particular order, the order was conveyed to the 66 mills and to the Millowners' Associations and I laid on the table of the House a list of the mills who actually did get a portion of that order for execution.

The last grievance to which Sir Ziauddin Ahmad referred was, according to him,—I have not gone into the matter and have not checked the figures,—the paucity of Muslim contractors who dealt with the Department

Mr. Muhammad Nauman: And the difficulty of registration.

The Honourable Sir Muhammad Zafrullah Khan: I will deal with it later. The question of paucity of Muslim contractors has been raised, but that is a matter which is extremely difficult to deal with. I must not be taken to mean that I wish to exclude anybody from the activities of the Department from co-operation in the efforts that the Department is making to procure war supplies. On the other hand, it must be understood that the Department cannot undertake to make any particular number up from any particular community. The conditions with regard to supplies are known to everybody. With regard to certain descriptions of stores, open tenders are issued. There anybody can tender. With regard to certain

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other kinds of articles, where limited tenders are issued, there are known sources of supply, and if there is any fresh source of supply, I will see that that source of supply is not omitted, but I cannot think, how, assuming that there is not a certain proportion of Muslim contractors, I can remedy that defect. The remedy lies in the hands of the community itself. If Muslim enterprise were to take a larger share in the kind of activity with which the department has to deal, I have no doubt they will come in for a larger share of the orders. I have also no means of finding out whether or not there are enough Muslim contractors. Without going into detailed investigations for which neither I nor the Department have any time and for which there would be no justification we cannot find that out.

With regard to registration, it has been said that there is a great deal of delay and all sorts of inquiries are made which are not desirable. As to this latter aspect, when this matter was brought to my notice, I took steps to eliminate unnecessary and vexatious forms of inquiries, and I believe those are no longer made, and the opinions of Chambers of Commerce in the matter of the standing and capacity of the firms are being utilised more and more for purposes of registration. I understood some time ago that on the Directorate of Contracts side delays were now comparatively few. On the Indian Stores Department side, possibly there is still some room for improvement. One difficulty is the inadequacy of staff but the matter is under review constantly, and if any specific suggestion is put forward which would help to eliminate delay further, I shall be quite prepared to consider it.

I believe I have, in dealing with the matters raised by Sir Ziauddin Ahmad, also dealt with some of the points raised by Mr. Nauman, but there is one specific matter raised by him to which I ought to refer. He said that the Department purchases articles at prices which are not competitive. That is not the impression left on my mind after a scrutiny of some of the transactions put through. As a matter of fact, I have received a number of complaints that the Department is apt to beat down people a good deal, but on that I am not able to pronounce an opinion. If it is that prices are with regard to some articles still on the high side. I have no doubt that due competition will bring them down. On the other hand, there is considerable evidence that the Department is keeping a firm hand on prices. If that is not so, I shall be prepared to adopt any suggestion which might bring about that state of affairs.

I shall now come to some of the matters raised by Sir F. E. James. May I express my gratitude to him for appreciation of the efforts of the Department to which he has given expression, but may I also say that I do differ from him with regard to one matter, namely, that if there is anything that the Department is doing which deserves the appreciation of this House and of people outside, the credit is due not, where he has tried to put it, but is due to the officers of the Department who are, whatever the criticism of their methods here and there might be, a most devoted band of men. (Applause.) But the time for that kind of thing is not yet. We are in the midst of the biggest calamity that has overtaken the human race, and it is up to all of us to do all that we can to avert the consequences of that calamity, and people who are giving that kind of service are doing no more than is the duty of everybody today to do.

With regard to the specific matters on which Sir F. E. James wanted information,—the Eastern Group Council has been set up. The Chairman, Sir Archibald Carter, arrived in India some time ago, and with him is associated the representative of the Government of India, Mr. M. S. A. Hydari; the representative of Australia, I believe, has already left and should be working on the Council within the next few days. The representatives of South Africa and New Zealand are still expected. The Secretary, Mr. Wyatt, was, I believe, the first to arrive. He has started the office of the Council and the Council is now working. Sir F. E. James wanted to know what will be the relations of the Supply Council with the Department of Supply and with the other Governments participating in this arrangement. Here again, briefly I might explain that at present there are what are known in military parlance as provision offices in the Middle East and the three Dominions who are participating in this arrangement, and also in the Far East as well as in India, and the machinery which has now been set up will work in this manner. All orders by these provision offices with regard to armaments and stores which can be supplied within the Eastern Group countries will be placed with a Central Provision Office. That Central Provision Office will put them before the Eastern Group Supply Council, and the Supply Council will allot them, wherever there is capacity in those countries, to execute these orders. The actual execution of these orders and the manner in which they should be filled and the steps that should be taken to fill these orders will be the business of each participating country. The Eastern Supply Council will allot orders to the participating countries, but will not be in a position to issue orders or directions to the Governments of different countries; it will be the business of the Governments of different countries to take steps to execute the orders.

Then, with regard to our arrangements for purchase in America, Sir F. E. James wanted to know whether the officer who was in charge of those arrangements was responsible to the Supply Department. That is so. Brigadier Tute who is in charge of our purchasing arrangements in America, works in liaison with the British Purchasing Commission in America. There is no kind of overlapping or competition between the two. As a matter of fact, he receives a great deal of assistance from the British Purchasing Commission, for which we are very grateful to the Commission.

Sir Frederick James also made a reference to the Roger Mission and wanted to know if the Roger Mission had made their final report, which he said he had noticed somewhere, if so, what were they doing now, and in what work were they now engaged in India. I think there is some misapprehension in the mind of Sir Frederick James with regard to what he may have noticed somewhere as to the report of the Roger Mission. The Roger Mission have already submitted to His Majesty's Government a number of most valuable reports,—I believe 17 or 18—and my Honourable friend must have seen a reference to one of these reports somewhere. Their final report has not yet been submitted. I believe it is not yet ready. On this last point I am not quite certain, but they have not yet submitted their final report. I believe they are now engaged in preparing and putting into shape their final report and I am not aware of what their programme is thereafter. The majority of the members of the Mission probably intend to go back to the United Kingdom after their work here is

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finished. May I take this opportunity of assuring the House that these reports submitted by the Roger Mission have been and are bound to be of the greatest value and benefit to the war effort of India.

Dr. P. N. Banerjee: Will these reports be published?

The Honourable Sir Muhammad Zafrullah Khan: They are of a highly secret and confidential nature. Publication of those reports would amount to handing over direct information to the enemy with regard to our war effort in vital matters.

Now, Sir, the other matters that have been referred to are of a purely financial nature which it would not be proper for me to deal with. One matter which was raised by Mr. Aney of a general description was to what extent the Provincial Governments were taking advantage of the present opportunity to push forward with industrialisation. It is difficult for me to give him information on that point separately with regard to each province. But we have an organisation, as he knows, of Provincial Controllers of Supplies. These Controllers have not been appointed in each province, but each province is part of some Provincial Controllers' area or circle, and the Provincial Controllers are all the time compiling information and sending it up to the centre with regard to the industrial resources and capacity of the areas which are comprised within their circles. So far as we are concerned, every encouragement is being given for expanding production and undertaking the production of new items. I cannot say to what extent each province is taking advantage of the opportunity, but I hope that all of them are doing so to the fullest extent.

Dr. Sir Ziauddin Ahmad: Before I say that I just want to withdraw the motion, I may state that my object was not to censure the Government, but to draw their attention

The Honourable Sir Muhammad Zafrullah Khan: I have not taken it as a censure.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member say whether he wishes leave to withdraw the motion? He cannot make a speech.

Dr. Sir Ziauddin Ahmad: I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

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.

Sir Syed Raza Ali: Sir, I propose to move my out motion No. 75 on the Final List, under Demand No. 48—Aviation.

DEMAND No. 48—AVIATION.

The Honourable Sir Jeremy Raisman: Sir I move:

"That a sum not exceeding Rs. 1,02,62,000 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, 1942, in respect of 'Aviation'."

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

"That a sum not exceeding Rs. 1,02,62,000 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, 1942, in respect of 'Aviation'."

General Policy of the Aviation Department.

Sir Syed Raza Ali: Sir, I move:

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

A number of tests can be applied to determine the progress made by any country in aviation. I believe that the most important of these tests are four: first, the progress can be determined by the mileage of air routes on which a country's commercial fleet operates; secondly, we can apply the test of the number of commercial aircraft possessed by a country; thirdly, we can determine the progress by finding the number of passengers carried; and, lastly, there is the test to be applied of the weight of mails transported by a country's air fleet. No doubt there are other tests that are also applicable but I believe, on the whole, these four are quite fair tests. Now, let us see what has been the progress made in aviation by this country in the light of these four tests. I take the mileage of our Indian air routes. Unfortunately, I have not been able to get the latest copy of the Report on the Progress of Civil Aviation in India. The copy I have with me is one for 1938-39. I spoke to the Honourable Member in charge of the Department yesterday but apparently no report subsequent to 1939 has been published. Therefore, I have to content myself with the figures given in this report.

We find that the mileage of regular air routes in India was 6,700. Now, strange to say, we notice that though the mileage was 7,500 in 1937, it dropped to 6,700 in the year 1938. So, instead of an improvement there was a set back. I may make a casual reference to the mileage of regular air routes of other countries. In the case of Great Britain, this mileage was 25,477, in the case of France, 40,833 and in the case of Germany 32,720 in the year 1938. When we remember the vast size of our country we should expect that such mileages would be somewhere like the total of the open lines of Great Britain, France and Germany taken together. But instead of that we find that our mileage was something like one-sixth of the total mileage of France for the year concerned, namely, 1938. Now, let us come to the next question, namely, the number of commercial craft that we have. Now, non-official Members always find it difficult to get accurate published figures. It is not open to us, even if we had access to it, to make use of unpublished information. Honourable Members will find, if they refer to page 81 of the report to which I made a reference

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earlier, from Appendix XIV that the total number of our aircraft is 76. The details are: four possessed by Imperial Airways, eight possessed by the National Airways, 14 by Tata Sons, Ltd., 80 possessed by the flying clubs in India and 18 by the flying clubs in the Indian States. So, the sum total of these comes to 76 including the machines owned by two or three small companies. These figures represent the total progress made by India till the 31st March, 1939, which is the date for which figures are available. Now, it is really difficult to speak in restrained language about this tremendous effort—shall I call it the mighty effort, the heroic effort—made by the Government of India to develop aviation. All I can say is this. Any body who has had occasion to visit the air port of Hamburg or Munich or Marseilles or Bordeaux, knows that the number of planes that arrive or take off the ground as well as those that are to be found on the ground at any one time during hours, exceeds the total strength of the commercial fleet of India. Is that a state of things on which the Government are entitled to be congratulated? But I will finish my list of the main tests.

Let us take the number of passengers carried by our Air Fleet, if I may give that grandiloquent name to it. We find that the passengers carried by these machines amounted to 2,104 as against 2,22,200 carried by the commercial fleet of Great Britain in 1938. Now, I do not think I need offer any comments. Let us also take the Air Mail. That is another test. Now, the weight of our Air Mails in the year 1938 was 244.5 tons as against 1,583 tons consisting of outward Air Mails carried by the commercial fleet of England, or as against 3,453 tons carried by the British machines both for internal and external purposes. These are the figures with regard to the four tests. I have given the information in the light of which you can apply any one of these four tests to the development and progress of aviation in India. What are the Government of India doing? What have they been doing? Will time ever come when they will wake up? It seems that the unfortunate carnage that is going on in Europe will give a fillip to the Government of India's effort in the direction of improving the position of commercial craft. Now, Sir, there is another thing which I must state while I am dealing with this point. It is not only the number of aircraft by which the position of a country can be judged, but the question is: what is the equipment of your commercial planes? Now, so far as equipment is concerned, my information is that quite a number of these small craft that we possess are not fitted even with the wireless apparatus. I would very much like to know how many of these 76, a list of which I have given, which were possessed by the various companies in India in the year 1938, possessed wireless apparatus? Another piece of information that has reached me is even more damaging to Government if it is true. It is this. I am informed that quite a number of these machines were purchased by the Indian companies, especially by the Indian National Airways, from the United States or from some European countries as second-hand machines. They were not new machines when they were purchased.

• **Sir Abdul Halim Ghumnavi:** Who are the Managing Agents of the Company you are referring to?

Sir Syed Raza Ali: I have mentioned one particular company, the Indian National Airways. That company was especially mentioned to me. If my friend wants any information, his proper course is to make a speech and ask the Government for information. I am not in a position to give him that information. If these two facts are true, namely, the lack of wireless apparatus and the purchase of second-hand machines by the Indian companies from the United States and some European countries, that is a state of affairs that should not be allowed to continue a minute longer and it is the obvious duty of the Government of India to rectify both these mistakes.

Then, I come to the question of my own community. It is the feeling of the Mussalmans that they have not been given a fair deal in the matter of appointments either as pilots or as mechanics or as ground engineers or as aerodrome officers. Unfortunately, the figures are not available. If Honourable Members were to refer to page 81 of Appendix XIV, they will find that the total number is given there, but the races shown are 'Europeans and Indians'. One does not know how many of these are Mussalmans and I would like to get information on that subject. But I do know this and I say it for the information of the Honourable Member in charge of this Department that some very disquieting events have taken place lately. First of all, I would refer to a Committee that was appointed, I believe, by the Honourable Member himself in October or November, 1940, to recruit pilots and mechanics. That Committee was presided over by Sir Padamji Ginwala, an *ex*-Member of this House. I happen to know Sir Padamji Ginwala. The other two members of the Committee were English officials. Representations were made to the Department and also, I believe, to the Honourable Member asking him to consider the appointment of a Mussalman, but for reasons best known to himself he set his face against them. What the special qualifications of my honoured friend, Sir Padamji Ginwala, to preside over a Committee of this character were, is more than I can say. He is a very shrewd businessman, but so far as I am aware he was not, is not and is not likely to be a pilot except that he has flown in machines just as most of us have. There is another thing to which I would invite the attention of my Honourable friend. My Honourable friend may note that it is not the purpose of my Party to attack him personally, but we do have very very strong complaints against the policy adopted by the Department over which he presides and which Department he controls. Now, I believe there were six Muslim pilots in training along with other pilots only in October or November last. All these six pilots appeared at the examination and, strange to say, everyone of them was disqualified ultimately. I believe the start was made by three. After disqualifying the first three, another was added to that number and then another, and, lastly, the sixth man was also disqualified. Now, Sir, I put it to you, is there anything wrong with the religion of Islam that no Mussalman is found competent to become a pilot? In this connection I would invite the attention of my Honourable friend to the fact that according to my information the Instructor of flying is not a Mussalman.

Now, I find it humiliating to make a demand that may be considered non-patriotic, but, Sir, out of a desire for self-preservation, I think it my duty to put that demand before the Government. The demand is, that if things like this are going to happen, we ask that all these instructors should be Britishers and not one of them should be an Indian. I feel a sense of humiliation when I say that. But what are we to do if no Muslim can be

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considered good enough to become a pilot? Then, the instructors, we ask, should be Britishers, and not Indians. In this connection, I would also invite the attention of my Honourable friend to the paucity of Muslims throughout this Department. Whether we take pilots or mechanics or ground engineers, we find that very very few Muslims are employed. In this connection, I believe, it would interest the House if I were to refer to certain figures that were given this morning in another place by His Excellency the Commander-in-Chief. His Excellency disclosed, in answer to a question that was put to him, that in the Provinces of Sind and Baluchistan, which are almost entirely Muslim, out of thirty-nine pilots recently recruited, only eight were Muslims! Now, if this is the policy of the Government, surely the time has come when the Government should re-examine and modify their policy in its entirety. According to the figures given by His Excellency the Commander-in-Chief this morning, I would again refer the House to the total number of pilots recruited for the regular Indian Air Force. The total number of candidates selected was 545. Out of that only 72 were Muslims. The candidates selected to serve in the reserves were 878; out of this 878, only 79 were Muslims. I know my Honourable friend, the Member for Communications, is not responsible for these selections, if I mistake not, but what I want to make clear to the House is that this is the atmosphere prevailing in India today and that is how we are treated, whether it is a question of recruiting for the Indian Air Force or for recruiting for Civil Aviation.

Lastly, I come to the question of accidents. It seems that lately we have had a number of terrible accidents, the last of which took place on the 6th January, 1941, entailing a loss of three lives including that of the pilot.

Sir Abdul Halim Ghaznavi: Muslim pilot.

Sir Syed Raza Ali: Now, what was the cause of this accident? Unfortunately the Government of India's hole and corner policy leads to an amount of distrust which can easily be dispelled if the Government of India act more courageously than they are wont to do. Now, what was there to prevent the publication of the report on this accident? I know that an officer did hold an inquiry. As a matter of fact a very inadequate and incomplete summary of the inquiry appeared in the *Statesman* of the 16th January but that contained a very superficial view, as most newspaper reports generally do. Sir, considering that according to my information seven pilots have lost their lives in the service of the Indian National Airways during the past three months, I think it is very pertinent to know whether there was anything wrong with the machine before the pilot took off the machine which crashed on the 6th January, 1941, not far from the aerodrome in Delhi. It is alleged that there was something wrong with the machine. I am further told that the pilot called the attention of the ground engineer to one of the wings not being in proper condition and being loose. There is no reference to it in the summary which appeared in the *Statesman*.

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

Sir Syed Raza Ali: I am just finishing, Sir. So these are the three points to which I would invite the attention of the Government of India,—the wholly inadequate steps taken to develop Civil Aviation so far—and it is time that they made up for past negligence. Secondly, my own people, the unfortunate Muslims, are treated by the Department of Civil Aviation as step-children. Sir, we are going to live in this country, we are not going to leave this country whatever happens, and, therefore, there is no reason why we should be treated as step-children. Thirdly, I would invite the Government's attention to the important question of accidents. Too many accidents have taken place on the machines of certain air companies and it is time that the Government of India looked into the matter carefully. I would also invite the Government of India to publish the report of the officer who conducted the inquiry into the crash which took place on the 6th January, 1941. Sir, I move.

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

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

Mr. F. Tymms (Government of India: Nominated Official): Sir, the Honourable Member started by calling attention to the lack of development,—or rather the failure to develop Civil Aviation in India. . . .

An Honourable Member: A little louder, please.

Mr. F. Tymms: . . . and he quoted my report—The Annual Report on Civil Aviation. Consequently, I cannot dispute the figures. The figures are correct. In that connection I would like to take him back to the year 1931, to find the reason why aviation in India has not developed as it has in Germany, America and Great Britain. Sir, in 1931 the Government of India had adopted a scheme for the operation of an Indian State Air Service (starting between Karachi and Calcutta) and had voted the money for that purpose. But later on in that year the Retrenchment Committee of this House recommended to the Government that that scheme should be put into cold storage. It never emerged alive! At the same time the Civil Aviation Budget was cut by 75 per cent. on the recommendation of the Retrenchment Committee. The Civil Aviation Department barely remained alive. Prior to that time the principal activity of the Civil Aviation Department had been the building up of the ground organization, and the bulk of the money which was taken away was planned to be spent on the extension of that ground organization. For three years nothing could be done at all and it was barely possible to maintain the aerodromes which had been constructed. There was a chain of aerodromes, with just a bare minimum of organization, on the trans-India route, and an aerodrome at Bombay. Now, that is the period to which you must trace the present state of aviation in India, or anyhow its failure to develop more quickly than it has; because of the lack of ground organization and the retrenchment of the funds which, otherwise, would have provided it, it was necessary to start the operation of air services with small aircraft without wireless, with a crew of one only; without subsidy; on the basis of the carriage of mail only; and at the risk of the company. The first of those services was started in October, 1932, by Tata Sons, Limited, from Karachi to Madras. It proved a success—within the scope of the organization. In 1933, developments were initiated by His Majesty's Government and arrangements

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were made for an Indian company to take part in that development, that is, the trans-India service which was operated by Imperial Airways and Indian Trans-Continental Airways.

An Indian company was set up to participate in those operations. That was Indian National Airways. Concurrently with that, that company was encouraged to open other internal services and they operated for a time from Calcutta to Dacca (a daily service) and from Calcutta to Rangoon. They lost a great deal of money; they had no mail contract—it was not possible to give them a mail contract at that time. They were then given a mail contract for the feeder service from Karachi to Lahore. As you know that phase of operation lasted until 1938, when the Empire Air Mail scheme was started and both these companies, (Tata and Indian National Airways,) were put on a more or less permanent footing with a contract for 15 years to carry the mails as feeder services to the Empire Air Mail Service. It is true, as the Honourable Member said, that the mileage of air routes in operation in India is 7,500. It could not be very much greater because the routes have not yet been organised.

Turning to the ground organisation side—in 1934, Government created a fund of about 90 lakhs, to enable work to be put in hand on the organisation of air routes. That was intended to be spent on about four or five main routes including the Bombay-Calcutta and the Calcutta-Madras routes. But the advent of the Empire Air Mail Scheme made it necessary to concentrate all the money available on the completion of the three routes—Trans-India (that is, Karachi-Calcutta-Rangoon); Karachi-Lahore and Karachi-Bombay-Madras. In 1939, partly influenced by the war, a further fund was created or money was provided at the rate of 25 lakhs a year for a period of seven years, for the establishment of air route organization, the underlying idea being to meet the immediate needs of defence while building up an asset for Civil Aviation in the post war period. Under that programme it was possible to put back those air routes which had been eliminated, viz., Bombay-Calcutta, Calcutta-Madras and the West Coast route. Some of that work is now in hand.

The Honourable Member asked two questions which I will endeavour to answer for him. He wishes to know how many of the commercial aircraft listed in this report are fitted with wireless apparatus. He may have gathered the answer from what I have said: something less than six; but the number of aircraft used on regular air services, in that report, is 34. That is given in the table on page 51. Most of the commercial aircraft are small aircraft on which it is not possible to carry wireless apparatus, for the reasons that I have explained. The next question he asked was, how many second hand aircraft had been purchased, or rather he made a statement that a large number of second hand aircraft had been purchased, and particularly, by one of the companies he named, namely, Indian National Airways. That is not strictly true. The main fleet of both Indian National Airways and Tata Sons, Limited, were purchased new, from America; they were comparable types. The aircraft purchased by Indian National Airways were "Beechcraft" and the aircraft purchased by Tatas were "Waco". Both these companies have got second hand aircraft; there is no operating company in the world that I know of which has not got second hand aircraft, but that has not possibly the significance which the Honourable Member attached to it.

Sir Syed Raza Ali: I do not want to interrupt the Honourable Member, but may I know whether the machine that crashed on 6th January, 1941, was purchased second hand and was it fitted with wireless apparatus?

Mr. F. Tymms: It was not fitted with wireless apparatus. It was in one sense a second hand aeroplane, but it had been imported new from the factory in America to India only a matter of six months before and during the six months it had been in private ownership it had flown only a few hundred hours.

An Honourable Member: Was it a Beechcraft machine?

Mr. F. Tymms: It was a Waco tricycle model. But before being put on regular commercial service, that aeroplane, in accordance with the usual practice and, in fact, as required under the Indian Aircraft Rules, was fully inspected and overhauled and it was granted a certificate of airworthiness for air transport operation by the Civil Aviation Department.

I will pass over for the time being the Honourable Member's remarks about the Muslim community and I will now turn to the particular accident, about which he asked some questions. I think his information is inaccurate in a number of respects. With regard to the particular question he asked, whether there was anything wrong with the machine, the report which was published states conclusively that there was nothing wrong with the machine. The machine was inspected before the start of the flight; not only that, the Government Aircraft Inspector himself was on the aerodrome that morning because the weather conditions were most adverse and he himself was satisfied that the machine was in order. There was no evidence of any kind that there was any defect in the machine. It is untrue that the pilot called the attention of the Ground Engineer to a defect in the wing. I do not remember the terms used by the Honourable Member. He referred to something about the "spread of the wing". I do not understand what he said, but I may tell him that there was no such report. The pilot, having taxied away from the control area, then returned to the control area, to enquire where the Ground Engineer had put the watch—because the clock on the dash board had been removed and he was carrying a separate watch; it was in the map pocket, and he then taxied the machine off again. There was nothing wrong with that machine; and it will be gathered from the published statement that the cause was a pilot's error.

Sir Syed Raza Ali: May I just explain? The complaint that had reached me was that the pilot complained that the right wing of the plane was loose and, therefore, partly hanging which defect was pointed out to the Ground Engineer.

Mr. F. Tymms: That is absolutely impossible. It is impossible for an aeroplane to fly with a wing "hanging". It is a purely fantastic suggestion, having no foundation whatsoever in fact. There was nothing wrong with the aeroplane. The evidence—such as we were able to collect—shows conclusively that the pilot failed to co-ordinate the control of the aeroplane with the indication of his instruments. This is not the same thing as to say that he lost control of the aeroplane. He did not fall out of the sky completely out of control, but he did fail to co-ordinate the indication of his instruments with the attitude of his aeroplane. It will

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be remembered that there was a very dense fog on that morning. Two other aircraft took off at about the same time, one immediately before and one immediately after, and the pilots flew on their instruments successfully to the top of the fog layer at about a thousand feet, and continued their journey. Having failed to co-ordinate control in this way, he got into a turn. He flew round for some time and made visual contact with the earth. I do not want that term "visual contact" to be misunderstood; it is a term which we use when the pilot comes down to a position where he can see the earth, and fly with reference to the view of the earth's surface. He made this visual contact but the fog was very thick. It appears that he endeavoured to go up again or did go up again, and in that process he completely lost control. He struck the ground with the upper right wing in other words he was in a steeply banked turn, flying with engine on at the time. The natural result was that the aeroplane cartwheeled and crashed. The conditions were difficult, but they were not impossible.

Now, Sir, with regard to the publication of the report. It is the practice of Government to publish the gist of the conclusions of the Aircraft Inspector, on the termination of the investigation. It is not Government's practice or policy to publish the report itself. It is possibly not realised that the report of an investigation into one of these accidents consists of a very large number of technical documents, statements of evidence, figures, diagrams and matter of that kind.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up unless he is replying on behalf of Government in which case he can take five minutes more.

Dr. Sir Ziauddin Ahmad: The Honourable Member can speak for 20 minutes but that is not a transferable right.

Mr. Deputy President (Mr. Akhil Chandra Datta): If it is meant to be a reply on behalf of Government the Honourable Member can speak for 20 minutes.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, if you will allow Mr. Tymms to speak for 20 minutes I undertake not to speak for more than a quarter of an hour.

Mr. F. Tymms: It would not be practicable to publish the report of an investigation of an accident as it stands. There are objections also. These investigations are held under Part X of the Indian Aircraft Rules. They are, what is called there, "Inspectors' investigations". Inspectors, for the purpose, are appointed by the Director of Civil Aviation. It is not a public inquiry. We take evidence; we have the power to force evidence, but there are many statements in the report on the investigation of an accident which may have legal repercussions. That may be done in open court. Then the people who find themselves affected can take the necessary steps to protect their interests, but this is a departmental inquiry. It is purposely made confidential, and it would not be possible to publish all the statements which may have been made departmentally.

Sir Syed Raza Ali: Sir, may I explain? I did not mean that the evidence should be published. What I meant was that the report should be published.

Mr. F. Tymms: I cannot say anything more on this subject, but referring to this particular case I would inform the House that this investigation was not carried out by one man alone, but by a committee of all the officers available. One inspector was put on to collect all the evidence. He formed his conclusions, and they were reviewed by a committee over which I presided myself. On two or three occasions many hours were spent on this, and the conclusions we reached were the joint conclusions of four technical officers.

There is only one other point that I will refer to. The Honourable Member mentioned that seven pilots of Indian National Airways had been killed in the last three years. The figures are as follows: Going back to 1938, Indian National Airways had no accidents. Up to 1938 civil aviation, by luck or otherwise (i.e., commercial aviation in India) had a very good record. Our figures of accidents, or rather persons killed or injured per mile flown (or million miles flown) were as low as those of America or Great Britain. But in 1939 a cycle of accidents started. Indian National Airways had four accidents during that year. I do not know whether any comparison was intended, but the total number of accidents of a serious nature in civil aviation in that year was six—there were two in another company. The result was that five pilots of Indian National Airways were killed, and one passenger. In one case, there were two pilots—one flying as second pilot. In the case of the other company two pilots were killed and three passengers were seriously injured. In 1940, Indian National Airways had no accidents; one other company had two.

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

(Sir Abdul Halim Ghuznavi rose to speak).

Sir Syed Raza Ali: Sir, may I know whether the Honourable Member is speaking for Government or on his own?

Mr. Deputy President (Mr. Akhil Chandra Datta): Let the Honourable Member speak first.

Sir Abdul Halim Ghuznavi: I strongly protest against that observation.

Sir Syed Raza Ali: But that was an inoffensive question.

Sir Abdul Halim Ghuznavi: No, it was not. It was a very offensive question.

Sir, my Honourable friend, the Mover of this motion, has mentioned an accident which happened in January, 1941. The father of that dead pilot is a particular friend of mine and apparently he has given him the particulars to which reference has been made. He has also written to me.

[Sir Abdul Halim Ghuznavi.]

I did not want to refer to that here because I have requested the Honourable the Communications Secretary to make an investigation and let me know what the Department has to say in regard to that matter. But the Mover has mentioned that accident with reference to Indian National Airways. I have also heard the statement of my Honourable friend, Mr. Tymms, the Director of Civil Aviation. He has given us an explanation but, speaking for myself, I am not satisfied with that explanation. It is a very serious matter. There have been seven accidents in this particular company; he said there were four at a particular period. And he also had to admit that this particular company is in possession of secondhand machines.

Mr. F. Tymms: No, Sir. I said that all companies have secondhand machines.

Sir Abdul Halim Ghuznavi: That is exactly what the man has complained, that in this particular case it was a worthless machine.

Yes; he was given a certificate; otherwise how can he fly? That is the point. We want the Government to investigate how these certificates are given.

My Honourable friend has brought before us three points for our consideration, and he may take it that I am entirely with him. What have Government done about improving the Indian Airways? My Honourable friend, Mr. Tymms, has explained the difficulty by saying that in 1931 the Retrenchment Committee was responsible for the cold storage of that proposition. Two years ago Mr. Walchand Hirachand—I can at once say that I do not agree with him in many matters—but I must say what he had done. He had been worrying the Government, for the last three years in fact, for getting a concession for starting aeroplane manufacture in India. The Commerce Department did what they could and supported him; but the Commander-in-Chief, Sir Robert Cassels, would not look at it; he put it down and it was put in cold storage absolutely, till about six months ago, and when my Honourable friend, the Finance Member, announced on the floor of the House that we shall get one aeroplane in July, he was applauded

The Honourable Sir Jeremy Raisman: I made no such statement, Sir.

Sir Abdul Halim Ghuznavi: It is in his speech and he says he made no such statement.

An Honourable Member: He said within this year.

Sir Abdul Halim Ghuznavi: Very well: I will withdraw the word 'July'. But may I ask him . . .

Mr. M. S. Aney: The statement about the production of one aeroplane at the end of July is of Mr. Walchand.

Sir Abdul Halim Ghuznavi: The statement is here:

"The scheme for establishing aeroplane manufacture in India has reached a new stage and there is now little doubt that the year 1941 will witness the appearance of the first aeroplanes to be produced in India."

If the Government had been sympathetic we could have had these aeroplanes three years ago

The Honourable Sir Jeremy Raisman: Sympathy does not make aeroplanes.

Sir Abdul Halim Ghuznavi: Sympathy has made aeroplanes now. What else have the Government given except sympathy and orders?

An Honourable Member: Hard cash.

Another Honourable Member: It is terrible antipathy that has brought about this aeroplane manufacture in India!

Sir Abdul Halim Ghuznavi: Much is made about hard cash. I heard the day before yesterday also that they have paid hard cash for buying their machines which will be delivered; but cash was always available in India

An Honourable Member: Was it?

Sir Abdul Halim Ghuznavi: Of course; a company was floated; the money was there; but the order was not forthcoming; that was the difficulty. What is the use of my constructing and manufacturing the machines? You will not give me the order. Who will be my customer excepting Government for these aeroplanes? That was what was wanted, not the money that my Honourable friend takes credit for. Hard cash for what? Hard cash for the thing he is going to buy. But my complaint is, what did you do for the last decade? Why have you not got—not one—but half a dozen aeroplane factories in this country? Money was not wanting; it is available; but your sympathy and your support was wanted which you never gave us till you were forced to do so after the war started. You would not willingly give us that support, but the war has compelled you that this is the only way of getting aeroplanes manufactured in India

Maulvi Muhammad Abdul Ghani: The credit goes to the war!

Sir Abdul Halim Ghuznavi: Then, another complaint was that the Muslims are not generally selected and the Mover asked how was it? Is it because the candidate is a Muslim and is that his disqualification? But I do not agree with my friend there for this reason. He will be surprised to know that a large number of Muslims are pilots now in field service. About these particular cases that he has mentioned I do not know what exactly the position was.

Sir Syed Raza Ali: Sir Andrew Clow will explain.

Sir Abdul Halim Ghuznavi: But I am sure that there are a large number of pilots of my community engaged in the fight and that a larger number will be selected, if not in India, elsewhere.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Mr. Deputy President, my reason for joining in this debate is to support the principle

[Lieut.-Colonel Sir Henry Gidney.]

underlying this motion, in that I feel Government have not in the past given the support it should have given to aviation. I can, as one of the original Governors of the Civil Aviation Training Centre in Delhi, take my memory back a good few years ago and I can recall with painful memory the futile efforts we,—Lord Ronaldshay, Capt. Eaden and myself,—all founder Governors of this institution made when we appealed to the Government of India for financial aid or even scholarships to enable us to carry on till the tide changed in our favour. I can also recall the very painful replies we got and which practically amounted to "nothing doing sink or swim". That Civil Aviation training centre which perforce had to be started as a Company under I. C. Act 1918 was founded on public subscriptions and shares but owing to want of support from the Central Government, had a life or death struggle for three or four years for want of money; made frequent appeals to the Government of India but these fell on deaf ears. Instead we got sympathy so correctly commented on by Sir Abdul Halim Ghuznavi when he said sympathy, in my experience of public life, is a starvation diet, and this starvation diet led to the death of this air training centre which had potentialities beyond our dreams then and which today faced with India's urgent air needs would have developed into a most excellent institution. In this institution we had 70 to 80 air-pilot cadets, mainly Indians and I may tell my friend, Sir Raza Ali, that a good many of them were Muslims. But they had tragically to cut short their career when the Centre closed its doors. They were not properly trained because we had not the money with which adequately to staff and equip the Centre and it was denied help from Government. In my Financial Bill speech I spoke of the tragedy awaiting this Centre two or three years ago and asked the Government for help as also to outline its future air policy for India. Again, sympathy was dished out, the result is that this Centre has closed its doors—bankrupt, insolvent and was taken over by the official liquidator and it was only the day before yesterday I got an intimation from this official, who after months of a hide and corner enquiry of which I know nothing that I was to receive a return of Rs. 26 per 100 shares.

My Honourable friend seated below me, Sir Cowasjee Jehangir, who was a co-director of mine in this institution knows all about this. I am not mentioning this fact from its money value, but as a reward to one of a private company who along with others and in response to Government's complaint that there was no local industrial enterprise risked my money along with many poor people who invested their money in it came to grief for utter lack of Government support. The Honourable the Communications Member may, as I see he is doing, have his smile, but these are undeniable facts and I charge the Government of India for not having played the game in encouraging this local industry which they are today willing to do to another private company and why because the nation is faced with a life and death struggle. But let's not cry over spilt milk—rather let us spill no more. Sir, what do we find today? India is without an air force worth the name, civil or military and the enemy is knocking at our gates. If this industry had been fostered and encouraged and put into being a few years ago, we would have been in a position not only to meet our own aerial defence requirements, but also to supply overseas needs. Instead of that, we have now to depend on America; we had to

send a committee of experts to America to see how many machines we could get from that country, and, yet, we have not even today got a sufficient number of machines for our own defence purposes. Sir, this policy towards our air needs of the Government of India, particularly the speech made by my friend, Sir Abdul Halim Ghuznavi, puts me in mind of a story of a lady who went to a doctor, who after examining her carefully said: "My dear lady, what you really require is a little 'sun' and a little 'air'"; but the lady misunderstanding these words and thinking they meant "Son" and "Heir" replied: "My dear doctor, I'm not even married!" In the same way my friend, Sir Raza Ali, takes advantage of this cut motion to advocate the cause of Muslims. That I submit is the weakest part of his cut motion. Sir, I am just as much a communalist as he is, yet it was most intriguing to see him deal with this communal question in this manner. Equally most amusing, and need I say, ridiculous, was it to see the worthy mathematical expert of this House my friend, Dr. Sir Ziauddin Ahmad, a few days ago, put on the garb of a saintly non-communalist. For years he has shouted from the house tops demanding all kinds of privileges for Muslims and which I am glad to find he and others have succeeded in getting. But for him now to deny and even bitterly decry the few given to Anglo-Indians is surely ungenerous and unkind and I am surprised at his attitude towards my community. But now, Sir Raza Ali wants more aviation jobs to members of his community. I say give them all the jobs if they are qualified and on this he has my full support; but India is not seriously air minded even today. I do not know whether my friend, Sir Abdul Halim Ghuznavi, has ever been in an aeroplane. I don't think he has for I am sure his weight would upset the balance, but the fact is when I heard him speaking he showed a complete ignorance of what he was talking about except that he wanted to talk for himself and not for Government or for the cut motion. I am glad to see that a real advance has been made by the present Government and the Civil Air Directorate in the air needs of India.

The Honourable the Finance Member detailed the other day to the satisfaction of the House what Government had done already and what further they were preparing to do—better late than never or better never to be late. It should have been done long ago and if the cut motion has the effect of awakening Government to a further sense of its aerial responsibility as also a feeling at least of shame at the way in which they treated our effort of private industry which I referred to earlier in my speech it will have served its purpose and have not been moved in vain.

Dr. P. N. Banerjee: Sir, Civil Aviation is important not only as a means of quick transport,—not only for the purpose of carrying passengers, mails and goods,—but also it is important as being ancillary to the air force. It has made very great progress in all the countries of Europe and in the United States of America, but we in India are in a most lamentable state as regards Civil Aviation; and the reasons have been pointed out by Mr. Tymms whom we are glad to welcome here this afternoon. He said that the Government of India was unable to make any financial provision on account of the recommendations of the Retrenchment Committee, but we all know that the Government of India gave the go-by to many of the recommendations of the Retrenchment Committee. Why did they stick to this particular recommendation of the Retrenchment Committee?

Sir Syed Raza Ali: Because there was nobody to fight for it.

Dr. P. N. Banerjee: Yes, perhaps it was so; therefore, it was wrong on the part of the Government not to have made adequate provision for this purpose. The Government also failed in their duty in other respects. They did not take adequate steps to train pilots, ground engineers, mechanics and officers. Nor did the Government do anything to encourage the construction of aircraft in this country. It was only the other day, after the commencement of the war, that the Government has sanctioned certain orders for the purchase of aircraft from a firm which has been recently started. But it is very late,—I hope it is not too late.

My friend, Sir Raza Ali, raised the question of Muslims with regard to their training and also their appointments. I wish he had not raised this communal question in this regard, for we should be united in our effort to get the best possible from Government

Sir Syed Raza Ali: Every one of the Muslim candidates was disqualified. How can I keep quiet?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): As unfit or how?

Dr. P. N. Banerjee: Sir, in the training of pilots, mechanics, ground engineers and officers, most suitable persons should be taken, irrespective of their caste or creed or the province from which the candidates come. If that is done, then and then only can Civil Aviation make adequate progress. Not only that; in the matter of appointments too, the Government should consider efficiency as the sole test. Let the best qualified and the most efficient persons be appointed, and let no appointment be made on the ground of caste or creed.

Sir, I hope the Government have now realised their responsibility in the matter after the commencement of the war. It is now seen that the neglect of this important industry in the past has landed them in great difficulty. Let us hope they will continue to make serious efforts in the future and not cease them as soon as the war is over.

The Honourable Sir Andrew Olow: Sir, I have no desire to enlarge further on the unfortunate accident that happened near this House, but I would just like to say what Mr. Tymms, if he had the time in his excellent speech would have made clearer, and that is, that the aeroplane in question was in its first year of service. It had been used, I believe, for about six months by a private owner and was in every respect thoroughly good. There has been a suggestion that because you buy a machine second hand, therefore, it is not a good machine. Well, as every motor car owner knows, it is a better thing to buy a car that has "run in" for some time as it is likely to be much more reliable than a new car.

Now, my friend, Sir Raza Ali, alluded,—and I fully understand his anxiety on that subject,—to the paucity of Muslims in aviation service. This is a department where Muslims are few, and I acknowledge that frankly. It is not a department in which we have a communal reservation for the officers' posts. They are chosen by the Public Service Commission, and because it has been felt that we must have the best qualified

men, there are no communal reservations in the matter. But even if there were, I doubt if that would have made any substantial difference, because our trouble here is, that in the field from which we have to draw, there are very few Muslims indeed.

If I take those holding commercial licenses—A1 and B licenses—out of 89 current licenses in India only four are held by Muslims. There are no Muslims at present holding licenses as pilot instructors, navigators or wireless operators. Out of 124 current licenses for ground engineers, only six are held by Muslims. In fact, having looked around I do not think there is at present any single Muslim out of employment who has qualified himself for any post that we could offer. So that our difficulties go a stage further back. They go back to the fact that the community has been slow to develop in this particular field. I am in the position of a man who wants men with particular qualifications and finds that particular community almost entirely lacking in that direction. We have, as a matter of fact, given a certain number of Muslims assistance to qualify. I think about eight Muslims were given full time *ab initio* training, each at a cost of Rs. 2,400 to Government, and five were given part time training at a cost of Rs. 500 each. Even these proportions I regard as small, and I think, were it not for one factor to which I shall allude later, it would be our duty now to see that scholarships were given specially to Muslims for this purpose.

The factor which has come in to alter the position is, of course, the recruitment of pilots and ground staff for Air Force purposes. I am afraid I am not able to give Sir Syed Raza Ali particulars in regard to the alleged disqualification of some Muslims in Delhi because I did not hear of it until the House met. It is not a matter really resting with me as I am sure he will appreciate, but I am afraid I detected in his account of the facts a suspicion that the pilot instructor being a Hindu might have something to do with that. I understand that if any pilots are disqualified, they are disqualified, first of all, by an Air Force officer who is a Britisher and also by another European officer in the Civil Aviation Department. But, as I say, I do not think it is a matter falling really within my own responsibilities. As regards training for the Air Force we are largely agents in the matter, and if the Air Force say that a particular man is not suitable for the purpose, obviously their word must be final. The position is that we have taken in the last selection by the Committee every qualified man who offered himself, and we are having another selection shortly at which, I have not the least doubt on this occasion also, every man who is qualified will be taken. The result would be that when we come back after the war to throw our energies on to the civil side there should be an adequate number of Muslim officers with services in the war, who will be able to play a part worthy of that great community in the development of civil aviation.

As regards the general topic of development of Civil Aviation, I think Mr. Tymms has given an adequate answer. I feel considerable difficulty because I understand that the Leader of the Muslim League in another place today accused the Government of extravagance in the matter of providing money for Civil Aviation. But here I appear to be accused of parsimony, and it is obviously impossible for me to give an answer that

[Sir Andrew Clow.]

will satisfy in both the Houses. But a still more extraordinary attack was made by Dr. Banerjee when he said in effect why did you not flout the opinion of this House as expressed through the Retrenchment Committee? If we are going to be attacked on that ground, if I am going to be attacked when we follow the desire of the House and also going to be attacked because we follow it, the position of a Member of Government is going to be impossible. One thing I can say, that we on the Civil Aviation side, and, particularly, Mr. Tymms who has done more than any single man for the development of Civil Aviation in India, are anxious to spend every rupee we can get out of the Finance Member. I do not want to suggest that the Finance Member has been in any way ungenerous; I think he has been distinctly generous in this matter. Out of a budget this year of 100 crores odd, remembering what an enormous proportion of that is to go on our defences, we are providing more than a crore for Civil Aviation. People ask why we have not developed like Germany and France. But we are constantly being reminded that this is a poor country and funds at our disposal are very limited.

Mr. Lalchand Navalrai: You admit that this is a poor country.

The Honourable Sir Andrew Clow: I do, in comparison with the countries I mentioned. Then where is the money for Civil Aviation coming from? Having got over a crore, I think the House will agree that we are devoting to this subject as much as we can reasonably claim out of the resources at our disposal. If the House will only glance at page 217 of the Demands for Grants, they will find four figures which I will quote without any comment. The first relates to the actuals for 1939-40, Rs. 35 lakhs, the second to the budget estimates for 1940-41, Rs. 59 lakhs, the third is the revised estimates for 1940-41 Rs. 85 lakhs, and the last is the provision for next year Rs. 102 lakhs.

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

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

The motion was negatived.

DEMAND No. 12—EXECUTIVE COUNCIL—contd.

Reforms in Baluchistan.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Mr. Deputy President, I beg to move:

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

There is an ancient saying that there is nothing new under the sun. I am not sure in what sense the gentleman originally responsible for promulgating that doctrine used those words, but I think, as far as Baluchistan is concerned, it can very safely be affirmed that there has been nothing new in Baluchistan for the last 80 years or so that it has been under the administration of the British Government. You will see that this question of reforms for Baluchistan has been mooted in the House on many occasions and on the last occasion in September, 1939, it was myself who moved a Resolution to that effect and there was a debate on that Resolution. The outcome of the debate as far as the Government were concerned was that we were told what difficulties there existed in acceding

to our request for reforms to be granted to Baluchistan. We were told that the country was a vast one, that the population was very sparse and meagre, that the country consisted of British Baluchistan and certain Baluchistan States and territories which were leased by some of those States to the British Government, so that the constitutional position, the juridical position in that part of the world was so curious that provincial autonomy would be absolutely unsuitable and impracticable in Baluchistan. We were also told that there would be no finances to run an autonomous Government in Baluchistan and a number of other difficulties were enumerated. The net result of all that was said on that occasion on behalf of the Government was that our demand for the grant of autonomy to Baluchistan was according to the Government not enter-ainable.

Dr. P. N. Banerjee: On a point of order, Sir. Who is in charge of this subject?

An Honourable Member: Mr. Caroe.

Mr. Deputy President (Mr. Akhil Chandra Datta): Is it a point of order?

Syed Ghulam Bhik Nairang: Well, Sir, knowing as we do that demands like this are not granted when put forward for the very first time, one has to repeat and reiterate such demands, sometimes perhaps on a large number of occasions. We do not feel daunted by the attitude adopted by Government on the last occasion. We have, therefore, dared to put the same matter in the form of a cut motion on the present occasion and we want to ventilate the grievances of the people of Baluchistan once more. Let us hope that on the present occasion Government will take a more considerate view and treat the subject with greater generosity and, may I say, statesmanship. You will see, Sir, that on the last occasion among the many arguments advanced against the Resolution urging the grant of provincial autonomy to Baluchistan one was the constitutional position of Baluchistan under the present Government of India Act; we were told that the Government of India Act had territorially classified India into Governors' Provinces, Centrally administered areas and excluded areas or partially excluded areas, that Baluchistan was among the areas which were Centrally administered, that it would involve a radical change in the provisions of the Government of India Act to treat the people of Baluchistan otherwise. We were also told that within the small population falling to the share of that part of Baluchistan which could be strictly called British Baluchistan it was impossible to prepare a list of duly qualified voters numerous enough to elect any appreciable number of members for any kind of Assembly or Council that might be thought of for Baluchistan, that therefore to have a full paraphernalia of an autonomous government for Baluchistan was unthinkable and we were consequently told we had better not think of it at all. Well, we pointed out the instance of the small province of Coorg which was not, from the point of view of either population or area, anything larger than Baluchistan. In fact, in point of area it was much smaller and we showed that there was some sort of a reformed Government in Coorg, although it was administered also under a Chief Commissioner, like Baluchistan, so that if it was considered advisable to take a step in the direction of

[Syed Ghulam Bhik Nairang.]

reforms a beginning might be made with something which may not amount to complete provincial autonomy as envisaged in the Government of India Act but may be regarded as a step in the direction of ultimate autonomy for Baluchistan in the near future but we were told that there were juridical difficulties, that it had been held in a certain case by the Judicial Commissioner of Sind that a warrant issued by a magistrate in Sind for the arrest of a person living in Quetta would have to be executed by using the provisions of the Foreign Jurisdiction and Extradition Act because Quetta stands on land really belonging to the Kalat State. Now, there is no difficulty in putting forward legal quibbles of that sort but we know that although the Kalat State may be the real owner of the land on which Quetta stands, the British Government being the lessee of the land is in a position to treat that territory for all intents and purposes as British territory and in actual practice the British Government has been spending not lakhs but crores of rupees on all kinds of military buildings and other things on the leased land. I do not understand, Sir, why Quetta cannot be treated for purposes of administration as governed under a reformed system of Government simply by reason of its site belonging to the Kalat State.

We have before us the instance of the province of Berar. It is now an admitted fact that it is His Exalted Highness the Nizam who is the sovereign of the province of Berar and yet a complete machinery of autonomous administration rules over that province. For all practical purposes, everything is controlled by the Government of India. Only nominally His Exalted Highness the Nizam is the sovereign of Berar. He is allowed to fly his flag over certain buildings and he is supposed to be consulted in certain matters. So, even in respect of a territory which is admittedly completely owned and is completely under the suzerainty of an Indian Prince, autonomy applies to that province also, as shown by the presence in this House of my friend, Mr. Aney, representing the people of Berar in the Assembly here. Where is the difficulty in contriving a system of autonomy for Baluchistan which shall practically override the difficulty arising from the site of Quetta belonging to Kalat? The British Government, being the lessee of that land, have their own Government there, they have their own officers, they collect the revenue, they collect the taxes, they police the whole place and they do everything else but they cannot grant reforms to Baluchistan because originally, somehow, it belonged to the Kalat State, although to all intents and purposes it is British territory. So, I submit that the grounds advanced against our claim for the grant of autonomy to Baluchistan are really fanciful and so many legal quibbles which are advanced simply because the will to take steps in that direction is lacking. Where there is a will there is a way. Once the British Government decides to grant autonomy to Baluchistan, there will be no difficulty. Even the smallness of the area will not matter: even the smallness of the population will not matter. Certainly, Sind is a province which borders on British Baluchistan. Certain parts of it also border on the Punjab. It is easy to incorporate British Baluchistan with Sind in the matter of Government and thus grant provincial autonomy to it. The same thing can be done if we attach it to the district of Dera Ghazi Khan.

Mr. Lalchand Navalrai: Do you want Baluchistan to be attached to Sind?

Syed Ghulam Bhik Nairang: I have no objection to it.

Mr. Lalchand Navalrai: With all the instability of the Ministers there?

Syed Ghulam Bhik Nairang: I know that instability will be there so long as my friend, Mr. Lalchand Navalrai, would like to continue it. I think it is really the failure to realise its duties to the people of Baluchistan and the apathy, I should say, of the British Government towards the very low condition of the population of Baluchistan that lie at the bottom of treating this question so lightly. As I pointed out in the other debate, if you consider the condition of the people of Baluchistan and take into consideration the long period, more than half a century, which has elapsed since the occupation of that territory by the British, the lot of the people there has not at all improved. Their educational condition is very low, their economic condition stands unchanged and, if anything, they are governed under practically a sort of martial law. That is the condition to which the inhabitants of British Baluchistan have been reduced. They were perhaps better off in their olden days when they were the subjects of certain indigenous States. Being under the British rule now, they ought to have improved educationally, economically, commercially and in other ways. They have not improved. Unless the British Government is prepared to give a better account of its stewardship, there is no justification for its holding that part of the country simply because they want to provide certain precautionary arrangements and measures from the defence point of view and to make it an outpost for defence purposes of India. Make it an outpost for defence purposes by all means, use it for military purposes, but at the same time do not forget your duty to the people of Baluchistan. Improve their lot, make them men, give them freedom to such an extent at least as you have given to the Indians and then alone will your stewardship be justified in the eyes of right-thinking men. With these few remarks, I move.

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

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

Mr. Lalchand Navalrai: Sir, Baluchistan is my next-door neighbour.

Syed Ghulam Bhik Nairang: I hope you are a good neighbour.

Mr. Lalchand Navalrai: Sind has proved itself up till now to be a good neighbour. So far as Baluchistan is concerned, Government have always put forward the question of the defence and of military requirements, which, they say, do not permit them to make Baluchistan autonomous. But these difficulties are, no doubt, real. Baluchistan is the gate of Hindustan from that side. On account of those difficulties they feel that it should remain under the Central Government and the Central Government is carrying on the administration. Now, Sir, I would not be against any reform that could possibly be given to Baluchistan to make it stand on its own legs. But the question is whether it can stand on its own legs? The Muslims and the Honourable the Mover of this cut motion will have to think over this question and ask themselves whether they will be better off if they are autonomous? I do not in the least mean to convey the idea that Baluchistan should not be given any reforms which would lead to its progress. But if it is to be autonomous in the sense that it should carry on its Government that will depend upon the finances. We, in Sind, have been regretting—at least the Hindus, and I do not mean to say

[Mr. Lalchand Navarai.]

anything derogatory for the other community—over the separation of Sind because they have to take the bowl in their hands and to ask for a subsidy. I would not like my neighbours to be in the same state as beggars. (Interruption). Therefore it is a serious question to consider, viz., whether autonomy in its proper sense should be extended. If Government would do it and the Government would give them a subsidy, I shall have no objection but that is only a question that they will have to consider for themselves.

Then what I would suggest is this. They should ask for all the reforms that will lead to their progress. Those things should be got from the Government, and in that they shall have full and hearty sympathy from me. Sir, in that connection I would submit that what they should want at present is full support for education that should lead to their progress in education to the full extent, and in that matter what we find is this. I remember the full extent, and in that matter what we find is this. I remember myself that there was a time when there was apathy for acquiring education in Baluchistan. The people were orthodox, people who had their old peculiar customs and manners and had a peculiar way of getting education and in those times nobody would come forward and like that even English education or elementary education should be given to them. Then a stage came after this, when some people considered that their uplift depended upon education: as soon as they are educated, so it was thought, and they are free in the sense of coming forward on the platform and ask for freedom and for further reforms, they would get it without much difficulty. At present, I do see that the Muslim League is helping them to come to that stage but I would say that there are not many persons there who would come forward and put their own case themselves. Sir, the next stage came when Government considered it right to proceed very cautiously, and I think very slowly they have proceeded; they only gave them some schools where elementary education was given. Then another stage came where they gave them secondary education too. Then, further on, with all the education, agitation came from those who acquired education; there are some families, indigenous and domiciled, where they have acquired education. . . .

Dr. P. N. Banerjee: You mean that education and agitation go together?

Mr. Lalchand Navarai: . . . that is what I am submitting, the stage then came when there were many residents there who had education, and higher education too.

An Honourable Member: Not higher education yet.

Mr. Lalchand Navarai: Well, if there has been no higher education yet, I would put it on the ground that you have not got in Baluchistan a full-fledged college. In that I have my full sympathy with you, that a full-fledged college should be given to Baluchistan. Now, what I find is this, that they have difficulties; of course they could take advantage of the chance of going to Sind because there is a college, but it is some long way off. There is a desert in between—not that Sind can be joined at once to Baluchistan or Baluchistan joined to Sind. They are better off, with the distance that separates them and they will not be contaminated.

Dr. P. N. Banerjee: You won't be happy with Baluchistan.

Mr. Lalchand Navarai: No, Sir, it is in their interest to remain where they are. So, what I am submitting is this, that in the case of education, Government should now proceed further to the stage, to a further stage at which they should give them a college. Last time when there was much agitation in this House—not outside, in Baluchistan itself—I do not know why they are not coming forward in the sense of asking for these reforms or for these educational facilities. . . .

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): They have asked for reforms—they had two Conferences.

Mr. Lalchand Navarai: I do not say that there is not that agitation but that should disclose itself in the very place where they are.

An Honourable Member: There have been Conferences.

Mr. Lalchand Navarai: Muslim League Conferences.

Honourable Members from the Muslim League Benches: No, no, no, not in the least.

Mr. Lalchand Navarai: But they are from people who come from outside?

Honourable Members from the Muslim League Benches: No, no.

Mr. Lalchand Navarai: I do not grudge that, but I cannot understand why you should be thinking that I am putting it in a communal sense, I am not

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): I should like you to go there.

Mr. Lalchand Navarai: You may like to go there to have disturbances, but I would not.

Maulana Zafar Ali Khan: I should like you to go there.

Mr. Lalchand Navarai: I have gone there. Then, Sir, what I am submitting is this, that at present the point is—why should they not get a full-fledged college? Last time when there was agitation and when claims were put forward and their case was put very well before the Honourable Member for Education, the Honourable Member was pleased to give them an intermediate college.

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

Now, it is for the Government to find out the position, but I do not know it personally, at this stage, well, they can say, "what advantage has been taken of that intermediate college?" That is the first question that the Government has to consider, and on this side it should be shown by facts and figures that full advantage has been taken of that intermediate

[Mr. Lalchand Navalrai.]

college, and then no one can resist their claim for a full-fledged college, and I say, Sir, that as soon as they get a full-fledged college and they get educated there, no outer agency will be required to give support to them. They will stand on their own legs; it may be that they may find out how they can even find the subsidy that they will require from the Government, because no autonomous Government can carry on in Baluchistan and with a view to getting funds and they shall again be asking for funds from the Central Government, and it was from that point of view that I was feeling that there is a little difference between their getting autonomy and being under the Central Government, but the Central Government should advance further in giving them reforms of such a nature as will lead to their progress. Now Baluchistan has become a cosmopolitan country where there are Hindus, Muhammadans and others with all their different interests. I submit it would be a blessing for Baluchistan to have a full-fledged college.

Syed Ghulam Bhik Nairang: Thank you.

Mr. Lalchand Navalrai: Therefore, Sir, I am not grudging them anything. I would only tell them to proceed wisely and I would also request the Government to take further steps to ameliorate their condition, to give them amenities and to bring them to that stage of education where they can carry on their own Government—because at present I am sorry to say that if autonomy is at once given, they shall require outer help to carry on. It will not be that they will themselves stand up and carry on the Government. Sir, we know the difficulties of the autonomy especially where there are Hindus, Muslims and other communities also. We know how autonomy is working in Sind. We curse the day when Sind was separated from Bombay. We have seen what the conditions in Sind are. Baluchistan is a country where there is a lot of hot-headedness and if provincial autonomy is granted to Baluchistan and if Ministers fight among themselves, how can you have a stable Ministry. It will result in bloodshed and streams of blood might pass there as it did in Sind. I am submitting that you must act in a manner which wisdom dictates. With that view I have full sympathy.

(Both Maulana Zafar Ali Khan and Maulvi Muhammad Abdul Ghani stood up in their seats.)

Mr. President (The Honourable Sir Abdur Rahim): Maulvi Muhammad Abdul Ghani.

(Maulvi Muhammad Abdul Ghani did not begin his speech.)

If the Honourable Member Maulvi Muhammad Abdul Ghani does not want to speak, the Chair will call upon Maulana Zafar Ali Khan to speak. Maulana Zafar Ali Khan. Maulvi Muhammad Abdul Ghani will not be called upon again to speak in this debate.

Maulana Zafar Ali Khan: Sir, when bureaucracy once makes up its mind not to do a thing it manages to create all sorts of pretexts and excuses for accomplishing this purpose. This has been the case in regard

to the long overdue question of reforms in Baluchistan. Only the other day, that is on 15th February, a magnificent Durbar was held in Baluchistan where Sir Aubrey Metcalfe, the Agent to the Governor General in Baluchistan, made a speech which was heard by a number of tribal Chiefs and their retainers who are very loyal and devoted to the British Government. In that speech, he said that Baluchistan was having all that it required. The system of Government introduced sixty years ago by Sir Robert Sandeman remains there unchanged excepting for minor modifications that have been introduced. The country is inhabited by a number of wild tribes and they are given full independence. They can manage the country as they like and we won't disturb the conditions. The country is a very large one, hundreds and hundreds and hundreds of miles in length and breadth with very little agricultural, industrial and economic resources and so it would be difficult to have a system of Government here on all fours with the system of government in the provinces of India. Now, Sir, I maintain that for strategic reasons, the Government want to make Baluchistan a close preserve for British Imperialism. Although the conditions are very nearly the same as they are in the neighbouring province of the North-West Frontier Province, yet the Government do not want to raise Baluchistan to the status of an autonomous province. The North-West Frontier Provinces also are inhabited by the Pathans, as Baluchistan or a major part of it, and according to Sir Aubrey Metcalfe is Pathanistan instead of Baluchistan. Lord Curzon carved out a province in the North-Western part of India and he gave it eventually a form of Government which after having made developments blossomed into a full-fledged autonomous province. Is it not possible for Baluchistan to be treated in the same manner? If the North-West Frontier Province is a military province and has been created by military necessities and by military requirements, the same is the condition of Baluchistan. If out of Imperial revenues you can offer one crore of rupees as subvention to North-West Frontier Province, you can grant a similar subsidy to Baluchistan. In fact the money is being spent there in lakhs on all military requirements but not upon the development of the country. By 1938, according to the Administration Report of Baluchistan for that year: "Owing to paucity of funds, no Government educational institution was established in Quetta". Well, Sir, after 60 years of administration according to the plan laid out by Sir Robert Sandeman, we are told that Government have not got the funds enough to have a college there. What greater condemnation of the system of Government in Baluchistan could be than this? My Honourable friend, Mr. Lalchand Navalrai, told me that he had been to Baluchistan and that he found there no local demand for freedom, and that it is the outsiders who go and create agitation. This was exactly the argument which was developed by Sir Aubrey Metcalfe. He said the people are contented here, but that people from outside come and create unrest.

Now, Sir, I can tell Sir Aubrey Metcalfe and his henchmen in Baluchistan and also my Honourable friend, Mr. Lalchand Navalrai, that two years ago I went to Baluchistan myself and I visited a number of towns in Baluchistan. I went to Quetta, I went to Sandeman and I went to Loralai and many other parts of Baluchistan and I addressed big meetings in all the places under the auspices of the Muslim League. In Quetta, I addressed a meeting of 25 thousand people on the first night, the second night also 25 thousand people came. I believe the Government must have the C. I. D. reports of those days and the External Secretary can look

[Maulana Zafar Ali Khan.]

into them. Although I was an outsider, yet Mr. Muhammad Esa, Bar-at-Law, the President of the Muslim League, Quetta, was not an outsider. There were the tribal chieftains, scores of them, all of them were not outsiders and all of them demanded independence and they said, as long as we do not have independence, we will go on fighting, fighting and fighting, agitating, agitating and agitating. That was the true voice of Quetta. Then I went to Loralai and Fort Sandeman

Mr. Lalchand Navalrai: Were you welcomed there?

Maulana Zafar Ali Khan: Wherever I go as a Mussalman, I am welcomed by the Mussalmans, even if I go to Tokio or Moscow.

Mr. Lalchand Navalrai: I am quoting Judge Weston.

Maulana Zafar Ali Khan: All the people there want independence and unless you give it to them, this agitation will go on. I have just before me a newspaper called *Istaklal* of Quetta edited by a Baluchi, written by Baluchis, contributed by Baluchis, in which there is an article calling upon the British Government to concede to them the same right to self-government and self-determination as is conceded in a small measure to the provinces of India. You say you are fighting for the liberty of the world, you say you are fighting for the freedom of the British Commonwealth as well as for India and the whole world, you say that after the war you will grant us Dominion Status of the type of Westminster, whatever that may mean. I do not want that, because after all that is a western form of democratic government which is not suited to us here. We will create a world of our own. You say that after the war is over, you will concede Dominion Status to the whole of India. Now, I ask my Honourable friend, Mr. Lalchand Navalrai, and my friends of the Hindu Mahasabha, is Baluchistan not a part of India? Are you going to have Dominion Status granted to India excluding Baluchistan from it? You cannot exclude Baluchistan from it. So after these facts are placed before the House, I ask the Secretary to the External Affairs Department to consider this question impartially. You can of course advance the same argument that you did in your last speech, when a meeting was held in Simla and the same motion was put forward there, and the same lame excuses will be again placed before us. But that will not satisfy us. We are pledged to get independence for Baluchistan. You might have created a United Province of Sind and Baluchistan as you created the United Provinces of Agra and Oudh, but I am glad you did not do that because I want to have a number of independent States in the North-West. We want to have an independent North-West Frontier Province, an independent Punjab, independent Sind, independent Baluchistan and independent Bengal as also independent States all over India. We will fight for our objective and we will attain it whatever you may do. We have made up our mind and we will attain our objective whatever the sacrifice may be. Therefore I say, give freedom and independence to Baluchistan, otherwise you are doomed.

Mr. O. K. Caroe (Secretary, External Affairs Department): Sir, as my Honourable friend, the Mover of this motion, said, this matter was discussed a little more than a year ago and I think on very much the same

issues. I was in some doubt myself as to what was meant by the biting of the word "reforms". But I understood from the speech of my Honourable friend, the Mover, that he meant Provincial Autonomy. I am not quite sure what my other Honourable friend, Maulana Zafar Ali, meant when he was speaking of complete independence or independence, but I imagine he also was thinking of Provincial Autonomy, that is to say, an elected legislature and certain safeguards as in the Government of India Act for the other provinces.

Syed Ghulam Bhik Nairang: Sir, may I explain? I did claim Provincial Autonomy for Baluchistan, but it will have been noticed that I wanted either autonomy for Baluchistan as it exists, or that Baluchistan should be attached to some autonomous province like Sind.

Mr. O. K. Caroe: In any case I understand my Honourable friend means that it should either be an independent autonomous province on the same lines as other Governors' provinces or it should be joined up to an existing Governor's province, that is to say, with an executive responsible to the legislature, just as in the rest of India. Well, a certain opposition has been shown by Mr. Lalchand Navalrai to that and that is all that this House so far has before it. The Honourable the Mover recapitulated much of the ground that was covered in 1939 in which it was explained that there are many constitutional difficulties in Baluchistan; and to speak of Provincial autonomy for British Baluchistan, which alone can be considered at present, there has to be an amendment of Acts and an entirely different constitutional position set up. British Baluchistan about ten years ago had a population of 1 lakh and one-third, and the most that we can expect is that it may have gone up to something less than two lakhs at the present census. It still seems to me that all these matters of representative institutions must be decided in terms of men and not in terms of areas. It is true that even British Baluchistan has a very vast area but with a population which is the sparsest of any part of India with the possible exception of the Thar desert. We cannot consider representative institutions or any other form of institution or constitutional reforms except in terms of men. Is it possible, I ask the House to consider seriously, to set up a Governor's province for a *tahsil*, for a number of men equal to one *tahsil* in the Punjab or the United Provinces, or a *taluka* as they call it in Southern India?

Maulvi Syed Murtuza Sahib Bahadur: Do you know the population of Goorg, Sir?

Mr. O. K. Caroe: That is not a Governor's province.

Maulvi Syed Murtuza Sahib Bahadur: It is a Chief Commissioner's province.

Mr. O. K. Caroe: So is Baluchistan a Chief Commissioner's province. But the motion is that Provincial Autonomy, that is to say, the constitution of a Governor's province, should be introduced into Baluchistan.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): But Coorg has a Legislative Council.

Mr. O. K. Caroe: It has, but that is not the proposal. The proposal before the House on this cut motion is that Baluchistan should be set up as a Governor's province. That I have ascertained from the Honourable the Mover of the motion.

Then, I will turn to the alternative proposition that British Baluchistan should be amalgamated with Sind. That may seem in some ways to be an attractive proposition. It is the first time that I have heard it seriously put forward in a very responsible quarter. Government would, before proceeding any further, have to be very certain that the people of Baluchistan are really anxious to be amalgamated with the people of Sind. It may even be said that it would be necessary to be certain that the people of Sind were anxious to be amalgamated with Baluchistan.

Mr. Lalchand Navalrai: We are not.

Mr. O. K. Caroe: The peoples of Sind and the peoples of Baluchistan have not necessarily got much in common and I understood my Honourable friend, the Maulana Saheb, also to say that he was not in favour of linking up with Sind or with any other province. He only mentioned independence and he talked of several independent provinces in the north of India. And what is meant by an entirely independent Baluchistan I do not understand and I do not know whether the House will understand it.

But turning aside for one moment from the constitutional aspect, Mr. Lalchand Navalrai descanted at some length on the educational aspect of the matter; that is to say, he turned aside from constitutional matters to administration. Now, Sir, it is obvious that I stand here as a target of criticism for administration of Central Areas on the frontier, and if it were shown that the standard of administration in such important and vital matters as education were gravely below the standard in any other comparable part of India the case against Government would be a strong one. Well, Sir, I have here certain figures dealing with the educational position in Baluchistan and comparing it with that in other provinces in India. The population taken for these statistics is not only British Baluchistan, but it is the part of Baluchistan which is administered by Government, not by the States, that is to say, British Baluchistan, the leased areas from the Kalat State which include Quetta and certain tribal areas like the Zhob and most of the Loralai districts. The schools in Baluchistan suffered grievously from the earthquake and much time-lag had to be made up: it was difficult to get down at once to a reconstruction programme. Even today the position is that the *per capita* expenditure on education is just over 12 annas, which—I have got it compared with other provinces—is higher than the *per capita* expenditure in Madras or Bengal or Bihar or Orissa or the United Provinces: it is just about the same as the *per capita* expenditure in the North-West Frontier Province and Sind and the Punjab. It is considerably below—only about a half—of the *per capita* expenditure in Delhi, but one might expect that Delhi as the centre of India's political life would receive favourable treatment

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): What is the percentage of the educated,—the three R's?

Mr. O. K. Caroe: I do not quite follow my Honourable friend.

Mr. M. A. Jinnah: The Honourable Member has given the amount of the expenditure, but what is the result?

Mr. O. K. Caroe: If I may, I will try to explain a little more what Government is trying to do for education in Baluchistan. A scheme has been sanctioned

Mr. M. A. Jinnah: I want to know the percentage of literacy.

Mr. O. K. Caroe: I cannot tell the Honourable Member that, I am afraid. The present position is that a scheme has been sanctioned for nine and a quarter lakhs of non-recurring expenditure, and that the recurring expenditure which is about 3½ lakhs is to be raised to four lakhs. This 9¼ lakhs is to be expended—three lakhs on a higher secondary school with intermediate classes—that, I believe, is up to the 12th class—I am not an educational expert, but I understand that that is so: the other large item is 2½ lakhs for a girls' school in Quetta, and considerable increases in primary education, and two lakhs for building grants to private schools. There is another point that I might mention and that is that the contribution from Government towards education is higher in Baluchistan than in any other part of India in proportion to the contributions received from local funds, fees and other sources. Government contribute 70 per cent. of the total expenditure on education in the province. This figure is very much higher than exists according to the statistics given to me in any other part of India. The total recurring expenditure when this education scheme is fully developed will be four lakhs, which is almost exactly one rupee per head of the population, and I have said that the existing expenditure which is just over 12 annas compares very favourably with other parts of India, when it is raised will compare even more favourably.

The Honourable the Mover suggested that the people of Baluchistan needed to be made into men. I think that any Honourable Member of this House who has to visit Baluchistan will carry away with him a very vivid impression of the virility of the people of that province. It was also suggested that as regards the economic position of Baluchistan, the people were poorer than elsewhere. I have no figures which I can quote, but I have served in Baluchistan and I should say that owing to the sparseness of the population there is on the whole little pressure on the ground and that the economic position is probably higher than in many other parts, even analogous parts, of India, such as the North-West Frontier. There is no pressure on the ground.

I have only one more word to say and that is this: Government are pressed to proceed to the development of representative institutions in this province. The Party to which the Honourable the Mover has the honour to belong has not infrequently recently criticised the counting of heads. I associate myself with neither of these policies. I am bound with Government to the development of representative institutions in India, but I do not understand a position in which it is suggested with one breath that democracy is not suitable to this country and with the other that it should be given.

Nawabzada Muhammad Liaqat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, the Honourable the Foreign Secretary has not said anything new to what he had stated on the

[Nawabzada Muhammad Liaqat Ali Khan.]

floor of this Honourable House in 1939, except this, that he has today told us vaguely what educational schemes the Government had in contemplation about which he had promised to tell us in 1939. The argument of the Government against giving reforms to Baluchistan as stated in 1939 and as reiterated today is that the population is so small that it is not possible for the Government to arrange for any constitution that would give freedom to the people of Baluchistan. In other words, the Government case would seem to be that because the number of people is small they are not deserving of any effective voice in the administration of the Government which rules over them. To my mind, the whole speech of the Honourable Member on behalf of the Government was quibbling with the constitutional position and the Government of India Act and so on. He knows fully well what the Muslims and the other people of Baluchistan want. They want an effective voice, a real share in the administration of their province. What is the use of coming forward and telling us that it is not possible to have a Governor's Province, it is not possible to have a Legislature, it is not possible to have highly paid Ministers? Why should the same standard of high salaries and high administrative charges be applied in every case? If the people of a province cannot afford to pay these high charges which are, shall I say, a curse of the present system of Government, then they must be satisfied with what they can afford.

Now, Sir, he has told us that the Government have prepared some scheme which is likely to expand education in that province, and he gave us figures of expenditure *per capita*, and the total amount that is spent, but he failed to supply the House with the percentage of literates in that province. The Government may be spending forty lakhs instead of four for all that we care, but what we want to know is what benefit has that money done to the people of the province. That could only be judged if the Honourable Member had given us figures as to the percentage of literates in the province of Baluchistan.

Then, Sir, there is another question in connection with this matter of education. I would ask the Honourable Member to tell me what percentage of this money is spent on the education of Muslims, Hindus, Sikhs and of Christians; because when I ask that question, I have good reason for doing so. When I visited Baluchistan last year it was brought to my notice that there were a number of institutions that were specially favoured by the Government and which benefit only a very small percentage of the population of Baluchistan. Now, if that is true, it is a very sad commentary on the administration of education in the province of Baluchistan.

Sir, last time, although the Honourable Member did not repent it today,—when he spoke in 1939, he stated that the public opinion in Baluchistan was not being suppressed, it was not being discouraged by the administration of that province, and he said that recently a Muslim League Conference was held, when, according to his information, the number of people who attended that conference was ten thousand

Mr. O. K. Garoo: 25,000, according to the Maulana.

Nawabzada Muhammad Liaqat Ali Khan: May I point out to him that it is in spite of him. The credit for that does not go to you. It shows the awakening that has come over the people of Baluchistan, and I can say, Mr. President,—and whenever I make any statement I always have proof positive for making that statement,—when I visited Baluchistan last year, I was told by responsible men, men whose integrity could never

be called in question, that the administration of Baluchistan was always trying to put hindrances in their way of organizing themselves. So much so, that the officials,—it may be news to my friend over there, but it is no news to the people of Baluchistan,—the Indian officials of the Government in Baluchistan are afraid of coming near public men in Baluchistan for fear that the Government may sit upon them. This is how the Government are encouraging the people of Baluchistan to organize themselves, and to create an awakening amongst the people.

Sir, my Honourable friend, Dr. Sir Ziauddin Ahmad, has produced a Report here which gives figures showing that the percentage of literacy of the people in Baluchistan is the lowest when compared to the percentage in the whole of India. The figures are given in this small book entitled 'the Progress of Education in India', and if any Honourable Member doubts what my Honourable friend, Dr. Sir Ziauddin Ahmad, has pointed out to me, he can look up this Report. Now, Sir, what this Resolution demands and what the Resolution of 1939 demanded was, in simple language, that the people of Baluchistan, as human beings, are entitled to be associated with the Government and the administration of that province. I do not want to discuss the technical and constitutional problems that the Honourable Member has raised. Of course, we all know that when the Government want to do something, an Act can be framed overnight. So the difficulties that have been pointed out by the Honourable Member can be got over if the Government had the will to do justice to the people of Baluchistan. But to me it seems, Mr. President, that the Government are not going to move even a step forward than the position they had taken up sixty years ago. The Honourable Member did not say very definitely,—he only dealt with the constitutional problem and the constitutional difficulties that are in his way and in the way of the Government,—he did not tell us definitely whether the Government recognised that the people of Baluchistan should be given a voice, a real voice, in the administration of that province. He repeated what he had stated in 1939 that it is impossible to constitute an area which is only as big as a *tahsil* of a district into a Governor's province. We all know that. But it is not impossible to treat the people living in that area as human beings. It is not impossible to give them that freedom, to give them that right in the administration of a province to which they are entitled.

Mr. President, my Honourable friend, Mr. Lalchand Navalrai, blew hot and cold in the same breath. He said he was in sympathy with the Resolution, but he was opposed to give them freedom

Mr. Lalchand Navalrai: I never said that.

Nawabzada Muhammad Liaqat Ali Khan: He said,—don't ask for Provincial Autonomy, because our lot in Sind has been very unhappy. I am very sorry, Sir, that my Honourable friend's lot in Sind should have been so unhappy as to make him deny freedom to people belonging to other provinces

Mr. Lalchand Navalrai: On a point of personal explanation, Sir. What the Honourable Member says is not what I said. He is putting words into my mouth which I did not say. I dispute it. I did not say they should not get reforms; on the contrary I said give them reforms of a kind which would suit them at the present time.

Nawabzada Muhammad Liaqat Ali Khan: Sir, I noted down the words of the Honourable Member. He said Hindus are feeling that it was a

[Nawabzada Muhammad Liaqat Ali Khan.]

mistake to separate Sind because of the financial difficulty, and because of the experience that we have had there. Am I right?

Mr. Lalchand Navalrai: Quite right.

Nawabzada Muhammad Liaqat Ali Khan: Then, Sir, I do not think I have misinterpreted my Honourable friend so very much that he should have raised such a serious objection. I was only paraphrasing his speech

Mr. Lalchand Navalrai: It is a wrong paraphrase.

Nawabzada Muhammad Liaqat Ali Khan: That may be according to him, but it may not be the fault of the one who paraphrases, but it is the fault of the text.

Now, Sir, my Honourable friend stated that all this cry for freedom and for reforms for Baluchistan has come not from the people of Baluchistan but from Honourable Members in this House. 5 P.M. I hope I am quoting him correctly. I do not know on what authority he made that statement. I have first-hand knowledge that we are doing nothing more than giving true expression to the feelings of the people of Baluchistan.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more to finish his speech.

Nawabzada Muhammad Liaqat Ali Khan: I assure him that the people of Baluchistan are more anxious for their freedom, are more anxious to have a real and effective voice in the administration of their country than my Honourable friend, Mr. Lalchand Navalrai, is with regard to Sind.

(At this stage, Mr. M. A. Jinnah rose in his place.)

Mr. President (The Honourable Sir Abdur Rahim): The House should perhaps adjourn now and the debate can be continued tomorrow.

Mr. M. A. Jinnah: I do not want to make a speech. I will only take two minutes. I will only make a statement.

Mr. M. S. Aney: I also want to speak on this motion, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then the House should adjourn till tomorrow.

Mr. M. A. Jinnah: I do not want to make a speech, but I only want to point out merely certain figures to the Honourable Member about the percentage of literacy. I want to say to him that the percentage of literacy in Baluchistan is the question that I put to him. For 1936-37 it is 1.6, pupils attending, whereas you find in every other part of India the lowest is 4.1 and even in Coorg it is 7.5. One other statement that I want to make is this. I have got here a Statement of Educational Progress in Baluchistan from 1932 to 1938-39, and let me tell you that it is as stationary as the Honourable Member was in his speech.

2.48, 2.55, 2.73, 1.39, 2.25, 2.05, 2.42. The only question I have to ask is, what have you done with these lakhs that you have spent in Baluchistan for education. Please explain that to us.

Mr. O. K. Caroe: There was an earthquake in that period.

The Assembly then adjourned till Eleven of the Clock on Friday, the 7th March, 1941.

LEGISLATIVE ASSEMBLY.

Friday, 7th March, 1941.

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.

MEMBER SWORN.

Mr. Maurice William Walter Murray Yeatts, C.I.E., M.L.A.
(Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RIFLE RANGE OUTSIDE PESHAWAR CANTONMENT.

281. ***Mr. Govind V. Deshmukh:** Will the Defence Secretary be pleased to state:

- (a) whether there is a rifle range just outside Peshawar Cantonment near Telakal village surrounded by a number of villages, such as, Tekkal Bala, Tekkal Paigan, Paleri, etc.;
- (b) whether any representations were sent by the people of Peshawar and the neighbouring villages, protesting against the location of the rifle range at the place where it stands, on the ground that it will be a danger to the life of the villagers who have to pass through the fields on their way to and back from Peshawar;
- (c) the grounds on which the representations were rejected;
- (d) whether Government gave any undertaking to take special precautionary measures for the protection of the lives of the people who have to go frequently through these grounds? Whether any precautionary measures were taken and if so, what;
- (e) whether Government are aware of the fact that on the morning of the 15th February, 1941, a woman, by name Bachoo, was hit by a bullet and died; whether Government inquired into the matter and found out the military officer, sepoy or soldier, who was responsible for this fatal accident; if not, whether Government propose to do it now;
- (f) what steps Government have taken, or propose to take, to give compensation to the surviving members of Bachoo's family;
- (g) the number of accidents of death or wounds that occurred near the rifle range ground since it has been laid out and used as a rifle range; and

- (h) if Government propose to discontinue hereafter the use of these grounds for the purpose of rifle practice and remove the rifle range to some safe place with no villages situated within a radius of a reasonably long distance from it?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) Government are not aware of any such representation. At the time the range was constructed special tracks were made on the advice of the civil authorities to enable inhabitants of neighbouring villages to pass from one village to another outside the danger areas.

(c) Does not arise.

(d) Yes. Special sentries are invariably posted at the approaches over the Kabul river canal with red flags and on the east edges of Mughdarzai Palozai and Talarzai, to warn any one attempting to enter the danger area and to direct them to the nearby tracks.

(e) Yes. This unfortunate occurrence was due to the woman ignoring the red flags. She was able to make a statement before she died in which she admitted this. An enquiry has been ordered and is in progress.

(f) No claim for compensation has been received.

(g) As far as Government are aware no other accidents have occurred.

(h) No, Sir, since no more suitable ground is available.

Mr. Govind V. Deshmukh: May I know if a representation is received as regards compensation, whether compensation will be given to the members of the family?

Mr. C. M. G. Ogilvie: That is a hypothetical question. If any application is received, it will be considered.

Mr. Govind V. Deshmukh: Is the Honourable Member aware that since the outbreak of the war and still more recently, practice at this range goes on in the day as well as at night and the cultivators have to pass through the fields to protect their crops, males as well as females?

Mr. C. M. G. Ogilvie: The Honourable Member has given me information which I was not previously in possession of. As I explained in the answer to this question, there are tracks over which they can go from village to village without crossing the range. It is only those who take short cuts when firing is going on who are apt to run into danger.

Mr. Govind V. Deshmukh: The Honourable Member said that no more suitable place is available. Is there a deserted area between Islamia College and the village, and could not that be utilised for a rifle range?

Mr. C. M. G. Ogilvie: My answer is that no more suitable ground was available. As to the precise merits of the Islamia College area, I am unable to say, but I think the Honourable Member may take it that it would not be a more suitable area than the present one.

Mr. Govind V. Deshmukh: Suitable in what sense?

Mr. C. M. G. Ogilvie: In that it would interfere to the least possible degree with the ordinary avocations of people living in the neighbourhood.

EXTENSION OF JURISDICTION OF THE FEDERAL COURT.

282. *Dr. P. N. Banerjee: (a) Will the Honourable the Home Member state if it is a fact that the opinions received in 1925 by Government on the question of establishment of a Supreme Court in India were made available to the Members of the Legislative Assembly?

(b) Will the Honourable Member be pleased to state why a different course is being adopted by Government now in regard to the opinions received by them on the question of the extension of jurisdiction of the Federal Court?

The Honourable Sir Reginald Maxwell: (a) and (b). The Honourable Member is presumably referring to the opinions placed in the Library of the House in connection with Dr. Sir H. S. Gour's question No. 163, dated the 5th February, 1924. At that time opinions were collected in pursuance of a Resolution adopted by this House on the 26th March, 1921, and were placed in the Library after the Government of India had come to a decision. On the present occasion the opinions have been collected by executive orders and no decision has yet been reached. The circumstances are, therefore, different.

RETIREMENT OF THE INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

283. *Maulana Zafar Ali Khan: Will the Honourable the Finance Member please state if it is a fact that inferior servants of the Government of India are retired on the completion of 35 years service, or at the age of 60? If so, why are they not retired as other Government servants, on the completion of 25 years' service or at the age of 55?

The Honourable Sir Jeremy Raisman: Inferior servants of the Government of India are compulsorily retired at the age of 60 years, but may voluntarily retire on completion of a service of 35 years. The corresponding age and length of service in the case of Government servants in superior service generally are 55 years and 30 years. Compared with work in superior service that in inferior service is of a less exacting nature and, consequently, inferior personnel can normally work for a longer period of service without impairment of their efficiency.

Dr. Sir Ziauddin Ahmad: With reference to the latter part of the question, may I know if persons who hold the rank of clerks and Superintendents in offices are reckoned among superior service or inferior service? Do they retire at the age of 55 or 60?

The Honourable Sir Jeremy Raisman: I do not think they are ranged as inferior service. Inferior services are of the menial class. The position in regard to clerks, as I explained the other day, is that they may be compelled to retire at the age of 55, but if they are perfectly efficient, they can go on till 60.

Dr. Sir Ziauddin Ahmad: This extension is exceptional, not given as a rule?

The Honourable Sir Jeremy Raisman: It is dependent, as I explained the other day, on the criterion of efficiency being maintained.

Dr. Sir Ziauddin Ahmad: This extension is not given as a rule. It is an exception. It depends upon the work a man is doing?

The Honourable Sir Jeremy Raisman: I cannot accept the Honourable Member's description of the position. The position is as I have described it.

Dr. Sir Ziauddin Ahmad: I am not asserting my own opinion. I am asking to know what is the practice in the Government. I think the age of retirement is 55. Are extensions given in exceptional cases, or as a matter of course?

The Honourable Sir Jeremy Raisman: The Honourable Member is making a gloss on the statement which I made. The position is that if a clerical officer is perfectly efficient at the age of 55, that is to say, a clerical officer who was in service on a certain date, then he is entitled to continue to be employed till the age of 60.

Dr. Sir Ziauddin Ahmad: He is entitled to be given extension as a matter of course, so long as he is efficient?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can draw his own inference.

NON-ENUMERATION OF THE BLIND IN THE CENSUS.

284. *Mr. C. C. Miller: (a) Will the Honourable the Home Member be pleased to state why the enumeration of the blind has been omitted from the census of 1941, though it was included in the census of 1931?

(b) Is he aware that statistics of this nature are of great assistance to those engaged in the work of combating blindness in India?

The Honourable Sir Reginald Maxwell: (a) and (b). The experience of the 1931 census was that the table of infirmities was so defective as to be of little statistical value.

POSTPONEMENT OF RETIREMENTS IN THE ARMY AND AIR FORCE HEAD-QUARTERS AND POSITION AFTER THE WAR OF THE QUALIFIED CANDIDATES RECRUITED.

285. *Maulvi Muhammad Abdul Ghani: Will the Defence Secretary please state:

(a) whether retirement on pension of clerks serving in the Army and Air Force Headquarters and their attached offices has been stopped or postponed during the continuance of the present war; and

(b) whether recruitment of a very large number of clerks to the said offices has been going on for a long time, if so, whether candidates who had duly qualified themselves in the examination held by the Federal Public Service Commission in December 1939 for recruitment to the Lower Division of the Army and Air Force Headquarters and attached offices have been appointed to any of these vacancies on the understanding that they would be given prior consideration for permanent or quasi-permanent appointments at the end of the war? If not, why not?

Mr. O. M. G. Ogilvie: (a) No.

(b) Yes. Recruitment of temporary clerks has been going on. Those who qualified in the 1939 examination will become eligible for temporary employment only after the 31st March, 1941. It has been found, moreover, that it is more satisfactory to recruit clerks with a knowledge of typing and business routine for temporary vacancies. Permanent and quasi-permanent vacancies have been filled from the 1939 list.

MINISTERIAL (CLERKS GRADE) FEDERAL PUBLIC SERVICE COMMISSION EXAMINATION, 1939, AND CERTAIN SUCCESSFUL MUSLIM CANDIDATES.

286. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that an examination was held by the Federal Public Service Commission in December, 1939, for recruitment of candidates to the Ministerial (Clerks Grade) Service of the Government of India Secretariat and Attached Offices and to the Lower Division of the Army and Air Force Headquarters Section of the Indian Army Corps of Clerks;

(b) whether it is a fact that copies of a printed list containing the results of the said examination, were supplied to the candidates with copies of Home Department 'General Information and Instructions', dated the 23rd May, 1940, wherein it was stated that the first 20 Muslims, first 50 Hindus and first ten members of other communities would receive early offers of appointment to permanent or quasi-permanent posts and that generally the candidates who had obtained 40 per cent. marks in the aggregate were eligible for appointment during the currency of the list, i.e., up to 31st March, 1941; and

(c) if the answers to parts (a) and (b) above be in the affirmative, whether it is a fact that the successful Muslim candidates occupying positions 11th, 13th, 14th, 17th, 19th and 20th, among the Muslims in the list referred to in part (b), have never been offered any appointment, while candidates occupying very much lower positions have secured appointment and, if so, the reasons for this contravention of the 'General Information and Instructions' issued by the Home Department?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) The statement in the "Memorandum of General Information and Instructions" has not been correctly quoted by the Honourable Member. The memorandum contained only a warning given to those candidates whose position in the list made it probable that their turn for employment would come to acquire or maintain the standard of skill in typewriting. It was definitely stated that the warning was not to be taken as a guarantee of appointment.

(c) Muslim candidates occupying the 11th, 13th, 14th, 17th and 20th positions are eligible for appointment in Army Headquarters only. No candidate junior to them in the list and eligible for employment in Army

Headquarters has been appointed. No. 19 was eligible for employment in the Civil Secretariat also, and has accordingly been appointed in the Secretariat.

Maulvi Muhammad Abdul Ghani: May I know . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should speak up.

Maulvi Muhammad Abdul Ghani: May I know whether the candidates holding positions 11th, 13th, 14th, 17th, 19th and 20th as a result of the examination were superseded or have been superseded?

The Honourable Sir Reginald Maxwell: I have replied that the Muslim candidates occupying the 11th, the 13th, the 14th, the 17th and the 20th positions—not the 19th—were eligible for appointment in Army Headquarters only. Therefore, there is no question of their supersession by candidates who were eligible for civil employment.

MINISTERIAL (CLERKS GRADE) FEDERAL PUBLIC SERVICE COMMISSION EXAMINATION, 1940.

287. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Home Member be pleased to state whether an examination for the recruitment of candidates to the Ministerial (Clerks Grade) Service of the Government of India Secretariat and Attached Offices and to the Lower Division of the Army and Air Force Headquarters Section of the Indian Army Corps of Clerks, was held in December, 1940? If so, what were the reasons for holding such examination when candidates who had qualified themselves in the examination of 1939 and stood sufficiently high in the list were and are still unemployed and unprovided for?

The Honourable Sir Reginald Maxwell: Yes. These examinations are held annually. The examination held in 1939 was intended to fill permanent vacancies occurring during the period from the 1st April, 1940, to the end of March, 1941. The list of candidates who qualify in the 1940 examination will come into force on the 1st April, 1941.

UNQUALIFIED CANDIDATES RECRUITED TO THE ARMY AND AIR FORCE HEADQUARTERS.

288. *Maulvi Muhammad Abdul Ghani: Will, the Honourable the Home Member be pleased to state whether war-duration vacancies in the Army and Air Force Headquarters are being filled up by unqualified candidates and, if so, what is the reason for not filling them up by appointing candidates who have qualified themselves in the examination of 1939 on the understanding that they (first 20 Muslims at least) will be given prior consideration for permanent or quasi-permanent appointments at the end of the war?

The Honourable Sir Reginald Maxwell: Temporary war-time vacancies in Army and Air Force Headquarters are filled, subject to be the usual communal proportions, at the discretion of the Defence Department in view of the present emergency. The list for the 1939 examination will remain in force up to the 31st March, 1941. Thereafter, it will be utilised for purely temporary vacancies for one year.

Sir Syed Raza Ali: Is it true, as suggested in the question, that unqualified candidates are being preferred to those who passed the 1939 examination?

The Honourable Sir Reginald Maxwell: Will the Honourable Member kindly repeat his question?

Sir Syed Raza Ali: The suggestion in the question is that unqualified candidates are being entertained without any chance being given to those who passed the examination in 1939. Is that so?

The Honourable Sir Reginald Maxwell: Well, the 1939 candidates are eligible for permanent employment, and, as I have said in answer to a question, the period during which they are eligible for selection has not yet been exhausted. After that, they will be available for temporary vacancies.

Sir Syed Raza Ali: Does the Honourable Member realize that unless they get jobs by the 31st March, 1941, which means twenty-five days more, they will no longer be eligible for any post at all?

The Honourable Sir Reginald Maxwell: I have said that the list will be utilised for purely temporary vacancies for one year more.

Sir Syed Raza Ali: Is it not a fact that they are not being given a chance so far as officiating vacancies are concerned? If so, why?

The Honourable Sir Reginald Maxwell: Does the Honourable Member mean "officiating vacancies in civil offices" or "Army Headquarters or the Air Force Headquarters"?

Sir Syed Raza Ali: Army Headquarters and the Air Force offices.

The Honourable Sir Reginald Maxwell: Well, the rules do not provide for that, so far as I understand, but I am willing to make inquiries on the point as to what the arrangement is.

Dr. Sir Ziauddin Ahmad: Do I understand the Honourable Member to mean that in these particular cases of temporary appointment unqualified men are given preference to persons who passed in 1939? Is that correct?

The Honourable Sir Reginald Maxwell: There is no question of preference as between persons eligible for permanent appointment and those eligible for temporary appointment only.

Dr. Sir Ziauddin Ahmad: I am talking of temporary appointments. Are unqualified persons being preferred to those who passed the examination in 1939?

The Honourable Sir Reginald Maxwell: For temporary appointments in the Army and Air Force Headquarters, the selection is not limited to candidates on the list of the Federal Public Service Commission.

Sir Syed Raza Ali: With reference to the answer just given by the Honourable Member, will he, as Home Member, kindly go into the

question and suggest to the Departments concerned that qualified candidates should be given preference over unqualified ones even in the matter of temporary appointments?

The Honourable Sir Reginald Maxwell: Candidates who came as a result of the Federal Public Service Commission examination are not always useful for appointments requiring to be filled up emergently in the Army and Air Force Headquarters; for instance, many of them do not know typewriting and they are persons with no experience. These selections in Army and Air Force Headquarter offices are matters of urgency and they cannot be delayed while the candidates are learning typewriting and gaining other experience. Therefore, having to select, at short notice, the persons best qualified for the work, they have to take them from the available material.

Sir Syed Raza Ali: Will the Honourable Member kindly lay down that, other things being equal, qualified candidates should be preferred to non-qualified candidates?

The Honourable Sir Reginald Maxwell: It may be presumed that Army and Air Force Headquarters would wish to get the best qualified candidates they can find.

An Honourable Member: But they are not doing it evidently.

MOTION FOR ADJOURNMENT.

PLACING OF CERTAIN POLITICAL PRISONERS IN FETTERS AND HANDCUFFS ON THEIR TRANSFER FROM DELHI JAIL.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the House today from Qazi Muhammad Ahmad Kazmi who wishes to discuss a definite matter of urgent public importance, viz., the inhuman treatment meted out to "C" class political prisoners convicted of non-violent offences and of placing them in fetters and handcuffs on their transfer from Delhi Jail as reported in the *Hindustan Times* dated today, pages 4 and 6. I would like to ask if the Honourable the Home Member has any objection.

The Honourable Sir Reginald Maxwell (Home Member): Yes, Sir, I have no information of the actual incident reported, and it seems that the Honourable Member himself has only got it from a newspaper report, but in any case, even assuming that certain prisoners have been conveyed from one place to another in fetters, that can hardly be described as a matter of urgent public importance. It is a matter of every-day police and jail administration that prisoners passing from one safe custody to another have to be secured in such a way as is thought appropriate; it cannot be said to have become suddenly an inhuman treatment when it has been an every-day incident of jail and police administration for many years.

Mr. President (The Honourable Sir Abdur Rahim): Do I understand that in this matter no discrimination is made between political and other prisoners?

The Honourable Sir Reginald Maxwell: Without having made personal inquiries on the point, I can myself say that I can assume confidently that no distinction of any kind would be made.

Mr. President (The Honourable Sir Abdur Rahim): Does that satisfy the Honourable Member?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Non-Muhammadan Rural): My submission is that a distinction must be made in favour of political prisoners or those convicted of non-violent political offences, because fetters and handcuffs are meant for people from whom there is a danger of a breach of the peace.

Mr. President (The Honourable Sir Abdur Rahim): I hold that the motion is in order, but apart from that, I do not know whether the Honourable the Home Member has any objections.

The Honourable Sir Reginald Maxwell: Yes, Sir, I do object.

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

(Less than twenty-five Honourable Members rose in their seats.)

As less than twenty-five Members are in favour of leave being granted, the leave is refused.

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Wednesday, the 5th March, 1941, the time fixed for receiving nominations for the Standing Finance Committee for Railways fifteen nominations were received. Subsequently four members withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected, namely:

- (1) Mr. Muhammad Muazzam Sahib Bahadur,
- (2) Sir Muhammad Yamin Khan,
- (3) Sir Abdul Halim Ghuznavi,
- (4) Khan Bahadur Mian Ghulam Kadir Muhammad Shahban,
- (5) Nawab Siddique Ali Khan,
- (6) Sardar Sant Singh,
- (7) Mr. Amarendra Nath Chattopadhyaya,
- (8) Sir F. E. James,
- (9) Rao Sahib N. Sivaraj,
- (10) Maulvi Syed Murtuza Sahib Bahadur, and
- (11) Mr. Muhammad Nauman.

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim). I have also to inform the Assembly that upto 12 Noon on Wednesday, the 5th March, 1941, the time fixed for receiving nominations for the Standing Finance Committee twenty nominations were received. Subsequently six members withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected, namely:

- (1) Kunwar Hajee Ismaiel Ali Khan,
- (2) Dr. P. N. Banerjee,
- (3) Major Nawab Sir Ahmad Nawaz Khan,
- (4) Mr. H. A. Sathar H. Essak Sait,
- (5) Khan Bahadur Shaikh Fazl-i-Haq Piracha,
- (6) Mr. Govind V. Deshmukh,
- (7) Dr. Sir Ziauddin Ahmad,
- (8) Mr. T. Chapman-Mortimer,
- (9) Mr. E. L. C. Gwilt,
- (10) Mr. Umar Aly Shah,
- (11) Lieut.-Colonel M. A. Rahman,
- (12) Mr. N. M. Dumasia,
- (13) Mr. Saiyid Haider Imami, and
- (14) Maulana Zafar Ali Khan.

THE GENERAL BUDGET—LIST OF DEMANDS—contd.

SECOND STAGE—contd.

DEMAND No. 12—EXECUTIVE COUNCIL—contd.

Reforms in Baluchistan—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the cut motions. The motion before the House is No. 43, to discuss the reforms in Baluchistan.

Mr. M. S. Aney (Berar : Non-Muhammadan): Sir, the motion before the House was to bring to the attention of the Government the urgency of introducing reforms in Baluchistan. The Honourable Member in charge of the Department of External Affairs, before he began his speech, tried to get elucidation of what the motion exactly meant from the Mover of the motion, and it was given out that the word 'reforms' there was intended to make a demand for the establishment of an autonomous province in Baluchistan. At least, he discussed the motion on that basis. Before I make a few observations on this point, I would like to offer my congratulations to Nawabzada Liaqat Ali Khan for a very lucid maiden

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speech he made in this House yesterday. After offering these congratulations, I would like to say something about what he has said. He began his remarks with an observation that in the course of the speech which was made on behalf of Government he heard nothing new. The same old arguments that were given out before on the floor of the House were repeated by Mr. Caroe. May I say in return that having listened very carefully to all that was said in favour of the motion, I am in a position to say that I have heard nothing new. The same old argument which had been stated in favour of the motion before had been repeated yesterday.

In fact, when old questions are brought before the House, we cannot expect new arguments from either of those who support the motion or those who oppose it. The arguments remain the same. But what struck me particularly was this, that there are certain points of view which have been repeatedly brought to the attention of those who bring this motion and which have, in my opinion, generally gone every time unreplied by them. I really want to know whether my friends are really satisfied that the state of things in a province like Baluchistan with a very meagre population, scattered over a vast area, and educationally as backward as they themselves have admitted it to be, is deemed by them as sufficiently strong for the creation of what may be called a highly democratic form of Government such as a provincial autonomous government is intended to be? On this point, there is also another thing which I want my friends to seriously consider. If it is held that democracy is not a solution of India's difficulties or a representative government is not at all necessarily a suitable type of Government, if that sort of claim is urged against the bigger demand for having a federal representative government for the whole of India, it is rather difficult for me to understand the logic of those who urge that a new province should be created with the object of extending the same type of government there. That is also a difficult position for me to understand. But apart from that, there are certain matters, in which the Honourable Members of this House ought to feel vitally interested and about which the Government of India also ought to feel more anxious. For example, I looked into the figures of the income of this province and also its disbursements as given in this book of Demands for Grants. On page 428 of this book of Demands for Grants I find that the total receipts of Baluchistan come to about Rs. 20,05,000 and the total disbursements for the province comes to Rs. 73,73,000. Besides, there are several additional expenses incurred for the province which are given there on the same page and which come to about Rs. 51,96,000. These two items together come to a total of Rs. 1,25,69,000. That is the expenditure which has to be incurred for maintaining the present kind of administration in Baluchistan. It means that the Central Government have to subsidize from their own revenues the administration of Baluchistan to the extent of 105 lacs every year. If a new province with all the paraphernalia of an autonomous province is to be set up, some more addition is to be made to this sum of Rs. 1,25,69,000. How far we can rely upon the efforts of the people to help us in this effort to raise more revenues for sustaining that big Government? I believe the sum of Rs. 20,05,000 is already there and hardly any substantial addition can be made to the sources of income of the province by fresh taxation direct and indirect. It will mean, therefore, a very big question for a very big subsidy to be given to Baluchistan for the sake of giving them an extensive form of Government such as the Provincial Autonomy, and

[Mr. M. S. Aney.]

for that luxury the Indian taxpayer must be called upon to shoulder the burden of a big subsidy. We are already bearing the burden of a very big subsidy for the mistake that the Government of India committed in setting up an autonomous province in the North-West Frontier Province. We are bearing, again, the same sort of burden for the sake of another mistake perpetrated by them in creating a separate province for Sind. Why should the rest of India bear the burden of the luxury which some of these provinces want to enjoy at the expense of the taxpayer of the whole of India, is something which passes my comprehension.

An Honourable Member: What about Orissa?

Mr. M. S. Aney: Even if it is Orissa, let the subsidy be refused. I do not mind it. Let them be asked to cut their coat according to their cloth. That was the promise made on the floor of the House when the question of Sind was discussed. Every day somebody comes forward and asks for the creation of a separate new province. My friend, Sir Abdoolah Haroon, came up the other day and said: "So far as the charges of Sukkar-barrage are concerned, Sind Province should not be held responsible for them and nothing more should be asked from them". These demands are being made every year. With that experience it is useless for any one of you to tell us on the floor of the House that this means nothing more. I put it to my friends, are you going to have an autonomous Government on the basis of the revenue of twenty lakhs there? Who can believe that story?

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): What about the alternative of amalgamation with the Punjab and Sind?

Mr. M. S. Aney: But that is not the proposition before the House at all. Let it come in that form. We will have to consider this more carefully. We should like to know how the two other parties, namely, the Sind people and the Punjab people, are amenable to amalgamation like this. Nobody speaks for the Punjab here, and the Honourable Member who spoke on behalf of Sind has not given a favourable opinion at all.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Adverse opinion.

Mr. M. S. Aney: My point is this. Has any Honourable Member made any investigation? At one time, the North-West Frontier Province, was part of the Punjab and it was governed as part of the Punjab. Efforts were made to make it into a separate province and, ultimately, an autonomous province was created. I am not going to quarrel with matters that had taken place in the past. These are matters which the Government of India will have to consider afresh if they stick to the promise that at the end of the war, a new constitution is going to be framed for the whole of India. The whole question will have to be gone into then. For the present what I want to urge is this, that with the state of finances as they exist in Baluchistan, it is rather absurd for anybody who has got any regard for the financial position of the Central Government to look upon these proposals with any degree of favour.

Sir, there is another point to which I wish the House as a whole should give due attention. I look upon Baluchistan, North-West Frontier Province and certain portions of Assam to which reference was made, as parts of India situated on strategic frontiers of this country and in thinking of any form of administration for those provinces, the one paramount consideration which the Central Government must bear in mind, no matter whether it is the Central Government as at present constituted, namely, a foreign Government or it is a Central Government which will be purely the Government of the people of this country, that anything that they do would not in the least jeopardise the safety of the country as a whole. Now, Sir, this view can be taken only by those who think that there is one country which is to be defended and which is to be protected. If this idea of one Indian nation is eliminated, then all my argument against the creation of separate provinces has no meaning. I concede that those who think that there is no such one nation and there is no such one country to defend, they can legitimately put forward not only the creation of one Baluchistan, but every District of the Punjab can be turned into a separate independent State also. It will be a conglomeration of so many Indian States trying to form themselves into a chaotic federation, ready to fight some other neighbouring independent Indian State. Those who do not want to visualise in the future the creation of such a horrible state of things and want to maintain the integrity of the Indian nation as one, notwithstanding the heterogeneous population that it holds, those who want to stand for the ideal of one Indian nation, they have to bear in mind very carefully that any form of Government that is set up on these frontiers where we have not yet been able to introduce all the elements of a civilised administration, up to this time should be such as to be conducive to the preservation of the Indian nation intact.

We should bear in mind what should be the extent of control of the Central Government over those provinces. The extent of control over those provinces stand on a different footing from the extent of control to be exercised over other centrally situated or more advanced parts of the country. It is because the safety of the country as a whole will largely depend upon the attitude of those in whose hands the administration of those provinces will remain, it is because the safety of the entire nation is involved, it is the duty of the Central Government to see that in making any concessions which they are advised to make, this paramount consideration of the safety of the entire Indian nation is not at all lost sight of. I do not mean to say that this position is entirely and necessarily inconsistent with giving them autonomous rights of any kind whatsoever. I do not want to maintain a proposition like that. But I do not think anybody can safely ignore this point of view also in making any demand for the creation of autonomous States on strategic frontiers. Therefore, my great difficulty is this. These propositions are coming in for discussion frequently on behalf of certain friends of mine who, for reasons best known to themselves at present, do not feel themselves wedded to the theory of maintaining the integrity of India as one nation. I am not prepared to look upon the question as minor matters or casual things which for the sake of courtesy to colleagues or for the sake of maintaining friendly fraternal feelings should not be thoroughly and carefully examined. I consider it a mistake to record my silent vote on a motion like this. I warn the Government of India to bear in mind that so long as they want to remain in this country as rulers, they are responsible

[Mr. M. S. Aney.]

for maintaining the integrity of the Indian nation as one undivided country. If they take any measures hastily for the sake of pleasing this party or that party, it is bound to jeopardise the safety of the Indian nation and its integrity. They might please some party or other, but they are bound to create a difficult situation which it would not be easy for them to meet, and an agitation will be started in this country which it will be difficult for them to face. I want to give the Government this warning.

With these words, I have to say with regret that I am not in a position to support the cut motion with the interpretation put upon it by my Honourable friend. If it be a question of introducing reforms for the sake of giving them better educational institutions or educational facilities, a better system of administration or even of their having some kind of association with the administration that is going on, such as has been existing in the case of the province of Coorg, I would be certainly willing to consider and examine that proposal with great sympathy. But the proposition before the House, I am authoritatively told by my Honourable friend, Syed Ghulam Bhik Nairang, stands for the creation of an autonomous province. With that restricted or definite interpretation put upon it, I find it difficult to give my support to this proposition. Otherwise, at the beginning I was inclined to vote for this proposition in the general sense that I put upon the word Reforms. But with the definite interpretation put upon it, I am unable to support it.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, my Honourable friend, Mr. Aney, wanted to discuss on this cut motion and to traverse a very wide field of Indian democracy and the wide field of Pakistan or whatever it may be called, he wanted to discuss the wider issues of the Indian constitution. Sir, this was not the object of this cut motion. The object of this cut motion, as was stated by my Honourable friends yesterday, is to ask for some sort of autonomous form of Government to be extended to Baluchistan. Nothing more is demanded. That was the only object of the cut motion. The principle of Indian democracy or the allied subjects was not the object of this cut motion. We really want that some facility, some freedom should be given to the people of Baluchistan and nothing more. Why should our friends bring in the wider issues. I do not see. I am constrained to say on the floor of the House that whenever the question of Muslim provinces comes up for discussion, racial and extraneous questions are brought forward in the discussion. I am sorry that this small cut motion has taken quite a different turn as if it was a Muslim or a Hindu or a Christian question.

I am now asked by my friend to read a short sentence from the speech of Dr. Moonje at the Round Table Conference. This forms part of the proceedings and this relates to the introduction of reforms in North-West Frontier Province, and Baluchistan on the same footing as in other provinces. When this question was put to Dr. Moonje, he said "The Hindu Mahasabha has in principle no objection". Whenever the question of Baluchistan or the question of a Muslim province comes in like the Punjab or Bengal, I do not understand why such slings should be aimed at us. Yesterday Mr. Caroe said: "Oh, you want democracy and at the same time you oppose democracy". I may inform him that the democracy that we object to is what the British people and the Indian Government want to thrust on our heads. We want the intellectual,

saintly, religious and spiritual democracy which Islam teaches. We are not thinking in terms of majority rule and minority rule but of that form of democracy which we can reconcile conscientiously with the rights of others.

The question of Baluchistan is very simple, viz., whether the people there should be educated as in other parts of India and whether they should have the same treatment and the same freedom which we in other provinces have. If my friends think in terms of pounds, shillings and pence they must remember that there are big provinces and small provinces and a larger or smaller number of inhabitants in different provinces. If we consider that the people of Baluchistan are inhabitants of India why should not they have the same democratic rights as the people enjoy in other provinces? My Honourable friend, Mr. Aney, admits that India is a big country and it is no use giving subsidies to provinces. But if a province like Orissa can get a subsidy where is the harm in giving a subsidy to Baluchistan? There is no question of principle involved. If we make these other provinces autonomous we should make Baluchistan also autonomous although it has a small population. You have in Europe very small democratic countries.

Mr. M. S. Aney: Luxembourg.

Mr. Muhammad Azhar Ali: Yes, let there be a democracy like Luxembourg. However, Sir, without taking any more time I will conclude my speech by giving a few figures. In education the cost per pupil is the highest in Baluchistan. On page 71 of the book "Progress of Education in India" we find that literacy is 1.6 only and on page 113 the total cost per pupil is given as 62.4 whereas for the whole of British India it is 15.4. Therefore, we want to give the same opportunities to the people of Baluchistan that we have; and if our friends here are democratically minded they should not grudge Baluchistan having the same form of Government and being made an autonomous province. If my friend, Mr. Aney, did not object to Orissa where is the earthly reason . . .

Mr. M. S. Aney: I have objected to the formation of the Carnatic; I have objected to the formation of Sind. I have objected to the creation of all autonomous provinces.

Mr. Muhammad Azhar Ali: What about Orissa?

Mr. M. S. Aney: Even about Orissa, that question did not come up before me for my vote to be recorded.

Mr. Muhammad Azhar Ali: However, it is a question of the education and civilisation of the people and it is meet and proper and the right of the people of Baluchistan to demand from the British Government that they also should be civilised and educated in an Autonomous Province of their own.

Several Honourable Members: The question may now be 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 'Executive Council' be reduced by Rs. 100."

The Assembly divided:

Mr. President (The Honourable Sir Abdur Rahim): The Chair finds one Honourable Member is reading a newspaper. It is not allowed here.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): There is no debate now going on, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go out of the Chamber if he wishes to read newspapers.

AYES—18.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur
Shaikh.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ismail Khan, Haji Chaudhury
Muhammad.
Liaqat Ali Khan, Nawabzada
Muhammad.

Mehr Shah, Nawab Sahibzada Sir
Sayad Muhammad.
Muhammad Ahmad Kammi, Qazi.
Murtuza Sahib Bahadur, Maulvi
Syed.
Nauman, Mr. Muhammad.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

NOES—40.

Abdul Hamid, Khan Bahadur Sir.
Abdul Hamid, Khan Sahib Shaikh.
Ahmad Nawaz Khan, Major Nawab
Sir.
Aney, Mr. M. S.
Banerjee, Dr. P. N.
Bewoor, Sir Gurnath.
Caroe, Mr. O. K.
Clow, The Honourable Sir Andrew.
Daga, Seth Sunderlal.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Cap-
tain.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Dumasia, Mr. N. M.
Gidney, Lieut.-Colonel Sir Henry.
Ikramullah, Mr. Muhammad.
Imam, Mr. Saiyid Haider.
Jawahar Singh, Sardar Bahadur Sar-
dar Sir.
Kamaluddin Ahmed, Shams-ul-
Ulema.

Kushalpal Singh, Raja Bahadur.
Lalchand Navairai, Mr.
Maitra, Pandit Lakshmi Kanta.
Manavedan, Raja T.
Maxwell, The Honourable Sir Regi-
nald.
Mazharul Islam, Maulvi.
Mudaliar, The Honourable Diwan
Bahadur Sir A. Ramaswami.
Mukharji, Mr. Basanta Kumar.
Oulsnam, Mr. S. H. Y.
Parma Nand, Bhai.
Pillay, Mr. T. S. S.
Raisman, The Honourable Sir
Jeremy.
Rao, Sir Raghavendra.
Sheehy, Mr. J. F.
Sivara, Rao Sahib N.
Spence, Sir George.
Tymms, Mr. F.
Tyson, Mr. J. D.
Yeatta, Mr. M. W. W. M.
Zafrullah Khan, The Honourable Sir
Muhammad.

The motion was negatived.

DEMAND No. 55—CENSUS.

Mr. President (The Honourable Sir Abdur Rahim): The next cut motion of the Muslim League Party is No. 77 relating to Demand No. 55.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move:

"That a sum not exceeding Rs. 2,59,000 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, 1942, in respect of 'Census'."

(a) Failure of the Government of India not to supply Urdu forms; (b) Compulsion on Urdu knowing enumerators to submit census returns in Hindi in some Provinces by Census Charge Superintendents; (c) Neglect of Provincial Census authorities in filling up census forms; (d) Highhanded action of some of the Provincial Census Officers in suppressing and violating instructions issued by the Provincial Census Superintendents; and (e) Deliberate attempts to minimise population of Muslim and other minorities and exaggerate Hindu population.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move:

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

The object of the motion is indicated in the notice itself. No doubt the census has hitherto been of very great utility, one of which is to give the correct idea of the exact number of each group of people inhabiting India and on which were based, up till now, many political privileges. It is this very last thing which has stirred up some of the groups to take undue advantage by whatsoever means it could be achieved. A well organised conspiracy was started to achieve political supremacy, which was revealed too late. Let me assure the House that this was not the first occasion in the history of the census when wrong entries were made, particularly about numerical strength and mother tongue of Muslims; but the present census is the worst example.

The first plan afoot to decrease the Muslim population was that Muslim families all over India were secretly and imperceptibly told that male members of every family will in proportion to the numerical strength be forcibly taken away for military purposes. The second plan to terrify Muslim families was that Government will impose taxes in proportion to the numerical strength of each family. I heard it in my own place and also wherever I went throughout Bihar, and from Bihar up to Delhi I heard the same tale. But this was not the case with Hindu families. I have, therefore, said that there was a well organised conspiracy. This was one of the ways adopted to minimise the numbers of the Muslims.

The second step was a deliberate one, to leave out altogether in some places the Muslim families, and in other places to decrease the number of Muslims. There was a deliberate and successful attempt to enter wrong returns of mother tongue of Muslims. Hindustani and Hindi were intentionally and wrongly recorded in the column of mother tongue against the names of Muslims. I cannot help citing a few instances by way of illustration. Mr. Abus Saud Ahmad, Assistant Secretary of the District Muslim League of North Arcot in Madras Presidency was one of three supervisors for Mellosarum in the North Arcot district. When he came

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to know that the Muslim population of Mellosharum had been shown as 6,500 and that the figure of the Hindu population had been exaggerated beyond expectation. He reported the matter to the local Charge Superintendent, and the Charge Superintendent was good enough to order a verification. On the verification being made, it was discovered that the number of Muslims, instead of 6,500 was 9,500. This is the position in a small place like Mellosharum. Sir, the other day when I looked into the local daily paper *Anjam*, I learnt that there is a place in the Punjab called Rajgarh, where the returns of the Census Charge Superintendent, when verified, showed that there was an increase of 6,800 Hindus. He is a man of education, a Doctor of Medicine, and he practised such a foul thing. He was taken into custody and the matter is under investigation. He has stated that it was decided to increase Hindus by 60,000 there. Such is the report from Bihar too. When I went to see a supervisor in the Siwan Municipality where I reside, he informed me that a Hindu enumerator just by his side had deliberately shown a family of 8 members to consist of seven persons. When he verified it, it was discovered that it was a deliberate attempt to increase the number. Sir, instances after instances have been reported, and the Honourable Mr. Fazlul Haq, the Premier of Bengal, too issued a statement to the press on the 28th of December last and thereafter to the effect that there was a conspiracy to reduce the number of Muslim population in Bengal and the same is the case in Bihar and other places as well. So, Sir, the real utility for which census was made has been nullified.

As regards the wrong entry of mother tongue,—I forgot to mention my own personal case,—after mentioning this I shall refer to the question of mother tongue. I came here on the evening of the 7th February with my wife, five daughters and two sons,—all have been neglected and not registered. Since the 8th February till the 1st of March no enumerator turned up, nor did any supervisor come to verify the figures. This is the case of a person of my position, a Member of this House, with a big family residing here, and he has totally been ignored and left out. Such is the attempt of the enumerators of the majority community. What utility can we expect from the figures prepared out of such wrong and incorrect enumeration.

Sir Syed Raza Ali: Who is your enumerator?

Maulvi Muhammad Abdul Ghani: I do not know. I tried to find him out, but could not.

An Honourable Member: What is the good of raising a family if you cannot get them enumerated?

Sir Syed Raza Ali: You ought to have gone to the Home Member.

Maulvi Muhammad Abdul Ghani: I have written to the Deputy Commissioner to take the necessary steps in the matter and am awaiting his reply.

Now, Sir, as regards the return of language, on the 15th of January the Census Superintendent of Bihar issued a circular letter, No. 24,

dated the 15th January, 1941. That letter asks the various census officers to return the language as dictated or as reported by the person. Notwithstanding that, every effort was made first deliberately to suppress the letter and then to violate the instructions contained in that letter. For instance, this circular letter was received by the Sub-Divisional Magistrate of Siwan on the 20th January last and he forwarded a copy of the same circular letter to the Chairman of the Siwan Municipality who was the Charge Superintendent of the town the very next day. But the Charge Superintendent withheld that till the 28th of January. When the Muslim League started agitation, he forwarded it to the supervisors on the 29th January and by that time every wrong entry had been completed. Sir, in a small town like Siwan, a circular letter sent by the Sub-Divisional Magistrate regarding the return of language was suppressed for more than a week. You can imagine the difficulty in which the enumerators were placed under such circumstances. In other parts of Bihar, census enumerators were appointed, and some of them were Muslims, but they did not know the Hindi language. They were compelled to submit their returns in Hindi. Such was the difficulty of the Muslim enumerators

An Honourable Member: Where were you then?

Maulvi Muhammad Abdul Ghani: I came to Delhi to increase the population. That was the difficulty of the Muslim enumerators. Some had to resign when such compulsion was forced on them, while a very good and golden opportunity was provided for Hindu enumerators who were a party to the deep-rooted conspiracy of increasing the Hindu population. But, Sir, we are not going to be guided by the heads for our political privileges. We have already declared, and fortunately it has been accepted by the Government, that we are a distinct nation. There is a place called Shaikhpura in the Patna Division where the Charge Superintendent was so deliberate in his action that he ordered enumerators to write Hindi or Hindustani against the names of Muslims notwithstanding the clear circular of the Census Superintendent of the province of Bihar. He was proud of being a magistrate. These are a few instances of the actual state of affairs. The other day I tabled an adjournment motion to discuss all these things when I received a long telegram from Cawnpore, U. P., giving information of this tragic state of affairs in Orissa, Bihar, U. P., C. P. and some of the Native States. Unfortunately, the Honourable the Home Member took objection and we could not get an opportunity of discussing it. There is one thing which I want to bring to the notice of the House and it is this. No Urdu forms were supplied, and not only that, but even the instructions issued to the enumerators were all in Hindi, so far as I know about Bihar. I have no information about other provinces. The Urdu knowing enumerators had the greatest possible difficulties and they had to go and borrow Hindi teachers. So, it was the duty of the Government of India to see that Urdu forms or at least instructions for enumerators who happened to be Urdu knowing were given in Urdu. As regards the caste for Mussalmans, I referred the matter to the Honourable the Home Member who was kind enough to assure me that at the tabulation stage there would not be any caste for Mussalmans because it was not meant for Mussalmans but for

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Hindu citizens. He says in his D. O. letter No. 45/5/41-Public, dated 14th February, 1941:

"The principle behind all census enumeration is that the enumerator records the answers given to him by the citizens. Question 3 of the list, which in its present form has been unchanged since 1921 and has appeared in essence for six censuses, does not require a caste entry against Muslims. Three terms are used, the idea being that the citizen should answer that which is relevant to himself. The word 'caste' of course contemplates the answer given by Hindu citizen."

In the end he gives me an assurance, and I am very thankful to him for the same view he has taken. He has assured me that at the tabulation stage no caste will be mentioned for Muslims.

I have moved this motion when no figures of census are out, and we are not at all satisfied with the correctness of the figures given by the various Hindu enumerators. I submit that the census operation of 1941, so far as the number of various communities is concerned, is not at all correct. Attempts have been made, forces have been used to record wrong entries, and this was not only the case with the Muslims. The untouchables, the depressed classes have also been forcibly, intentionally and deliberately wrongly recorded as high caste Hindus. And I want to say that all these futile efforts will not be useful. Nature is helping the Muslim population at every census. If you compare the census of 1911, 1921, and 1931, you will find a regular increase of about 2.5 per cent. over their total population; and in the towns the Muslim population is being increased at every Census by more than five per cent. and high caste Hindus are down by 2 per cent. in every census. So, I think, all these futile attempts will not jeopardise the interests of the Muslims.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Maulvi Muhammad Abdul Ghani: I move. Sir.

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

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

Haji Chandhury Muhammad Ismail Khan (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, I rise to give my wholehearted support to the cut motion so ably moved by my Honourable friend, Maulvi Abdul Ghani. Sir, at the time of each census the desirability of correct recording of heads is brought to the notice of the Government, not only on the floor of this House, but outside it as well by means of speeches, newspaper articles and personal representation to the authorities. It is a great pity that in spite of the unanimous demands and wishes of the people of this unfortunate country, Government turn a deaf ear to our just representations and the Honourable Member sits tight over his seat as if nothing had happened. The Honourable the Home Member must realise that a great deal, in a country like India, depends on correct recording of census, as political representation of the future is intimately connected with the population of a community. We have always been submitting that, so far as minority communities are concerned, unless a careful and accurate census is taken, the error would remain till the time of next census and this under-estimating of the strength of the Muslim community, particularly, would amount to a denial of political representation to which it is legitimately entitled.

Sir, our grievances in connection with the recent census operations are numerous and it is not possible, within the short time allotted to this cut motion, for me or for any other Honourable Member to mention all of them in detail. My Honourable friend, the Mover of the motion, has already mentioned so many irregularities which have been committed to harm the Muslim cause. I do not know how far the Government were justified in not supplying the enumeration forms in Urdu in Bihar and certain other places, and compelling the enumerators, who did not know Hindi, to use the Hindi script. Does this not amount to clear injustice to Urdu-knowing population, both Hindus and Muslims?

I must not hesitate to point out, Sir, that the charge of certain enumerators making false entries in the census returns is not only based on suspicion but on actual experience. From my personal experience in Bengal, I can say without any fear of contradiction that deliberate attempts were made to minimise the Muslim population and increase the number of my Hindu brethren. I may also tell the House that in certain places enumerators did not even visit the houses of certain persons. Even my own house in Calcutta was neglected, and nobody turned up to take the count.

Sir, we cannot tolerate such a state of affairs to continue any longer, and in all earnestness I impress upon the Honourable the Home Member the desirability of doing justice to my community by issuing immediate instructions, even at this late stage, to the provincial census authorities to set right the irregularities and omissions brought to their notice before the final census figures are published. With these few words, I resume my seat.

Mr. M. W. W. M. Yeatts (Government of India: Nominated Official): I heard a friend of mine say yesterday that I have a weak voice but I hope it will not prove too weak today.

I will take up the points that Mr. Abdul Ghani mentioned. I may tell him that it had never been the practice in the past to use Urdu forms in Bihar, because the great majority of Muslims there use the ordinary script Kaithi. I have seen Muslim enumerators using that script. My friend should know that the Government have sanctioned optional use of Urdu in the Bihar province.

Maulvi Muhammad Abdul Ghani: May I know who has issued . . .

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

Mr. M. W. W. M. Yeatts: I went there and I gave instructions about all these things, and that where a man definitely told the enumerator that he wished to make his record in Urdu that should be accepted.

Sir Syed Raza Ali: That is exactly the point. Those forms were not supplied.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not be interrupted.

Mr. M. W. W. M. Yeatts: Now, Sir, all the other matters raised come under the general head of how the census in India is conducted and I

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think it is really rather important to get that straight. Now, the Census in India is not a thing like the Posts and Telegraphs Department or the Customs—conducted by paid Central staffs. It is the cheapest thing of its kind in the world. It is a *tour de force* and it is performed on the unpaid activities of fellow citizens of ours of all communities. In any country, in any sphere, even on Venus, if they had a census there, the same thing would apply that I mentioned in a broadcast speech the other day; no census in any country can rise above the level of the people of that country. That applies also to England and the United States of America. Here, in India, our enumerators are not thought-readers. They cannot see through brick walls. They are not inquisitors. They have not got magisterial powers. In effect, the census is the record of the answers of the citizens to the questions put and that is an absolutely basic thing that would operate, as I say, in any census anywhere.

Now, the Indian census, in my opinion, is a thing of which the country should be very proud, very proud indeed. When I was in America in 1939, I was rather interested to find that two Indian administrative achievements were comparatively well-known and appreciated. One of them was the Survey of India and the other was the Census and when I left Washington, the head of the U. S. A. census said to me 'Good-bye and good luck. I would not like your job' and if he were here today, he would repeat that with emphasis.

Now, just have a look at this census, because it is important that all citizens should have a look at it. There is here a population of 400 millions—a fifth of the world. Your census from A to Z costs you under 50 lakhs. That is only made possible, as I say, by the people of the country coming forward and taking their unpaid share. Just think what it would cost if you were to pay these men. In America they pay their men four cents a head. If you paid your Indian enumerators at one anna per head, you would add two and a half crores to the cost of the census. That is itself five times the total present cost of half a crore. If you paid them at one pice per head, you would add 62½ lakhs to the whole cost. You had nearly three million enumerators last time. Now, you have a million and a half at least. You are able to conduct this so cheaply, because the people of the country take this social inquiry on their shoulders. That is one way of doing it. If you had to pay them, the expenditure would run into crores. I myself think that India has reached a very advanced position. The American census, for a third of our population, was 40 million dollars or 12 crores, that is 24 times the cost of the Indian census. If you take it per thousand population, the American figures work out to something like Rs. 900. The English figures are about Rs. 150 per thousand. The Indian figure comes to under 15. That is an enormously creditable thing and one that our people should realise. It is a very advanced position for this great country—that this big social inquiry should be carried on by the people and within their financial resources. It is a much more advanced position than is the case in some countries that are considered to be ahead of us.

Now, this is what we do in regard to the census. You must have regard to the fact that we do not pay these men, though in exceptional cases we do pay them. We use the existing material in all cases. We use the Government servants, people in municipal service, school masters etc. for the purpose of our census activity. The great thing in our census

is its dimensions. I was talking to a business man yesterday. He said a difference of a fraction of a pie in the turnover, the results will be terrific—leading to a profit of lakhs. Even if you add slightly to the original cost, the dimensions would alter the character of the undertaking altogether. So, we start on the principle of using what exists already.

Whatever kind of system exists in the area, we try, in our scheme, to give it. We don't recruit staff and pay them so much. We use the agencies that exist already; we use them, really, in essence, as citizens of the country, with a certain amount of local knowledge, as officers, and they do their work satisfactorily. In many cases it cannot be a very thankful job, but there it is. Now, strictly speaking, I think you could say that the census is the most truly all-India effort that we have. Theoretically it is a central subject undoubtedly; in actual fact, however, every kind of agency takes part and particularly the Provincial Government, who put their staffs at our disposal. Broadly speaking, the real census is based on the Provincial Administration's effort. Similarly in municipalities, and so on and so on. And that is how you get this figure of four hundred million people being enumerated,—and tabulated also, I should say,—because that figure of half a crore covers the whole of the operations. . . .

Sir Syed Raza Ali: May I ask what steps my Honourable friend has taken to see that the entries as made by the enumerators are correct? Is there any check over that? If so, what?

Mr. M. W. W. M. Yeatts: We start in the year ending 1940, or 1930, as the case may be, and make a house list. That house list takes some time to prepare and every place that should be visited is entered up and given a number. On the basis of that house list, blocks are allotted to the enumerators and then the blocks are grouped in things called circles, each of which is under the control of a man called the supervisor. The supervisor again is chosen, wherever possible, from Government servants and so on in the neighbourhood. The circles are grouped into larger units called charges, these charges again are put in the hands of a man called a Charge Superintendent, with local knowledge, connections and suitability of character, but, again, these men are not paid. Then the charges come within the *Tehsil*; and then the *Tehsils* within the districts. At the *Tehsil* stage it is linked up with the ordinary administrative chain. In the course of the enumeration the record is checked by the supervisor; the Charge Superintendent can check; so can the *Tehsildar*; and all these officers when touring are encouraged to check as much of the census record as is available, to check the enumerators, to train them and so on. That is how the whole thing is threaded through; it is made as open to check and scrutiny as possible.

Mr. Abdul Ghani mentioned the "caste of Muslims". I would like to make one comment on that question. Question 3 in the list was called "race, tribe or caste". Now that question has been practically unaltered for sixty years. It is really a compendious question meant to cover three broad categories. For people like myself, for non-Indians, roughly, the idea was "race". The term "tribe" would apply to the people in whose organization the tribe is the unit, and similarly, "caste" applied to Hindus. It was simply a compendious question, meant to bring the whole population under one question; and, as I said, that particular question has been practically unaltered since 1881; that was the end it was meant to serve. Now

[Mr. M. W. W. M. Yeatts.]

my experience is—I had some experience of a contentious area in 1931, but on a small scale, I admit, on the Oriya-Telugu border, where feelings ran very high and the interests were divergent, and much the same sort of agitation was going about then as is going about now. Now, the enumerators then were Telugus or Oriyas, because they were taken, as I have explained, from men with local connections suitable for the job. But the air was full of oburgation, if I may use the word, and mutual suspicion and so on. I myself, quite apart from special officer, went over a great deal of that area and the ordinary enumerator whatever he was had gone and done a really good job, and that is why I say I have a great respect for the Indian enumerator, a very great respect indeed, and I think it is of importance that that fact should be made known. There he is. He is doing this job, for which he gets no pay, and he gets a good deal of misunderstanding and other things. The important thing is to realize that he is a fellow-citizen of ours among all communities, who is going ahead and doing this thing which is of such importance to us all: and my conviction is that, if he is given the right atmosphere he will do it.

Take the ordinary basis of enumeration in a village. Really half the village may take part,—because things like the determining of age will often be settled after consultation with the older grown-up people, the stand-byes in the village, who remember what happened fifty years ago. Very largely it is a public operation and it is a very good thing that it should be so. Then the basis of any record of this sort is, as I said, the statements by citizens; and I repeat what I said before, that no census can rise above the level of the citizens who give the reply. I think you can see from what I have said or from your own knowledge that, broadly speaking, the quality of a census record depends on the attitude of the citizens. There is no getting away from that; that applies to other States as it does here. Now, actually, what I feel is that the general attitude of the citizens is sound, and the interest of all parties, of every single person is to keep passion out of the census. That would apply to any kind of undertaking.—I mean when a scientist is doing an experiment, he banishes from his mind altogether any prejudice and so on; he simply carries it out as best he can, and then after he has got results, he makes deductions from them. Now, our census is a very great and important feat of—one might call it—"social observation"; we sit down, as a people, in this great peninsula to observe the "social facts" and record them. We have succeeded, so far, in India in doing it in a conscientious and economical fashion, and I think it is enormously to the credit of the country that that has been so. I said in a broadcast that the country has two budgets. In fact, any country has two budgets. We can call one a rupee budget. Every anna of that comes from the pockets of the people of the country and it has its limitations. But the other budget relates to the social consciousness of the people and their willingness to spend on the time-honoured customs. In the best communities you will find that what I call the unseen budget is the more important of the two. It can go as far as the spirit of the people will take it or it can sink to the zero point.

Sir Muhammad Yamin Khan (Agra Division; Muhammadan Rural): May I point out to the Honourable Member that there are only five minutes more for the House to adjourn? Will he kindly reply to the points that have been raised?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only one minute more. Has the Honourable Member anything more to say?

Mr. M. W. W. M. Yeatts: On the actual points raised by Maulvi Abdul Ghani about his own enumeration, I have made a note of it. The census of the Delhi province is done by the Punjab, but on that point I have made a note. Actually, I came across a man who said he had not been enumerated but it turned out that his wife had given all the information. I am giving that as an indication of what happens.

Then, there is the question of the language which was mentioned by Maulvi Abdul Ghani. Now, in many cases you might not have the answer given in a form which is immediately intelligible. A man may give the name of some dialect which may not be quite familiar, but the broad principle is that the language is recorded as given. The question asked is the mother tongue of the person. That is to say, what is the language that the person first spoke? I mean, the first speech he uttered as a child. It does not mean the language which a person favours now or the language of his adoption. The question is couched in that way in order to get on to as absolute a basis as possible. It must be very exceptional to have a man who has had more than one mother tongue, although it is not impossible. That was the object of the question, what was the first language uttered? So, that was the question that our enumerators were told to ask and to record an answer.

Mr. President (The Honourable Sir Abdur Rahim): The House has got to rise today at quarter to one, being Friday.

Mr. M. W. W. M. Yeatts: I have finished my speech and I repeat what I said before, namely, that this census system is enormously to the credit of India. As for the men who have taken census, I must say that I have great regard for the Indian enumerators.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know whether the Muslim League Party want the motion to be put to the vote.

Honourable Members of the Muslim League Party: No, no.

Mr. President (The Honourable Sir Abdur Rahim): In that case, the only other course is that the Honourable the Mover should ask for leave to withdraw it.

Sir Syed Raza Ali: Let the motion be put to the ordinary vote.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the demand under the head 'Census' be reduced by Rs. 100."

The motion was negatived.

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

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

DEMAND No. 12—EXECUTIVE COUNCIL—*contd.**Financial Policy with Special reference to War finance.*

Mr. T. Chapman-Mortimer (Bengal: European): Sir, I beg to move:

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

Sir, the Budget just presented has revealed new and heavy burdens and the purpose of this motion is:

(1) To consider whether, having regard to the present and future needs of India, and more particularly the needs arising out of the war, the general financial policy of Government has been and is in the best interest of the country.

(2) To consider whether there are not further steps that can and should be taken to further the war effort in its financial aspect.

I propose to confine my remarks to the first of these considerations; but before I pass on to comment on Government's policy it is necessary for us to consider for a moment the general situation that forms the background of financial policy. Vast changes in our financial, economic and social structure are taking place everywhere around us. In war, in politics, in finance and in trade, the course of events *now* will shape India's history for a generation at least—perhaps for a far longer period. That these profound changes are already making themselves felt is clearly evident all through the Budget statement. This is plain also for all to see, in every Province in India today. In these circumstances it is unfortunate that the two largest political organisations in the country should have rejected His Excellency's offer and thus denied themselves at least some voice in the formulation of Central policy. True, one of these great parties, though it has refused the responsibility of holding office at the Centre is working the Provincial part of the 1935 Act. To that extent, the Muslim League has shown greater wisdom than has the Congress. To that extent also the Muslims are taking a far from unimportant part in shaping India's economic future.

Now, Sir, there are, as it seems to me, three outstanding features of Government's financial policy:

"(1) the Honourable the Finance Member has frankly budgetted for a deficit—though he admits that this is a sensitive spot!

(2) direct taxation of war profits has been raised to a very substantial level.

(3) a war and means position has been revealed that must give many much food for thought; for it again brings to the forefront fundamental issues. These issues fall under three main heads:

- (i) constitutional,
- (ii) financial,
- (iii) economic."

Of the first, I will say just this, namely, that we have now almost reached the stage where some of the former financial difficulties in the way of advance towards Federal Responsibility will have been removed. As Honourable Members know, Lord Irwin's Government in 1930 drew the attention of His Majesty's Government and of the Round Table Conference Delegates to the important constitutional problems involved in, or arising out of—

(1) the then existing large short-term debt,

(2) India's large sterling debt.

Thanks in great measure to the work of the Honourable the Finance Member's two immediate predecessors, there has been—during the last six years—a great reduction in the former—take, for example, Outstanding

Treasury Bills which in 1931, were in the order of Rs. 40 crores, but on 28th February, 1941, were less than Rs. 20 crores—i.e., just half of what they had been ten years before. Now, in co-operation with the Reserve Bank, the Honourable the Finance Member has brilliantly tackled the second problem—viz., the sterling debt. When we consider the magnitude of these great financial operations and ponder over their far-reaching consequences we feel bound to agree:

"(1) that they have greatly strengthened India's credit,

(2) that there are few countries today fortunate enough to possess sufficient liquid resources to repatriate a large portion of their external debt, whilst leaving their Central Bank in a position of unchallengeable strength.

(3) that the financial policy pursued during these last few years has given convincing proof of the *bond fides* of His Majesty's Government in the matter of Indian Constitutional Reform."

His Majesty's Government and the Government of India, at least, have done *their* best to honour *their* pledges—they have fully honoured their promise to do all that lay in *their* power to remove what were very real obstacles in the way of the next stage of constitutional advance. I could wish that I was able to say the same of others.

Reference, Sir, was made, during the general discussion, to the empty Benches on the extreme right and when we reflect that 12—15 years ago there sat on these same benches men like the late Motilal Nehru and like Sir Purshottamdas Thakurdas,—men whose intervention in a debate on Government's financial policy would have been invaluable, it is difficult to find patience with the follies and futilities—the Himalayan blunders—that have brought things to their present pass.

Great financial magnates may continue to issue statements on the Budget and pass resolutions outside this House, but, Sir, until they realise that the place to discuss India's finance policy is *here* in this House; until they realise that the conditions, which from 1928—1937 made it possible for them so often to exercise financial pressure (by speculation in Government paper, exchange, and commodities for example),—until they realise that these conditions have now *altogether* changed, until having realised these things they have the courage to defy the ban of the Congress High Command and change policies, financial and otherwise, in which the great majority of educated Hindu opinion has no faith, the outlook for responsible government is poor indeed. Nor is the outlook likely to improve so long as the official Congress policy continues to represent—as it frequently does represent—the Members of this House as so many marionettes dancing to a tune that is played outside. This is and always has been a dangerous game to play—especially is it dangerous today for those who demand full responsible self-government—responsible to whom? To the High Command or to Wardha? It is little wonder that in such circumstances the cry of Pakistan is raised. It is little wonder that, while, on the one hand, His Majesty's Government have gone steadily forward as they promised to do preparing the ground for the next stage of constitutional advance, we see on the other a steady backward movement in India against the whole idea of responsible government.

Now, Sir, I turn to the second issue, namely, the financial one. It has been said—and I fully agree—that the acid test of a sound financial policy is whether or not it is strictly in the interests of India.

[Mr. T. Chapman-Mortimer.]

The most important fact we have to remember is that this third war budget is first and foremost a *deficit budget*. It is a deficit budget notwithstanding the enormous sums—running into many crores of rupees—contributed by His Majesty's Government directly or indirectly towards India's defence expenditure. It is a deficit budget notwithstanding the *very high level* to which direct taxation has been raised.

Though we have drawn the last rupee out of the Revenue Reserve Fund, India ends the current financial year with a nett addition to debt of Rs. 5½ crores. In the coming year the preliminary estimate of the excess of expenditure over revenue is approximately Rs. 20 crores.

The question, therefore, that this House has to consider is whether Government are justified in presenting a deficit budget of this size: whether in fact Government have exhausted all the possibilities of taxation in this great emergency: whether their programme of borrowing is sound.

It is perfectly obvious to every one that it is quite impossible for the Government of India to finance the whole of its war expenditure by means of taxation. The pressing and *immediate* problem is to find the enormous sums required for war purposes of all kinds. It is obvious too that there are certain forms of Government expenditure, both Central and Provincial, that have less importance at this time than others. My Honourable colleague from Bombay will, I think, deal with the policy now adopted towards these matters and with certain aspects of taxation policy generally. I, therefore, propose to confine myself now, to a brief examination of India's ways and means position and to certain aspects of policy that would seem to arise out of it.

Apart from a tremendous increase in Defence expenditure, perhaps the most striking feature of this Budget lies in the manner in which it reveals the strength of India's credit. Only ten years ago, the Government of India was borrowing at six per cent. Today it is raising substantial loans at three per cent, while Treasury Bills are costing the Government no more than 5/8th per cent. There can be no question, therefore, of the strength of Government's financial position notwithstanding the enormous strain imposed upon it by the war.

At the same time, in the financial year that is drawing to a close, there is as I have just said, an anticipated nett deficit of 5½ crores after providing three crores for the reduction of debt. It is important, moreover, to remember that the real difference between income and expenditure is far greater than the amount of Rs. 5½ crores to which I have just referred, for, as Honourable Members are aware, an amount of seven crores 77 lakhs has been withdrawn from the Revenue Reserve fund.

For the year 1941-42 the Finance Member has budgetted for a nett deficit of 18 crores 85 lakhs including three crores provision for the reduction of the debt. It will be seen, therefore, that even if things do not become worse later in the year, there is already a substantial gap between revenue and expenditure.

This gap must be filled by borrowing. Yet, the striking fact is that the tone of the Securities market is decidedly good. The main commodity markets—with the exception, perhaps of jute where special circumstances prevail—are all steady. The same is true of popular miscellaneous industrial shares. So much then for the cry of those who say that the heavy

increases in Excess Profits Tax and Income Tax will ruin business. All this may, at first, seem strange to those who attach importance to the strict balancing of the Budget in normal times. But the reason for it quickly becomes apparent when we examine Government's ways and means position. Whereas in 1931 the amount of Treasury Bills outstanding was—as I have said—not far off 40 crores, on the 28th February, 1941, the amount outstanding was just under 20 crores. In addition, there has been a substantial reduction in India's short term indebtedness and a reduction also in her sterling debt. As the Honourable the Finance Member has pointed out, the reduction of *Sterling* debt since 1935 has been no less than 220 crores, of which 120 are accounted for by the recent conversion operations that have been so widely welcomed throughout the country.

The Reserve Bank, too, by its ready co-operation with the Government in financing these large operations deserves its share of credit and has fully justified the confidence that the commercial community has in this institution and in its Governor, and in its Board of Directors.

The inherent soundness of the ways and means position has been further strengthened by the financial operations attendant upon the enormous purchases of war materials on behalf of His Majesty's Government. These purchases in effect largely provided the sterling which made possible the recent large conversion operations; and are *no doubt* a main cause of the substantial reduction in the remittance requirements of the Government of India. In the coming year—so far from Government having to acquire Sterling—they actually expect a refund of not less than 26 million pounds. In other words, the so-called drain to which Indian commercial opinion has so often referred has now been converted into a strong flow in the opposite direction, *viz.*, from the United Kingdom to India.

And now, Sir, I come to the third main issue brought into prominence by this Budget, namely, the economic one. The striking change that has come over the ways and means position of the Government of India during the last six years and especially during the last 18 months must inevitably have most important repercussions on India's trade and industrial policies. The new position must certainly give food for thought to importers and exporters, as well as to the more far-sighted industrialists. Great changes have already come about in India's important export trade, and, with the substantial reduction now effected in India's annual Sterling obligations, some of the trends already strongly in evidence seem likely to be accentuated. For the moment, the Empire's enormous war purchases from India by the United Kingdom and by other Empire countries, have more than off-set the loss of certain continental export markets; that is to say, last year's exports *taken as a whole*, have been far larger than the average exports of the immediate pre-war years. At the same time, we cannot overlook the fact that millions of the people of this country are dependent upon the export of certain main commodities such as jute, raw cotton, groundnuts, etc. This factor, namely, the large favourable balance of trade, will, therefore, undoubtedly come more and more to the forefront as the War continues and is bound to have the most important consequences after the War on the tariff policy of Government and therefore upon industrial policy.

In paragraph 31 of his speech, the Honourable the Finance Member referred to the need for more intense mobilising of the country's savings.

[Mr. T. Chapman-Mortimer.]

This, however, is a point upon which I do not propose to dwell, as it will, I think, be one of the points dealt with by my Honourable friend from Bombay.

There is, Sir, one last matter on which I should like to touch before I conclude. I referred the other day to the importance attaching to a strict control of prices. I fully appreciate the point made by the Honourable the Finance Member in his reply—namely, that price control is not an easy matter. It is in fact most difficult and complicated, and it is, for obvious reasons, closely linked up with Government's credit and taxation policies. We have clear evidence of Government's active interest in this matter not merely by reason of the steps taken to regulate certain commodity prices, but also in their taxation policy.

The present very high levels of Excess Profits Tax and Income-tax are undoubtedly operating precisely in this direction—namely, as a check on any tendency towards an *undue rise* in prices. Heavy Income-taxes and Excess Profits Taxes, for example, tend to check unnecessary capital expenditure. Such expenditure, therefore, as does take place now in those industries making large war profits, tends to be limited to essentials.

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

Mr. T. Chapman-Mortimer: May I have a few minutes more, Sir, perhaps two minutes, as the House is rather empty?

This has a very important significance for the future of the heavy industries—especially for engineering and steel and, therefore, also for coal and cement. It has significance also for the future of Railway traffic; for the Railways are and must be vitally concerned with the prosperity of heavy industry. By mere reason of the fact that the Honourable the Finance Member has imposed the heavy Excess Profits Tax and increased taxes on income that he has, it is evident that the Government of India are doing precisely what the Federation of Indian Chambers of Commerce, for example, suggest they are not doing—namely, *looking to the future*. The Honourable the Finance Member quite obviously is thinking ahead; this whole budget shows it. All the arguments of the Federated Chambers on this question reveal contradictions and a lack of clear thinking which is frankly surprising. I shall take just one illustration of this.

The Federated Chambers say “the proposals to impose heavy additional taxation are bound”—I would call this particularly to the attention of the House—“are bound to affect adversely the capacity of the commercial community to hold stocks of commodities”. Precisely; they achieve one important effect to which we are assured Government attach the highest importance, *viz.*, stability and steadiness of the commodity price level. The Federated Chambers are quite correct, therefore, in one respect—a high Excess Profits Tax *should* check the buying up of large stocks by speculators and others when the market price is relatively low and so prevent or check these speculators “buying for a rise” in which quite certainly the primary producer *would not* benefit,—whoever else might do so. When money rates are so very low as they are today, it is *most essential* that direct price control should be *supplemented* as (by reason of a high Excess Profits Tax and Income-tax) it is supplemented. It is all the more important to have this further check,—namely, a high income-tax and Excess Profits Tax during the war period—when, in addi-

tion to actual increased war demand, the more important raw commodity markets would, *but for price control, heavy taxation, etc.*, be subjected even more than they are at present to all the violent price fluctuations that periodical scarcity of shipping and of railway wagons (not to mention other war time difficulties) would otherwise certainly cause.

Large stocks must, of course, be held by many industries, at different times—in the jute and steel industries for example. (But if an industry is not making large war profits the factor of Excess Profits Tax does not arise—if it is making large war profits a check on any *undue* tendency to maintain over-large stocks is of the very greatest importance:

(a) as a safeguard for the primary producer *who cannot* hold large stocks;

(b) as a safeguard for the industry *itself* against the type of trouble so commonly met with in 1920—namely, the throwing of unnecessarily large accumulations of stocks on a rapidly falling post-war market, of which Indian industrialists have bitter experience.

In my opinion, therefore, the Budget *does* reveal a financial policy that is in the best interests of India. It also shows a carefully *balanced* policy, as between the raising of revenue by *taxation* and the raising of further sums by way of *loans*.

Defence expenditure, though naturally heavy, as war time needs dictate, is in accordance strictly with India's own needs and the protection of India's own interests; while His Majesty's Government's great contribution—it is more than double the amount of India's own *war* contribution—is further convincing proof that England is playing her historic role at this great moment in our Empire's history. Sir, I move.

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

“That the demand under the head ‘Executive Council’ be reduced by Rs. 100.”

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I am glad that my friend, Mr. Chapman-Mortimer, from the European Group, has raised such an important issue on the floor of the House. Before I come to the real point which underlies this motion, I may just mention a few words about his remarks about the Muslim League. I may tell him on the floor of this House that the Muslim League never non-co-operated in the war efforts. They only said that their effective co-operation would be there if certain conditions are satisfied. They had this offer and the offer appeared to us to be reasonable and no attempt was made by any side that the offer was not reasonable. We merely said that here we have three parties in India: one is the Muslims, the second, for want of a better expression, I call the caste Hindus, and the third, the scheduled castes or depressed classes and other minorities. In population, these three categories are approximately equal in number. The demand of the Muslim League was that the shares given in the executive council to the Muslims should be the same, as given to caste Hindus, because they are approximately equal in population; and in case the Congress non-co-operated, then their seats should be distributed among those who are co-operating, and, therefore, it naturally follows that the Muslims, if Congress does not come, will be in majority compared with the caste Hindus. The Muslim League did not say anything about the representation of the Scheduled castes and other minorities.

[Dr. Sir Ziauddin Ahmad.]

This demand was there and it was for Government to accept or not to accept the offer, and decide whether our active and effective co-operation should or should not be there. So far about the political side of Mr. Chapman-Mortimer.

He mentioned a few other points which I regret that within the fifteen minutes at my disposal I cannot discuss in details. He referred also to the question of the price level. I laid very great stress that the price level ought to be maintained in order to keep the stability of the country; and I think the greatest sinner in this respect in raising the prices is the Supply Department, because the moment the Supply Department was created, there was immediately an announcement from the Supply Department that they would allow 25 per cent. increase to the price level as existed on 1st September, 1930, and the effect was that all over the place even those who make earthenware raised their prices by 25 per cent. throughout the country

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): I think the proper Department which should share the credit or blame for that is not the Supply Department, but the Commerce Department which issued the notification; but the notification really stated that Local Governments had discretion up to 10 per cent. to allow a rise in proper cases.

Dr. Sir Ziauddin Ahmad: That is an internal arrangement between the Treasury Benches—we think of the Government of India as a whole, irrespective of the fact which particular Department is responsible. I am glad to notice that they have given this discretion to the Local Governments and the Local Governments used at a later stage these powers, and directed the District Magistrates to stabilise the prices. In many cases a rise in prices was checked by the authority of the District Magistrates. That was the point I was coming to. I think if we give more and more powers to the District Magistrates, unnecessary rise in prices to the detriment of the consumers, and especially the poor, will not occur; and I am quite confident that Magistrates are competent to do it. I will quote certain examples on the occasion of the Finance Bill when the Government of India interfered in the discretion of the District Magistrate in certain articles. Sir, it is very important, in order to maintain stability in the country, that we should make every effort and give the necessary powers to District Magistrates so that prices may not be raised unnecessarily by the local merchants.

Then, the second point which I wish to raise,—I thought probably my Honourable friend would deal with it at greater length, but he did not do so,—the second point which I want to raise is the allocation of war expenditure between taxation and loan. The war expenditure, as we see it, is 84.4 crores, there is also the indirect expenditure connected with the war efforts, and the total comes to over 90 crores, like the expenses of the Supply Department, strategic lines and so on. Now, the question is, what should be the proportion of expenditure which should be raised by means of taxation and also by means of war loans. Or, in other words, what portion of our war expenditure the present generation should bear, and what portion should be transferred to the future generations. This allocation is an exceedingly difficult task, and the fixation of the proportion

is impossible for this reason. We know definitely that our taxing capacity is a fixed quantity, while the war expenditure is an unknown quantity, because we do not know what would be the war expenditure after six months. So, when one quantity is fixed and the other is unknown, the fixation of a proportion between these two is impossible. The only thing which you can tackle is this, and that is, we can try to find out how much burden the present generation can bear. I took pains to go into the matter, commodity by commodity and determine in my own mind what is the maximum amount of taxes which we might realise by these items—and the time of fifteen minutes is hardly sufficient for me to deal with these commodities,—I attempted to find the maximum amount of taxation which a particular commodity could bear. Sir, the Honourable the Finance Member is certainly in a much better position to fix this allocation, because he has got more materials at his disposal than I have, and so he could certainly fix in his own mind with the help of the information he has at his disposal what is the maximum amount of taxation which a particular commodity can bear. I can only discuss here a few fundamental principles on which the future maximum taxation can be fixed. One is this. You can take it for granted that any increase by means of sea customs is an impossibility during the war period, because country after country is becoming belligerent and the trade is rapidly diminishing. The trade is thrown into a chaotic condition, and, therefore, any tinkering with the customs duty is most undesirable at present, because we do not know what would be the export or import trade of this country. We know there are only two countries which are safe, I mean the countries of the British Empire and the United States of America, and the fate of the trade with every other country is shaky, and we do not know what will happen tomorrow. Therefore, in fixing the taxation policy, we should leave out the customs duty altogether and leave it as it is, and we can only fall back upon three heads. The first is the direct taxation, the milch cow, I mean the income-tax. We know the Honourable the Finance Member has raised the income-tax level by 33 1/3 per cent. I think there is still room to raise it further, but not sixteen annas in the rupee.

Then the other item is the excise duty. Here we must follow some principles. We have got protective duties on certain articles. We have to see how much money we collected before protection was given, and see whether this amount can be recovered by means of excise duties on these various articles. That requires close examination, and I think it is easy enough to calculate. Then the third thing is to see what are the new articles on which excise duty can be put, and we can find a few articles. It is quite possible to raise excise duty on certain articles provided the policy of our Finance Member is not a timid one, provided he is not afraid of the lion and the tiger in the story which is still left unrelated . . .

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am waiting to hear it.

Dr. Sir Ziauddin Ahmad: Yes, it will be related at the time when time is no consideration.

Now, Sir, in fixing the maximum amount of taxation, you should consider other contributions which the present generation is giving.

[Dr. Sir Ziauddin Ahmad.]

We should also take into account other contributions which I call voluntary taxes. I mean the contribution to Governors' Funds, Viceroy's funds and to various other funds. We know that every one of us pays it,—this voluntary direct contributions to the war fund is greater than our contribution in an indirect manner through taxation and otherwise. So, when you calculate the amount of taxation which the present generation is now making towards the war expenditure, you should also include the direct donations which are now being paid to war expenditure in different forms, and I think it is very desirable that as an Appendix to the Finance Member's Memorandum contributions by different provinces to war fund should be shown. Then we shall be able to see what share of the expenditure the present generation is bearing and how much of it the future generations will have to meet.

My Honourable friend, the Finance Member, knows that he has got a good amount of loan without interest for war purposes. The interest on that is also paid by the present generation. Therefore, my point is, that we should take into account the contribution which the present generation is making in the various forms I have just described, and then decide, taking into account the money that is required for war purposes, how much of it would be left to future generations, which really means how much of it would be met by means of loans on which interest will have to be paid by future generations.

Then, Sir, the other means by which we could raise further funds is really this. I briefly touched on it on the occasion of the General Budget. I suggest that a tax should be put on traffic. I did not like the idea of raising the freights and fares in the manner it was done by the Railway Member, but I think the Finance Member should come forward and levy a tax on traffic. It should not form part of revenue either to railways or to the Post Offices, but it should be as a sort of war contribution which should be debited directly to war funds, and as soon as the war is over, then all these special rates or increases in rates should discontinue, so that the people may realise that this increase is effected not to make the communications fatter, nor to show a very big balance in the Railway Budget nor a big balance in the post office budget, but it is raised from the people of this country purely for war purposes. I think this principle ought to have been recognised at the very outset, and the raising of fares and rates should not have been done in an indirect way in the Railway Budget, because you have thereby created all sorts of financial conundrums and new theories which are diametrically opposed to all theories of rates and freights prevailing in any other country in the world.

Then, Sir, the next point which my friend, Mr. Chapman-Mortimer, dealt with in his speech,—and I also wish to emphasise it,—is this. I think our present Finance Member and his predecessor have shown very great wisdom in reducing our sterling liabilities into rupee liability. They have reduced during the last five years our sterling liabilities by 172 crores. This is not a very small sum. It is a very big amount which they have repatriated during the last five years, while during the same period they have not raised our total debt. The total amount of debt increased during the last five years is only 48 crores and the major portion is due to the wrong policy of the Railway Department. They have a very peculiar

system of accounting, certain expenditure they always put under capital for which they have to borrow. The increase of 48 crores which we have added to our total debt in five years has not been caused by the Finance Department of the Government but they took loan for Railways. I think their policy has been exceedingly sound, the increase is due to the wrong policy of the Railway Department. Our financial policy has been exceedingly sound and it is very fortunate that in the middle of this great war the Finance Department and the allied Departments of the Government of India are doing their best to keep the financial stability of the country, to maintain the price level, to expand the industries, to increase the purchasing power of the poor, and to make every effort to keep the country in a flourishing condition. I am sure on account of this policy, the country will be able to bear additional expenditure due to the war, and when the war is over it will still find itself in a very good financial position.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): I find that Mr. Chapman-Mortimer has expressed his views on the political aspect, and in his analysis of the political situation, he has blamed the Muslim League and the Congress for refusing the offer of Government and for not co-operating with the Government at the Centre and also not co-operating in the war effort. Before deciding that, we must know what are the standards by which we should judge the co-operation or non-co-operation of these parties. What are the standards by which we should judge the offer that was made by His Majesty's Government? Up till now the principle that has been enunciated by the British Government is that of self-determination. But the question is, is that self-determination allowed to India? Is it or is it not a fact that the British Government without consulting Indian opinion, imposes any sort of constitution it likes? Has any party in this country accepted the constitution proposed by the British Government and worked it? How can we, then, say that the Muslim League or the Congress are to be blamed for not working the constitution, or not co-operating with the Government in the matter of war? There can be a difference in method adopted by the Congress and by the Muslim League for expressing their dissent, but I must say that there cannot be the slightest hesitation in advancing the proposition that none of them is co-operating with the British Government in the war. One may have resorted to satyagraha and the other may be here. But their policy is not to join the War Boards and War Committees. The Government have been trying the old game of pleasing one party at one time and pleasing another party at another time. But now they find that even that old game cannot work, and that it will not be possible for them to please any of the parties unless and until they please both.

What are the terms that are imposed or dictated by the British Government? Are they prepared to give any responsibility to 3 P.M. Indians? Are they prepared to transfer any small part of their power to the Indians? Are they prepared to take them into confidence in any matter whatsoever? Have the Indians been dragged into this war with their consent? Were they consulted? Were the Indians ever asked their opinion as to whether India was in a position to engage itself in such a great war which may prove a disaster to the civilised world? No. They were never taken into confidence, they were never asked. Then what happens is that the Muslim League, the Congress and every other party

[Qazi Muhammad Ahmad Kazmi.]

protest against the attitude of the Government. The Members of the Congress Party absented themselves from the Assembly, but that does not mean that the Muslim League have ever accepted that they have been fairly treated. There is only a difference in the method of work, but as far as the real complaint and the real grievance is concerned, the Muslim League and the Congress, Hindus and Muslims, they all combine and declare that they as Indians have not been given the fair treatment which they ought to have got. It is said that the Government are always prepared to give Dominion Status or representative government if the Hindus and Muslims are all united. The Executive Council that was offered—what was that? Was there any idea given to any of the parties that the Executive Council would be responsible to public opinion, that the expanded Executive Council as was proposed would be representative of the House, would the members be according to the strength of the parties? I admit that certain agreement between the parties themselves would be necessary for forming a coalition or national Government, but the question is, was any such offer even with those conditions, made by the Government? Then who is to blame? The dictator or the person who refuses to be dictated?

The present position is we have been dragged into the war. Every party is resenting it and the Government have not hesitated at this time to impose all sorts of repression and all sorts of troubles on a party which is honestly disagreeing with them. So far as the Congress Party is concerned, what have they done to the Government? They simply say, "We will not be co-operating in the war effort unless we know where we are, unless we know that Britain is prepared to treat Indians as persons living in a free country, unless England is prepared to concede the principle for which it says it is fighting, to Indians also." That is what they say, and now they are going one after another to jail, not doing anything, doing no mischief, not harassing the Government, and I tell you, not embarrassing the Government. They do not want to embarrass the Government and that is why you see those Benches empty. Had they been here my friends would have been more troubled and they would not have been sitting so easily as they are sitting today. They would have voiced the feelings of the country and the Treasury Benches would have found it difficult to meet their demands but they do not want to embarrass you and they tell you 'Send us to jail'. You have sent them to jail but the method you are adopting in sending them to jail is inhuman. This very morning I brought up certain complaints about the treatment that was meted out to C class prisoners. They are persons who give notice to the authorities before they act. They say that they want to exercise their right of free speech. They are arrested before they exercise that right. If they exercise that right, they only repeat a formula. That is the only offence. I do not think it would be anything more than a technical offence.

So far as practical results are concerned, it may be saving the Government from embarrassment, because any person who can raise a dissentient voice against this Government is prepared to be shut up in jail. They want to show to the world that they do not agree with the methods of this Government and that they cannot conscientiously help the Government and that they would like to be in jail and that they do not want to embarrass these people. But what is the treatment meted out to them?

They are treated like ordinary culprits and they are treated like persons who have committed burglary, theft, dacoity and robbery. So far as I know, the fetters are used mostly for those persons who have committed some of the heinous offences but this Government takes pleasure in saying that C class prisoners convicted of non-violent political offences can be dragged in the streets just like ordinary criminals. They say that no distinction has ever been made between C class prisoners who have committed political offences and other prisoners. Claiming to be a civilised Government, they ought to be ashamed of this statement that they have been making in this House. They ought to have understood and felt that in every free country there can be no permanent and fixed Treasury Benches. People who are sitting in the Treasury Benches today may have to serve rigorous imprisonment in jails tomorrow. People who are in jail today will be governing the country tomorrow.

Mr. T. Chapman-Mortimer: On a point of order. Is the Honourable Member in order in talking like this.

Qazi Muhammad Ahmad Kazmi: Absolutely in order. You have blamed the Congress for non-co-operating.

Mr. Deputy President (Mr. Akhil Chandra Datta): A point of order has been raised. Strictly speaking, this is not relevant. The unfortunate thing is that the Honourable the Mover of the motion has made it relevant by introducing this question in his speech. Having allowed that in his speech, the Chair cannot disallow it now.

Qazi Muhammad Ahmad Kazmi: Now, Sir, as I submitted, there is bound to be difference of opinion on political matters. I know that my friends who hail from a foreign country and who are living with the help of the Treasury Benches may move a cut motion in name only and support them in reality but as an Indian, I must put the real condition before the House. You say that Government is carrying on the war effort quite well. I have no dispute about it. On account of the attitude adopted by the Muslim League, the Congress and other parties, the Government are very happy. Now, Sir, I am not speaking on behalf of any organisation. I am voicing my individual opinion, my personal opinion which may not be agreed to either by the Muslim League or the Congress

Major Nawab Sir Ahmad Nawaz Khan (Nominated: Non-Official): You are revealing many facts.

Qazi Muhammad Ahmad Kazmi: . . . And revealing facts about yourself also.

Major Nawab Sir Ahmad Nawaz Khan: Yes. We Indians know each other very well.

Qazi Muhammad Ahmad Kazmi: I know the real feelings of people like yourself, and I warn Government not to put any confidence in people who talk to us in one way and talk to them in another way.

Now, Sir, I said that the Government have not the least hesitation in inflicting inhuman treatment on people who differ from them on political issues. They have not the least hesitation in suppressing the idea of self-determination arising in the mind of an Indian. They want to 'nip it in the bud', as they say. They are just on the look out to see if a man has got any political tendencies and they take steps to suppress it. Then they

[Qazi Muhammad Ahmad Kazmi.]

say that they are a civilised Government who have got some respect for the opinions of others. They claim that they are prepared to give us Dominion self-government.

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

Qazi Muhammad Ahmad Kazmi: I will only submit that the way in which Indians have been dragged into the war without the consent of India and the way in which the war is being financed from Indian funds is resented by every Indian and is not accepted either in policy or in actual work.

Mr. Muhammad Azhar Ali: Our friend, Mr. Chapman-Mortimer, has brought into this House a subject which is not confined to the present Budget and the Budget discussion. He has brought out in his speech questions like the Pakistan, the Muslim League, the Congress, democracy and a whole lot of other things which have nothing whatsoever to do with the cut motion that he has brought forward for discussion, namely, to discuss the financial policy with reference to war finance. I do not know how Pakistan theory is relevant to it and how the Congress is relevant to it. Sir, You have just ruled that and as you have allowed the Mover to refer to them, so discussion on those matters will be relevant. Sir, the other day when Mr. Chapman-Mortimer spoke, he did justify the Government policy about taxes and he said something to this effect also, "Well, big loans also ought to be raised, that is very much better than that taxes are to be levied on the people of this country". Sir, he ought to know it well that loans, if they are raised in future, will be a greater burden on the future generations in India. I know and feel that, perhaps, he thought that, well, he will not be here, he may be somewhere else, or his people may be somewhere else.

Sir F. E. James: He is quite young. . . .

Mr. Muhammad Azhar Ali: . . . he may retire, perhaps he may have to go bag and baggage from here. Therefore, he thought that let the Indians bear all these burdens; we do not mind the future generations of Indians bearing it. But the fact remains that there would be a burden on India's future generations and, therefore, why should we Indians burden our children with your debts of the present day? Why? Are we not right in saying, "all right, you have imposed taxes and you want to raise more loans, well, do it, you have got all the gold with you, you have got the silver with you, you have got control over the Indian finances, you can do what you like."

Mr. M. S. Aney: Are you quite sure they have got it?

Mr. Muhammad Azhar Ali: I am quite sure they have got the gold with them.

Mr. M. S. Aney: They have not sold it?

Mr. Muhammad Azhar Ali: The gold reserve is still in India.

Maulana Zafar Ali Khan. (East Central Punjab: Muhammadan): Is it "rolled gold"?

Mr. Muhammad Azhar Ali: I am told that the gold reserve is in India.

Mr. M. S. Aney: I do not know whether it is a fact or not

The Honourable Sir Jeremy Raisman: On an important point of fact, did I understand the Honourable Member to cast some doubt on the presence of the gold reserve in India?

Mr. Muhammad Azhar Ali: I do not doubt it, I take your word as gospel truth.

The Honourable Sir Jeremy Raisman: Thank you. Perhaps the Honourable Member would like to be conducted round the vaults of the Reserve Bank.

Mr. M. S. Aney: My object in putting the interjection was that I wanted an emphatic affirmation of the fact once more on the floor of the House.

The Honourable Sir Jeremy Raisman: That was my object also.

Mr. Muhammad Azhar Ali: It won't disturb the equilibrium of my mind. Then, Sir, so the Finance Member said that the monetary position of India is very sound. Sir, if the monetary condition is very sound, I do not see any reason why loans should be raised outside, in America and other places. So my own contention is that whether you raise loans outside or inside India, they will be something which will have to be liquidated by the future generations in India. Sir, if they like to raise it in India, Indians would be prepared to give loans; if they want to raise it outside India it will be a greater burden. However, I do not mind whether they raise it outside India or inside India; they have already asked the Provincial Governments and the Provincial Governments are trying their level best not only to raise loans but also to raise subscriptions in different forms; so that may also be considered to be a burden on the Indian people. Sir, when we started to read this year's Budget Speech of the Honourable the Finance Member, we found at the very beginning that it was a sorry tale of the past sins of the present Government of India. When I read part 2 of paragraph 8 I found that it was mentioned there:

"In some directions, we are, it is true, still held back by the difficulty in obtaining materials which we cannot as yet produce in India and also by the shortage of skilled personnel of various categories."

Sir, whose fault is it? Have not Indians been asking for these things from time immemorial, from the very inception of this House? Even when this House was not brought into existence they have been asking for these things, they have been crying hoarse over it, and they have been asking that, for God's sake, remove all these difficulties and increase the industrial production of India.

The Honourable Sir Jeremy Raisman: And increase the expenditure on defence?

Mr. Muhammad Azhar Ali: That does not matter; the defence expenditure is bound to come in future. But what I point out is the wrong policy adopted by the Government of India, over which they are weeping today, over which they are crying, they are regretting that they did not do it. Then I come to the second portion in paragraph 10:

"Troops may be gallant and well equipped but they are not likely to succeed in modern war unless their standard of training is very high indeed."

Sir, whose fault is it?

The Honourable Sir Jeremy Raisman: Will the Honourable Member kindly go on to read the next sentence?

Mr. Muhammad Azhar Ali: I will, with the greatest pleasure.

The Honourable Sir Jeremy Raisman: Thank you.

Mr. Muhammad Azhar Ali: What I was referring to was your tale of woe saying that as regards the standard of training, though it is very high, still there was a paucity of officers. Now, whose fault is that? It is not our fault. We have been pressing it day in and day out—to create a big army in India for Indians themselves, but you don't do it. Then I shall refer to another paragraph with regard to the equipment.

"His Majesty's Government have recently agreed to a standing arrangement"—*mark these words*—"under which India will receive a substantial fixed proportion of the output of the United Kingdom" (paragraph 11, on p. 5). "As a result of this arrangement, steady supplies of all kinds of equipment unobtainable in India, such as guns, machine tools, optical instruments, wireless and other signalling apparatus and anti-gas equipment are now forthcoming." (paragraph 11, on p. 5).

Now, Sir, why was not this equipment started to be equipped in India from ages past, from a long time past, although Indians have been asking for all these things? These are the matters which I call to be tales of woe. I am glad that the Honourable the Finance Member has admitted the truism about past mistakes and which the Indians have been clamouring for for years past. I am glad, really, that these things are being attended to, but then if the Indians say that this was an opportunity for India and I say boldly that it will not be wrong for the Indians to say: "During the last Great War and even during this war you have had an opportunity for the increased production of certain things in India and the Government of India stand condemned for their inactions." Sir, it is said that the country's condition is very good. In what way? Of course the financial condition of the country could be very good but for the mistakes. I appeal to the Honourable Member who knows not anything about the legal profession in the country. What is the condition of the legal profession today? The condition is that the poor pleaders and advocates of the High Court are simply clamouring for work and money. They cannot get the money because the conditions have been so altered. It is not a matter of laughter. There are many of us here who have entered this profession and their children are in this profession and we know it for a fact that it has become very difficult for these men even to earn their bare livelihood. Those who are in the trade, those who are making money through the Supply Department and those who are carrying on the business with the Government may be able to make money, but that is not the case with the doctors and the legal

practitioners. I may inform the Government that it is very difficult for them even to eke out their livelihood.

An Honourable Member: What is the cause of it?

Mr. Muhammad Azhar Ali: The cause of it is that it is difficult to export these days and, therefore, business is very dull. Go to the markets in Delhi and other places and you will find that there is a great depression in trade except for those people who are dealing with the requirements of the war.

An Honourable Member: What is the solution?

Mr. Muhammad Azhar Ali: That is a pertinent question to ask—what should be the solution during the war? But I was recounting here the mistakes which were committed long before the war began. . . .

Sir F. E. James (Madras: European): Does my Honourable friend think for a moment that the war is being fought to make the world prosperous for lawyers?

Mr. Muhammad Azhar Ali: My only reply will be that the war is fought here only to make a few business people rich and I will congratulate the Honourable the Finance Member for having taxed these very people. In his present Budget he has with one shot struck two birds. It is these very people whom he has taxed because they will have to pay more in the shape of the excess profits tax and income-tax. We do not come in the picture in any way. What we say now is that during this war there ought to be a planned economic drive also and foreign competition ought to be stopped.

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

The tariff policy has also got to be regulated. During the war we ought to do something in order to give relief where it is needed. At the same time, we want finances from India and also materials from India to run the war and to win the war. But you ought to take into consideration the condition of Indians also. Sir, these are some of the ways and means that I have suggested.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. M. S. Aney: Sir, the cut motion before the House is to discuss the war finances. In introducing the motion before the House, my Honourable friend, Mr. Chapman-Mortimer, referred to many extraneous matters for which, I am sure, by this time he must be repenting. I think I am fortified in my assertion for this reason that he himself got up and raised a point of order and asked the Deputy President to say whether the observations made by a certain friend of mine in defence of the policy of the Congress Party were not irrelevant. The Deputy President ruled that he evoked all that criticism on account of certain irrelevant remarks that he himself has made in his speech in moving the motion. So, I am sure he must be thinking now that he should have made a better and a more discreet beginning of his speech, which otherwise was brilliant and illuminating. I do not want to enter into that discussion now. I think my friend, Mr. Kazmi, has given a very good and spirited reply in defence of the position taken by the friends on the Congress Benches, and so far as the Muslim League Party is concerned,

[Mr. M. S. Aney.]

my friend, Sir Ziauddin, has also explained the position and removed whatever doubt Mr. Chapman-Mortimer wanted to create by his insinuation. I do not want to enter into that question now, but it is true that you cannot discuss the question of war finance and the principle of war finance without reference to the state of public opinion towards the war at all. If war is a different state of things from the normal conditions of life, the difference lies in this. In the normal state of the country, schemes of reform and schemes of improvement which the State may have in contemplation can afford to wait and the need for finding money for them also can not be very urgent and the actual work can be spread over a longer period of time. But during the period of war the question of time becomes almost very important and urgent. It is a period of emergency and things have to be thought out and executed almost without any appreciable interval between the two state of things. That being the position, it requires a very strong public opinion behind the Government before that Government can think of carrying out and executing big schemes of improvement to win a war of the magnitude which they have to face today. Therefore, although, in a way, the issue with regard to the public opinion may be considered as irrelevant purely from the academic point of view so far as the discussion of war finance is concerned, it is not altogether so remote as some people imagine it to be. I have already made it clear that a strong body of public opinion determined to support the war is one of the essential conditions and one of the most essential principles to which the Government ought to give due attention if it wants to shoulder the responsibility of winning the war. From that point of view, I believe, some of the questions that were put to the Treasury Benches by my Honourable friend, Mr. Kazmi, and others are such as require to be more seriously considered and certainly they do not deserve to be laughed away and laughed out as some friends were trying to do.

Now, Sir, having said so much with regard to the requirements of a strong body of public opinion behind the Government, how can that public opinion be had? If the public opinion feels that there is a Government which is their own, there is no difficulty about it. But so long as the public opinion feels that there is a different Government and they are not in it, then an effort is necessary for the Government to make the people at least feel sincerely that though they are out today, they are not going to be out tomorrow. At least that much confidence you must be able to create in their minds. If for the sake of creating that confidence some kind of association and a more direct association of the people is needed in the work of administration, Government ought not to be reluctant to get it and take refuge behind this plea and that plea, to shirk it. They must bring together seemingly conflicting elements so that they may make a combined and supreme effort to win the war which is a matter of common interest for both Government and the people.

Sir, having said that I will take up the second question, namely, the so-called principles of war finance. I have listened to my Honourable friend, Mr. Chapman-Mortimer, very carefully and I thought that some principles would be clearly enunciated by him and I was trying to find out which part of his speech really referred to the principles as such. All that I could gather from his speech was that, on the whole, our finances are

being properly managed and they are in safe hands at present, that whatever relation there should be between raising finance by borrowing and by taxation that is being observed. What that relation should be he had not stated anywhere and I was not able to gather that even from the speech of the Finance Member also. But there is one common ground that whatever relation is fixed by him in his budget estimates, that is considered by Mr. Chapman-Mortimer as equitable and sound and probably the only proper thing that could be found. I take that conclusion as the result of being unable to find anything else than that. As a matter of fact the Finance Member himself was in this matter very candid. He said that it has nowhere been laid down as to what should be the proper relation between funds to be raised by way of loan and those to be raised by way of taxation in a period of emergency like a war. Perfectly true; there cannot be one common rule to guide all sorts of situations. It will have to depend on the conditions under which funds have to be raised. If the experience of a layman is to be of any value at all in a matter of this kind I venture to make a suggestion. What we generally find in the case of a man who is faced with a great difficulty and having to fight an insuperable difficulty is this. Whatever little money he has got with him he will save. Whatever little money he can get hold of from others he will get hold of; so that all that money may be pooled together to enable him to fight the particular danger with which he is faced. This is a period of difficulty and emergency. So whatever they can have by way of taxation they will have and wherever they can get money by way of loan or borrowings they will have it; and with that money they will have to make an effort. I do not regard a period of war as the time when a man thinks of his creditors. I think payment of creditors is a matter which a man generally postpones during time of difficulty. If there is anything peculiar in the present financial budget on which the Honourable the Finance Member has been given credit from all sides it is that he has managed to reduce substantially the burden of external debts in this War-budget. But I have been really puzzled as to whether this is really the time for us to give away our cash money to somebody and pay off our debts, instead of using the money that we have got and putting that in our own revenue to meet the emergency that confronts us. That is one point that strikes me as a layman. I am not a close student of economics or war finance either. I do not want to give any expert opinion on a question like this. If at this time we are paying off our own debtors seeing that we are going to have some other debtor who is advancing money at a lower rate of interest, no doubt we are making a profit. That is shown in the Budget and it is because of the reduced amount we have to pay by way of interest hereafter and now that the Finance Member is getting all the credit. But the point is that the amounts we are having to spend on account of the war have to be raised somewhere now and we have to face that situation. Therefore what I find is this that the question as regards the policy which the Finance Member has adopted and for which he has been given good credit is that he has taken advantage of a certain financial situation as it exists at present and tried to reduce our sterling debts and convert them into rupee debts in India and thereby helped to reduce the burden which the country has to bear by way of interest. But if the war goes on for a longer period would it not be necessary for us to borrow on a larger scale? Would it stop there? And if we are to borrow on a larger scale can we get any money in those markets and from those creditors who are paid off today? Are they in a position to advance any money tomorrow

[Mr. M. S. Aney.]

and shall we be driven back to borrow money only in this country by way of rupees? And what is the ultimate capacity of this country to finance big operations of war in case the war continues and our responsibilities increase?

I do not know whether all these questions have been thought over and a long-range view of things has been taken or not. What is the capacity of the Indian financiers to finance the war operations for a longer period and if those who are paid off by us today are not in a position to advance any debts to us tomorrow what will be our position I do not know. We have paid off our creditors in England and it is also stated in the speech of the Finance Member that by doing that we have in a way helped the war operations. I can understand that. In fact I have taken these operations as being mainly intended to mean that certain cash funds should be available to the people of England at this time so that they may use them for their immediate war purposes. This operation of conversion has really resulted in this benefit so far as the English people are concerned, but will it really go to give us greater credit for raising the necessary loans in England tomorrow if we want them? Are they in a position to meet the demand for loans from India tomorrow? Suppose Indian financiers for some reason or other, for political or other considerations, take up a different attitude, are you in a position to rely safely upon your credit to raise the necessary loan in England at all, or have you got any other financier in any other part of the world who can take the place of the English financiers whose debts you have paid off by conversion so that the liquid cash can be used by them for war purposes? I am putting that as a point that strikes me as a layman and not as a very considered opinion on that point. But reading the Budget frequently, and particularly the speech of my Honourable friend, the Finance Member, which really deserves more than one perusal, it has struck me that I should bring this particular doubt of mine to his notice. He may think over the matter for himself and I hope one day he will be able to remove the doubt by explaining to us in such a way as to indicate that there is no reason to entertain any doubts at all about this question. I do not want to take up more time of the House but I want to say that it is proper for us to concentrate our efforts in such a way as to bring about a kind of understanding in this country among the various schools of politicians and statesmen so that it may be possible for the Government and the people to make a combined effort to win this war which, as I have stated before, is a matter of common interest of the people as well as Government.

The Honourable Sir Jeremy Raisman: Sir, I am grateful to my Honourable friend, Mr. Aney, for putting his doubts before the House in regard to a transaction which was referred to in the speech of the Mover of this motion, and which has been very widely commented on and generally, as he rightly said, in very favourable terms; and I would like to endeavour now to answer the perplexities which seem to have beset him.

But first of all, I would like to say that I am very appreciative of the way in which the Mover of this motion has dealt with the financial position of India and I particularly appreciate the references which he made to my predecessors, because a position such as India occupies today is

not built up in a week or a month or a year: the soundness of Indian finance is so solidly founded that it could only have been achieved by careful husbanding over a very long period; and I am very glad to take this opportunity of paying my own meed of tribute to those who went before me and who did their work in this respect so thoroughly. It is a part of Indian finance which curiously enough is inconspicuous in the annual accounts as they are presented. It does not leap to the eye how exactly, from year to year, the general financial position of the country is being improved. The section of the budget speech which deals with the indices of that soundness, namely, the ways and means part, is one which in my experience is difficult for the layman to understand and one which he passes over rather rapidly. Nevertheless, it is only by careful study of that portion of the budget speech that the layman can find out how much better off India is in any particular year in regard to its long-term debt and its short-term debt and so on than it was a year before.

With these preliminary remarks, I would like to deal with the point which Mr. Aney just raised, and his point briefly was this: in time of war you want all the money you can lay hands on: why then do you take this opportunity to repay debts? Surely that puts you in a weaker position *prima facie* and, according to the ordinary layman's impression, this is not the time when you should be making spectacular repayments of debt: this is the time when you should be calling up all the resources which you have and devoting it to the purposes of the war. That, I think, was the natural and simple argument of my Honourable friend. Well, Sir, the reason why it is appropriate for India to do that now is this, India is selling large amounts of material and goods to His Majesty's Government and is being paid in return. Now, India can only be repaid by His Majesty's Government in the currency of His Majesty's Government, that is, sterling. So, we have this position, that India is acquiring large resources in a currency which is not the currency of this country. It makes no difference, however, much money India may want to spend on the war, unless she wants to make very large purchases overseas, these sterling resources are not directly available for the purpose of expenditure in India; and so what happens is if you want to utilise the money equivalent of these sterling resources you must raise in India rupee loans equal to the amount of that sterling. There is no getting away from that. You must borrow money inside the country, if you want to spend rupees and so what we have done is to apply that sterling—India has, so to speak, lent back or repaid loans to England and we are now faced with the raising of the rupees corresponding to that amount in India. It is perhaps a little difficult to make the position clear in elementary language; but the fact remains and the short answer to my Honourable friend is this: that except by a process of inflation, the use of those sterling resources would not be possible for internal purposes in India—it would not be possible to use that sterling except either to repay debt or to purchase goods from abroad or as what is called a credit base for a largely inflated currency in India, which is not desirable . . .

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): May I ask a question? Do I understand my Honourable friend to say that the same considerations would more or less apply in normal times if India had a very large favourable balance of trade?

The Honourable Sir Jeremy Raisman: Yes, Sir; the only thing that you can do with foreign exchange is either to buy foreign goods with it or repay foreign debt with it or use it as a credit base. You may see the same processes at work in the American economy—in their case it is gold, while in our case it is sterling or foreign exchange. The problem with which America is faced is that owing to their favourable balance of trade they receive large payments in gold and they do not know what to do with that gold. They could, if they wished to, buy large quantities of commodities abroad with it, or if they had any debt abroad they could pay it with that gold, or they could finally release the gold into their economy which would have a violently inflationary effect—it would mean that the amount of money let loose in the American system was far too much for the corresponding amount of goods and services which that money had to carry. I am afraid it is not possible to simplify the matter further. But my Honourable friend may take it that it is generally recognised that those are the only ways in which you can deal with your assets of foreign exchange.

Now, fortunately for us, an adjustment of the position is to hand in the fact that we do have a considerable amount of external debt; and entirely apart from the needs of the war, it is an adjustment which, so to speak, forces itself upon a country in the position of India, a country which has a considerable external debt and which finds itself piling up external assets. The question of the raising of loans, the raising of the rupees for carrying on the war, remains in any case. We have to do that, no matter what our sterling balances may be. But in dealing with this question of the deficit and of the amounts of taxation and also the amount of borrowing, whilst I appreciate the remarks made by various Honourable Members regarding my treatment of the deficit, I deprecate the feeling that this is what I may call a static problem. It must be regarded from a more dynamic point of view. I will explain what I mean.

My Honourable friend, Dr. Sir Ziauddin Ahmad, stated, you obviously have a fixed limit of taxable capacity, you cannot go beyond that, and if your expenditure is unlimited, if your expenditure gets larger, then your loans must increase accordingly. Well, Sir, that is not the way I would look at the matter. I would rather look at the matter this way. How does the deficit arise? It arises from Government's spending. Most of the Government's spending takes place in this country, so that the money that goes out of the treasury goes into private pockets. Well, Sir, not only is it the case that that amount of money is available in the form of taxable capacity somewhere, but it actually is the case that a much larger taxable capacity is created by that amount of Government expenditure. I will give a simple example. Supposing a man has an income of a lakh of rupees a year on which he pays income-tax. If he employs, say a private secretary and two clerks out of the same money which he pays them, they also pay income-tax, so that his income of a lakh of rupees a year is not the total income which is brought under taxation. Although he may receive that income from a single source, that income in turn goes on to take other forms, and the total income which may be created by the expenditure, which originally took the form of the payment to him of a lakh of rupees a year, may be a good deal larger than a lakh of rupees. So, as the expenditure of the Government increases, the national income

also increases. That is the important thing which must be borne in mind, and, therefore, if it were possible to devise an ideally perfect system of taxation, you ought to be able to recover for the treasury an ever growing sum as the treasury's expenditure increases, and that is in fact what happens; that is what is happening even in India. Of course, in India we have an imperfect tax system,—imperfect in several ways. It is not merely that there is a minimum below which incomes are not taxed, but also there is a whole field of taxation which is not subject to central income-tax,—I mean, of course, agricultural income,—and whatever income seeps away into that field ceases to be taxable at all, even though it may form large individual incomes. It ceases to be taxable by the central income-tax system. But that is the conception of the problem which I would prefer to substitute from that of a fixed tax limit and a growing expenditure. The position is that, as expenditure increases, the taxable capacity must be increased, although it may be a difficult fiscal problem to recover the share which you should . . .

Mr. M. S. Aney: Resources increase with extravagance.

The Honourable Sir Jeremy Raisman: I was getting on to that point. There are three ways of dealing with the deficit. One is to raise taxation, the second is to raise loans, and the third is to do neither, in which case you have recourse to what is called inflation. You merely print more currency and pay with that. That is the least desirable and the most extravagant way of meeting a deficit, but it is one which countries in desperate emergency which have no other resource may have to resort to. That at any rate is a method which forms no part of our financial programme, and to that extent we may congratulate ourselves on the soundness of our position.

Well, Sir, to strike a little lighter note, I regret that my friend, Dr. Sir Ziauddin Ahmad, has still not revealed to me the mystery of the lion and the tiger. I find myself murmuring when I go to bed.

"Tiger tiger burning bright in the shadows of the night
But I cannot think what the tiger will be like."

and I am looking forward with great exhilaration to the debate on the Finance Bill when the mystery of the lion and the tiger will at last be revealed to this House.

My friend, Mr. Azhar Ali, pursued a line of argument which I have heard pursued in many quarters, and which appears almost every day in the press regarding the past sins, as he called it, of the present Government. The argument seems to be that because you find yourself in the middle of a war and are not fully prepared in every respect, because you cannot make big guns, because you cannot make aeroplanes, because you cannot make tanks, that proves that you are a shockingly bad Government, you ought to be laying plans for this 10, 15 or 20 years ago. Well, Sir, I consider that that goes to the whole root of our moral position in this war. The point is that Hitler and his friends were doing this five or six years ago. It is quite obvious that if the British Empire were even as strong as they are today 18 months ago, the whole complexion of this war would have been a very different thing. But, unfortunately, we did not believe, and those in charge of the policy went on hoping that the aggressor did not mean what he appeared to mean, and that is a mistake

[Sir Jeremy Raisman.]

which lies on the shoulders of not one Government, but on many, and not one hundred or one thousand people, but probably many millions . . .

An Honourable Member: Government in England was the

The Honourable Sir Jeremy Raisman: It was not merely Government, it was public opinion, it was the opinion of many millions of people that nothing should be done on our side to precipitate the outbreak of war, and so they allowed the aggressor to get his mechanical advantage, to get his technical advantage, and the problem has been how to catch up with him. But when you look at the moral issue you realise that it is very easy to get into the position of having been the *agent provocateur* or the provoker. If you are too quick to draw your sword, then you are liable to be charged with having drawn the sword first or to have been the man who started the quarrel. But now my friend was, I think, thinking not merely in terms of what I may call military equipment, but in terms of various other kinds of industry. Well, Sir, even in respect of those industries, I think it still remains the fact that we could not have been prepared to deal with the situation, such as it is today, unless our policy had been a bad peace time policy, because you cannot get away from the fact that what may be a good time policy is a bad peace time policy. A peace time policy which would have put us now in a position to meet the requirements of the country might not have been a good one; it would have been one which would have consisted in the subsidising of various means of highly uneconomic forms of production. It would have laid the cost of that subsidisation on the poorest, on every taxpayer and on every cultivator in this country. You cannot build up industries of that kind without paying very large sums, and even the cost of building up the industries, the protected industries of India, such as they are today, has been a very heavy one. In time of peace there is no offtake, there is no regular demand for many of the products of these heavy and highly expensive industries. The only way in which you can establish them is by Government being prepared or undertaking to consume their products and to pay high prices for them.

Mr. Tymms reminded the House yesterday that only a few years ago this House was not prepared to continue a very modest provision for Civil Aviation, that in the desire for retrenchment they cut out a very large part of the provision which had been made for the ground organisation without which you cannot even begin to think of aviation. Now, who in those days would have been prepared to guarantee that the Government of India would purchase, say, 200 aeroplanes a year? It is useless to attempt to transplant the atmosphere of the present time back into the peace years of some time ago, and it does remain true and it will happen again, that what is a good war time policy is a bad peace time policy. It is only a question of degree,—at what stage do you begin to go over from peace time policy to a war time policy? It is arguable, you should have seen what was coming, a little earlier, you should have begun to lay your plans and try and bring into being these industries somewhat earlier. But it cannot be argued that the omission to provide and pay for certain heavy industries which are now very badly in demand was necessarily a bad policy. Let it not be forgotten that the problem of carrying on with industries which are now being created will face this country and that the

cost of maintaining those industries will probably, to a large extent, fall on the taxpayer. We shall hear then what Mr. Azhar Ali and his friends have to say about the mistake of not providing for heavy industries. I gather too that Mr. Azhar Ali thought that this was a bad war for lawyers. I suppose it is a bad war for possibly other professions. Even the undertaker does not seem to be doing too well.

I have only one more point to make, and that is in regard to the question of prices and price level, touched on by Dr. Sir Ziauddin Ahmad and also by the Mover of this motion. I wish, as I am on my feet, to defend once more the Supply Department against a charge which is entirely unjustified. Dr. Sir Ziauddin Ahmad accused the Supply Department of raising the prices by 25 per cent.

Dr. Sir Ziauddin Ahmad: initiating.

The Honourable Sir Jeremy Raisman: initiating a rise in prices by 25 per cent.

Mr. M. S. Aney: The responsibility is now shouldered by the Commerce Department.

The Honourable Sir Jeremy Raisman: My Honourable colleague gallantly stepped into the breach and took part of the charge himself.

Mr. M. S. Aney: He stands self-condemned.

The Honourable Sir Jeremy Raisman: It is, of course, the case that every new demand, every additional demand on a limited supply tends to raise the prices, but I can assure my Honourable friend that the prices for the fixation of which the Supply Department is responsible have been very widely criticised, not on the ground that they are too high, but that they are too low.

Dr. Sir Ziauddin Ahmad: By whom? By contractors?

The Honourable Sir Jeremy Raisman: Another thing is this. One of the most striking tributes to the success of the Supply Department's activities is the modest estimates for excess Profits Tax. It is very directly related to the matter now under discussion. Had there been extravagance in the matter of supplies which there was in the last war, the kind of figures which I should have been dealing with in the Budget under that head could have been not twice or three times but ten times the size they are, because even in the last war when the industrial resources of this country were merely a fraction of what they are now, the figures reached were larger than those which appear to be likely to be reached this time. It is a very important index, that of the economy with which the war purchases are being made. That is really the best reply to any doubts about the maintenance of the price level and about the stability of prices.

Mr. T. Chapman-Mortimer: Sir, I beg leave of the House to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

Importance of Propaganda in India's War effort.

Mr. P. J. Griffiths (Assam : European) : Sir, I beg to move :

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

Sir, on the comparatively infrequent occasions when I speak in this House, it generally falls to my lot to be embroiled in some bitter political controversy and to find myself forced into an attitude either of attack or at least of aggressive defence. But today, in initiating a discussion upon war propaganda, I can hope to escape from my usual fate, for with regard to the desirability and the objectives of our war propaganda, there can, I imagine, be no reasonable room for disagreement. I shall, indeed, have occasion to criticise Government with respect to some points, but my criticisms will concern, not matters of principle, but questions of the methods of propaganda adopted and the intensity with which those methods are applied, and the main purpose of my speech will be to make certain constructive suggestions with regard to the points of detail.

Before, Sir, I proceed to those detailed suggestions, I must make one criticism of a general nature. I for my part feel strongly that we in this country have not yet begun to treat propaganda with the seriousness which it deserves, and I feel that neither the Central Government nor any of the other Governments concerned have yet accepted propaganda as a vital weapon in modern warfare, a weapon second only to the defence forces. In order to put the picture before them as vividly as possible, I should like, in this connection, to remind them of the remarkable change that took place in the British attitude towards war propaganda between the years 1914 and 1918. I will remind them that at the beginning of the last war, propaganda was regarded in the main as the somewhat disreputable hobby horse of fanatics and cranks. But fortunately for Britain the fanatics and the cranks were persistent and it quickly began to be recognised that you cannot fight a modern war without the utmost possible use of propaganda. In the use of propaganda by Britain in the last war, there were three distinct phases. First, you had the phase where it was used to educate the people of Britain themselves, to prepare for a long drawn-out war—a people who were not psychologically prepared for the commencement of that war. I need not dwell on the results which were achieved by that phase of British war propaganda. In the second phase, which began at the end of 1914, that propaganda was directed towards America and it is today the considered view of many responsible American critics that but for the efficient application of that propaganda, America might well not have entered into the last war. Then came the third and last phase after Lord Northcliffe had taken charge of the Department concerned with propaganda. That helped to break down the German morale and to assist in the disintegration of the Austro-Hungarian Empire. By 1918, the position of propaganda, as one of the most important weapons of modern warfare, had been fully accepted in Britain.

Mr. M. S. Aney : Lying plays a good part.

Mr. P. J. Griffiths : There is a great difference. Those of us who are concerned with propaganda know that there is a great difference between propaganda and lying; propaganda may be lying, but is not necessarily so. Be that as it may, by the end of 1918, its value had been accepted. What I want to suggest is that as far as India is concerned, we are still to some extent in the same phase that Britain had reached in 1914. Government have made a start with their war propaganda, but it is only a

start, and if that propaganda is to be effective, the time has now come when it should be developed and intensified and financed on a scale beyond anything which has yet been dreamt of. You have your Board of Information at the Centre, and, if I may say so without presumption, that Board has done magnificent work under difficulties and under certain very grave restrictions. It suffers from financial restrictions. It suffers from a limited personnel and because of these limitations, I think it is true to say that so far Government has only scratched the surface with regard to propaganda in this country. My general appeal to Government today is to begin to take this propaganda business even more seriously and to realise that if propaganda is to be done at all, it has got to be financed on such a scale as to make it worth doing. To illustrate my statement that we still are not taking propaganda sufficiently seriously I should like to quote facts. The first is that there are still some provinces and some tracts in this country where practically no war propaganda whatsoever is being done, except that the very excellent press propaganda done by the Board is being carried on. As one travels round the country one is amazed by the variation in the vigour and in the standard of propaganda from province to province. I would illustrate that by the two provinces with which I happen to be connected. In Bengal, thanks very largely to the enthusiasm and the energy and the vigour of His Excellency the Governor, a good deal has been done and is being done, but in my own constituency of Assam, I am ashamed to say that practically nothing whatsoever has been done. Officialdom in Assam continues to go on living in its dreamy pre-war condition, hoping that somehow or other things will take care of themselves. I want to suggest that as long as there are in this great country tracts and provinces where propaganda is not being carried on, it is idle to say that we have yet begun to accept propaganda as a vital weapon in modern warfare.

The second ground on which I base my statement is that the amount that is being budgetted for propaganda is hopelessly inadequate to make any impression upon a country of about 400 million people. You will find that the figures specifically shown for war propaganda is about 11 lakhs of rupees but I think in fairness one should add to that somewhere about 3 lakhs, being the increase in the cost of the Information Bureau since the beginning of the war. Let us be generous on that point and call it 14 lakhs of rupees altogether. Measure that against any reasonable scale whatever. Measure it against the scale of commercial publicity as practised by big business houses and big propaganda organisations. Can anybody suggest that with 14 lakhs of rupees we can hope to make any real impression upon 400 millions of people? I myself am connected with a big business propaganda concern which spends considerably more than that every year in order to make people understand the virtue of one single commodity.

An Honourable Member : Tea?

Mr. P. J. Griffiths : If it is worth while—and we find that it is worth while—spending more than Rs. 20 lakhs to teach people to think correctly about one necessary article of diet, is it not worth while to spend more than that to do war propaganda and to teach people to think correctly about the war. I want to urge today that propaganda is one of those departments in which small scale expenditure may be wasteful. If you spend Rs. 100 to propagate a certain idea, you may produce no effect whatsoever. You will be simply throwing Rs. 100 away and it may prove that

[Mr. P. J. Griffiths.]

it pays you far better to spend twice the money and get some real value for it rather than to economise and get no value at all. I do therefore appeal to the Finance Member and to the Government as a whole to consider seriously the needs of the Department of Information, to consider whether greater provision cannot be made for putting this propaganda on a really worth-while scale. There are many directions in which work could be done if the money were available. For example, the department has recently worked out and obtained sanction for a most excellent system whereby pictures of the war and things connected with the army, navy and the air force will be exhibited all over the country. It is an excellent scheme but the scale on which it is being done is in my opinion only one-fourth of the scale on which it needs to be done. Naturally the scale on which it can be done is limited by the money which is provided. This is one of many ways and I do want to suggest that there are innumerable other ways of carrying out propaganda in this country which can be adopted if Government will recognise that money spent on propaganda is an investment, that it is not thrown away and that the investment will produce its own return.

After this general review, I pass on hastily to a few points of detail. It seems to me that propaganda, as carried out in this country, falls into four main departments, the cinema, broadcasting, the press, and propaganda through meetings. Let me take the cinema first. Cinema war propaganda consists of two lines of attack. Firstly news reels showing news and nothing else and secondly short propaganda films regarding war subjects, which in the uncouth jargon of the film world are commonly called propaganda "shorts". As far as news reels are concerned, they are handled in the vernacular by a commercial concern. The quality of the films is excellent but their distribution in some provinces is extremely poor. I personally took a census of 15 cinemas in Calcutta not very long ago—leading Indian cinemas—and found that in only one of these cinemas was a vernacular news reel being shown. I am not suggesting that Government is to blame for this, because the distribution is being done by a commercial concern. All I am stating is that something has got to be done to put more life behind that distribution and that that firm should be made to understand that if they cannot provide the necessary drive, it will be time for Government to come in and do it for them. When you turn to the other kind of propaganda "shorts" you find that they are handled by the Film Advisory Board. Here too the material is excellent. The quality of some of the films in the vernaculars is first class, but the trouble is that they take such an unconscionably long time to reach those parts of India in which these particular languages are spoken. I personally saw one such Bengali film on the 28th October last year.

An Honourable Member: Where?

Mr. P. J. Griffiths: In Calcutta. I saw it as soon as it was prepared, and, as far as I am aware, that film has not yet reached Calcutta for exhibition. At any rate it certainly had not reached Calcutta when I left there by the end of January. I want to suggest that distribution badly needs speeding up. I have been suggesting to Government for some time past—they may possibly consider the suggestion favourably—that they should

get over this difficulty by setting up an auxiliary Board in Calcutta, instead of relying on one distant Board in Bombay and that the auxiliary Board should take over directly the business of preparing Bengali versions of these films and also undertake the work of speedy distribution in Bengal. I have been thinking of Bengal, as being the Province with which I have been dealing lately, but I imagine that if a Board of that kind is set up it will be a sort of regional Board, and it seems likely to be the case that there may be other parts of India where similar regional Boards will be required. Regarding that, however, I am not competent to speak—but I do seriously suggest to the Government that they should recognize the fact that the distribution of these excellent forms of propaganda is at present being grossly delayed. The Film Advisory Board blames the distributors; the distributors blame the Film Advisory Boards and I am inclined to think that the Board's contention is right—but the fact is that we do not get the films! And I do urge that some organization of this kind should be set up to make it certain that we shall get the films and get them quickly.

Then I pass on hastily to the question of broadcasting. If I had spoken in this House six months ago, I should have found it very difficult to say very much creditable about our broadcasting from the point of view of war propaganda. I am however, not speaking of conditions six months ago but today and I am glad to say that in my humble opinion there has been a very remarkable improvement in the whole work of broadcasting with regard to the war during the past six months. In June and July last year, one turned on to the Delhi Hindustani broadcast and you heard someone with what seemed rather like an Oxford accent gone wrong, drearily intoning articles which might have been written for the newspapers. That day is past. There is very much more pep and drive in broadcasting now than there was then. The broadcasting authorities have recognised the necessity of contradicting the constant mis-statements made on the German wireless, and as a result, to-day in this country the wireless is an instrument of propaganda which has become really worth while. I think that the Director General of Information as the Controller of Broadcasting would be the first to admit that the change has been partly the result of the many discussions which they have had with non-officials, and particularly with those of us who have been concerned with war propaganda in various parts of the country. I would like to pay my tribute to them for the willingness they have shown to listen to criticism. We have written to them, we have had interviews with them, we have criticised them freely, sometimes even unfairly, but they have showed themselves ready to listen to criticism and ready to accept a different point of view, and as a result, they have succeeded in bringing about a very radical improvement.

Sir Syed Raza Ali: But excuse me, there is still a very great room for improvement.

Mr. P. J. Griffiths: I suggest that nothing we are doing in this country has reached the state of perfection; I agree with you entirely. But I am confident from the experience of the last three months that the improvement effected up to date will continue and that as a result of continued contact and criticism from everybody competent to criticise, further improvements will be effected. But the point which I want to make at this stage is that that improvement has been at least partly due to contact with officials and I want to lead up presently from that to the contention that it

[Mr. P. J. Griffiths.]

is important to associate non-officials rather more closely with the Information Bureau than has been the case up to now. But before I do that, there is one other side of the propaganda to which I must refer briefly and that is propaganda through public meetings—what may be called personal propaganda generally. That to me seems to be the weakest link in our chain of propaganda in this country; at present it is entirely a matter of chance. In a particular province where there happen to be a few enthusiasts and where the backing of someone in authority happens to be forthcoming, meetings and organized personal propaganda may be carried on more or less successfully but in other parts of the country, little or nothing is being done. For my own part I have always thought, Sir, that in the circumstances of this particular country propaganda through meetings and other forms of personal propaganda are in some ways more effective than any other form. That at least was my own experience as a district official, *viz.*, that it was possible through properly organised meetings to make an impression upon the public mind which could be made in no other way.

Mr. M. S. Aney: You may require a competent man for that.

Mr. P. J. Griffiths: Lots of men are forthcoming. For instance, there are Honourable Members sitting in this House. The cinema, after all, reaches a limited public; the newspapers are read by a limited public; broadcasting reach a still more limited public, but properly organized meetings through personal propaganda bring that propaganda home to the villages. That at present is not done in a sufficiently scientific, organized basis and I might suggest a reason for it. On the Information Board at present there is no one specifically charged with the job. You have your experts dealing with wireless, experts dealing with the cinema; you have your experts dealing with the Press, and I want to suggest that there ought to be a member on that Board specifically charged with the duty of organizing meetings and personal propaganda throughout the length and breadth of this land. I do not mean that he should control the details of the organization, but he would provide the inspiration, he would see that such propaganda was actually carried on in all Provinces and he would see too that there was some degree of coordination between the propaganda of the different Provinces in so far as it was concerned with meetings. My time is practically up and I must therefore hurry on to my last point, which is that there is a very strong case for non-official representation on the present Information Board. The Board at present consists of officials and journalists. I mean no discourtesy to those classes when I say that some other element besides the official element and the journalistic element is required. I would like to suggest briefly four reasons why non-officials should be associated with the Board. Very obviously, there ought to be some organic link between people doing propaganda and those controlling and directing it. That link has been to some extent provided by the constant contact which we have had with the Board and by the constant courtesy which the Board has shown, but I suggest an easier way. At present we write and make complaints when necessary—we do that every time the Director General comes to Calcutta or we come to Delhi—but instead of this we should have an organic link between those carrying on propaganda and the officer directing and controlling the propaganda, so that he can hear

our views without having to wait till all those views have been crystallised in the form of complaints and criticisms. The second reason why I suggest this is that Government must find propagandists somewhere. Propaganda in this country is still in its infancy and it is not easy to find people with propaganda experience, but on the whole you will probably find more non-officials than officials with propaganda experience—every politician for example has to be a propagandist to some extent—and quite apart from politicians, there are numerous people in this country with commercial publicity experience, and commercial publicity, after all, is another kind of propaganda. Surely, it is desirable to draw on that store-house of non-official propaganda experience in order to strengthen the Board which has started the work of propaganda in good earnest. To sum up, in the first place, you want more money, and that is the most urgent of all my appeals—although I make it to a much-harassed Finance Member with great diffidence; nevertheless I do appeal to him to consider whether more money may not be forthcoming. Secondly, I press the point that the Board should have upon it a member specifically concerned with the organization of meetings and personal propaganda. Thirdly, I press for some system of non-official representation on the Central Information Board.

Sir, I would conclude on this note: Whatever may be said for the purposes of debate, and however much for political reasons this aspect or that aspect of the war is concealed and cloaked, everyone of us here knows that this is India's War and India dare not lose this war. But to this day there are a very considerable number of people in this country who do not yet know that, and it is our business to see that they are taught it; it is our business so to conduct our propaganda operations that there shall not be a single person in this country who can be in any doubt as to the issues of the war or as to the fact that this war is one which India dare not lose: and because of this vital necessity I do appeal to the Government of India to do everything in their power to make this Propaganda Department into a first-class Department, suitably financed, suitably manned and pushed forward with all the energy which the Government of India can command. Sir, I move.

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

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

The Honourable Sir Reginald Maxwell (Home Member): Sir, I am obliged to intervene in this debate at an early stage although I should have willingly had an opportunity of hearing the views of other Members of the House, because the point of view from which I approach this motion is that I am only too anxious to learn in what respects our propaganda machinery is held not to be adequate with a view to introducing all the improvements which may seem to be practicable. Unfortunately, the time is short and, therefore, I am obliged to reply at once to the very interesting and stimulating speech which we have just heard from Mr. Griffiths. One point which I should make at the outset is that the propaganda for which we provide finance in the Central Budget is only the Central aspect of the question. What the provinces are actually spending on their side of the propaganda organisation I cannot inform him at this moment.

Sir F. E. James: They are spending practically nothing.

The Honourable Sir Reginald Maxwell: Propaganda is a provincial subject primarily and our duty at the Centre is, broadly speaking, to provide the provinces with the raw material which they can use in their own propaganda, so that to say that only eleven lakhs or so are being spent on war propaganda or publicity is understating the general nature of the publicity effort which is, in fact, being made.

Sir F. E. James: Might I ask the Honourable Member one question? Why is it that he suggests that propaganda in the provinces is entirely a matter for the Provincial Governments? Under what item in the Provincial List will that appear?

The Honourable Sir Reginald Maxwell: I think it is one of the items in the Provincial Legislative List in the Seventh Schedule. Certainly, there is no such item in the Central Legislative List.

Mr. M. S. Aney: Can war propaganda be a subject under that List?

The Honourable Sir Reginald Maxwell: Yes, Sir. The fact that the thing has a war aspect does not supersede the Legislative List. The Centre may be interested in the war as a whole and may like to carry on certain things but I think the Honourable Member will understand my point there. But I wish to continue my remarks. I had said, then, that we are now in this House debating the Central arrangements for publicity to a very large extent, although I realise, as the Honourable Member suggested, that the stimulus to provincial publicity must come very largely from the Centre. I thought I had answered that point by saying that the Centre does regard it as its duty as far as possible to supply the provinces with raw material. Actually, that stimulus has gone very far and I am aware that the provincial publicity organisations have responded very greatly since the beginning of the war to the additional tasks which they were asked to perform and now all the provinces have their publicity officers. Before the war, there were very few of them. They have now established local publicity committees and all the necessary organisations to convey to the people of their provinces the material which they may get either from the Centre or which they may provide themselves. That, of course, is on the general publicity policy. In certain matters, like the All-India Radio, the Centre themselves are responsible for the programmes that they provide.

Maulana Zafar Ali Khan: Could the Honourable Member also enlighten us as to the amount that is spent by the All-India Radio on this propaganda?

The Honourable Sir Reginald Maxwell: I shall refer to the All-India Radio in a minute. To come back to the Centre. I fully admit the criticism of the Honourable the Mover that up to the stage before this war the propaganda organisation belonging to the Centre was not such as could be called an adequate means of dealing with a new, urgent and very important system of propaganda such as the war demands. The fact of the matter is that it was not ordinarily conceived as the duty of the Centre to use its publicity machinery for purposes of propaganda. The machinery had not been constructed primarily for that purpose, and, in fact, this House has at no time been willing to provide funds for

propaganda in general. It is only when a purpose suddenly comes into existence, such as the emergency of a war, which unites all opinion in demanding that some public guidance should be given, that a machinery is created for that purpose. It was only then that the Centre could undertake the expansion necessary for this entirely new and uniting purpose which had come into being.

Well, at the beginning of the war, as I said, there was very little machinery for propaganda. The first thing that was done after the commencement of the war was to review all the existing machinery and means of propaganda very carefully and, finally, to build up a new organisation culminating in the existing Board of Information. The purpose of this Board was to control all the publicity of the Centre through all possible media, that is to say, through the press, through broadcasting and through films. For that purpose, then, a Board of Information was set up, and I think Honourable Members will agree that, apart from the defect pointed out by the Honourable Member, Mr. Griffiths, it is a very strong Board. It consists of the best experts we can get together in India and it is immediately responsible for such things as broadcasting, films and the press. It is an expert Board, but I agree that there is possibly room for more non-official representation on it or more consultation of non-official opinion. That is a suggestion which I am perfectly ready to take up. At the same time, I should wish the House not to under-rate the work which has already been done by this Board of Information. When I compare the publicity machinery of the Government of India with what existed before the war, I feel myself that this is one of the ways in which there has been the greatest expansion and one of the most admirable developments in all the things which have been done in connection with my Department, at any rate, during the war. This Board of Information meets weekly and I see the records of its proceedings; and I myself have always been extremely impressed by its readiness to take up and examine every suggestion that may have reached it from any quarter, including non-official quarters, because, after all, these people do not sit in isolation. Every suggestion which comes along is discussed thoroughly by persons who are to a large extent experts in their jobs and as soon as any decision is reached, immediate action is taken to carry that decision into effect. It is not possible here to catalogue all the results of these meetings of the Central Board of Information, but there is constant activity in the production of material which is useful for the provinces and which is, in fact, used to a very great extent by the provinces. I have not had a great many opportunities of seeing the work in the provinces myself but I have talked to some of their officers in charge of their publicity. Provinces of course vary to some extent in the enthusiasm with which they tackle the arrangements but in a province where proper importance is given to publicity very great use is made in the translation and quick distribution of material supplied by the Central Board of Information or by the Public Information Bureau.

Now, to come to more specific points. As regards the use of the cinema that, of course, is one of the things in which there was absolutely no machinery before the war. Everything that we have done has had to be created since the war and on ground which was not very responsive to it. It has to be remembered that no Publicity Board, neither the Government of India nor the Provincial Publicity Boards, can order cinema proprietors to show this or that. Everything that we get exhibited in the cinemas in the interest of war publicity has to be put on a commercial basis, otherwise the cinema proprietor will not show it. I suppose

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[Sir Reginald Maxwell.]

we have power under the Defence of India Rules to compel them to show this or that but I do not think it would be welcomed by the House as a whole, and, hitherto, it has not been our policy to proceed in that way in regard either to cinemas or any other publicity organisation. We wish for the co-operation of the ordinary agencies on which we rely for that kind of propaganda, and I am glad to say that in the case of films very great progress has been made starting, as the House must remember, from zero. Particularly in cinemas accustomed to showing Indian films there has been a considerable difficulty because films producing news-reels or shorts had to be provided with sound tracks in the Indian languages, and that was a thing which could not be done at once or easily. By commercial enterprise,—it is entirely commercial enterprise,—a weekly news-reel has now been provided in three languages, and the number of languages is shortly to be increased to four. And these news-reels are distributed through the ordinary commercial channels and are now shown, I am informed, in more than half the Indian cinemas; and demands for these news-reels are steadily growing.

Mr. P. J. Griffiths: Sir, on a point of information, has the Honourable Member got figures for the different provinces? My suggestion is that in some provinces they are hardly being shown at all.

The Honourable Sir Reginald Maxwell: I will take a note of that point. I cannot give the actual information as to the different provinces. I only have information that they are showing now in half the Indian cinemas and that of course may be in certain large centres.

Then, as regards production and distribution of documentary shorts, as the Honourable Member has recognised, the Film Advisory Board has been constituted for this purpose. This Board contains the representatives of the leading firms of producers and distributors of films in India. They are concerned with both production and distribution; and in addition to producing their own shorts the Advisory Board is undertaking the adaptation of shorts made in England and fitting them with sound tracks in the Indian languages. That is a very important and comparatively new development, and as members of this Advisory Board individually control most of the distributing circuits in India it is to be hoped that the efforts they are making will succeed in securing on a commercial basis a proper distribution of these films. I am informed that the Board is establishing its own agents at key points to see that these films are quickly exhibited and returned and are renovated when necessary. And as regards the non-theatrical exhibition of films, that is to say, those which would be used by the Provincial Publicity Organisations and not shown in cinemas, further arrangements are being made to help in the purchase of 85 or 16 mm. projectors for use where commercial cinemas have not yet penetrated; and the film advisory board are going to maintain a library of these films and supply them so far as means exist of exhibiting them.

As regards broadcasting there is not much which I need say because remarks of the Honourable the Mover have been mainly appreciative. I notice that he suggests that non-officials should be associated more closely than before, I take it, in regard to the programmes of broadcasting. I do not know if that was what the Honourable Member meant.

Mr. P. J. Griffiths: It had reference to the Board as a whole.

The Honourable Sir Reginald Maxwell: As regards broadcasting I think I have no particular criticisms to meet, but in developing from that the Honourable Member suggested that more attention should be given to propaganda by way of meetings addressed by speakers. I recognise that this is a thing which has not yet been taken up from the Centre although I believe that more attention has been given to it by Provincial Publicity Boards. My own experience of that kind of thing is that whatever scheme you may draw up you find considerable difficulty in getting enough speakers who are really qualified to put across the message you want. After all it is a matter of some importance.....

Mr. M. S. Aney: Sir, may I interrupt? I have seen that whenever Governors visit certain places the local war board arrange such public meetings, otherwise they do not. That is my experience in my province.

The Honourable Sir Reginald Maxwell: I do not know what province the Honourable Member is referring to.

Mr. M. S. Aney: I am referring to the Central Provinces and Berar.

The Honourable Sir Reginald Maxwell: I was saying that in regard to the distribution of propaganda by means of speakers at public meetings it is not a thing lightly to be entrusted to any one. If the Central Publicity Organisation or even the Provincial Publicity Organisation are going to make themselves responsible for the way in which a certain message reaches the public, you cannot give a *carte blanche* to anybody to go and talk. After all we are responsible and we must see that the right message reaches the people; and therefore, as I said, it is not an easy matter to cover the enormous area of this country and the enormous number of its population in the villages by a network of speakers addressing public meetings. Possibly more can be done by way of the radio and also, of course, by way of the press.

Not much has been said in the course of this debate about the press, but that is one of the areas to which the Central Government can give the greatest help. Already we had our organisation, that is to say, the Public Information Bureau, for assisting the press to obtain the material they wanted, and that Bureau since the beginning of the war has been expanded to a very great extent so as to cover the needs both of English publicity and publicity in Indian languages; and I might say here that I, personally, appreciate very much the contribution of the press in the scheme of war propaganda. Although in a debate of this kind more has to be said about incidentals, perhaps, and newer forms of propaganda, we must never forget that the press of India reaches a greater number of readers and listeners than anything that we have so far devised and their contribution to the war effort, their help in steadying the opinions of the public and making them understand the causes at stake and reassuring them in all times of emergency is very great and important; and as I say, I, personally, recognise this with the greatest appreciation of what they have hitherto done.

As I said, this motion is one, which standing in this place I cannot possibly feel in any way embarrassing to Government. We are not criticised for not having given value for the money spent, so much as for not

[Sir Reginald Maxwell.]

having developed faster and spent more money. I have tried to show the House that in the beginning of the war we were not equipped with an organisation to do all the things that are now required. We found ourselves with only a nucleus organisation and we took steps immediately after the beginning of the war to build up something which would bring the whole field of publicity under proper control. But having done so, we still had to allow a certain amount of time for those efforts to take root. One cannot by a stroke of the pen create a complete and fully equipped publicity machine. We had only the main arteries; we had to open up the various veins with the object that our publicity might eventually trickle to the farthest corner of India. But it is a very great task if one considers the area which has to be covered and the large tracts which were up to that time completely unreachable. We still are not satisfied with the results got. I myself should be glad to see that our publicity was reaching every village in India, every corner in India. I am afraid we cannot say that at present. But I think that with the efforts which are being made, we have every hope of making our propaganda and our publicity so effective that by word of mouth or otherwise it will have a material effect on public opinion in this country. As regards the suggestions which the Honourable the Mover has made: his main suggestion was that more money should be spent. I think that, as schemes come forward which are shown to be really necessary and are going to help our main propaganda effort, probably the Government of India will be only too glad to give funds which are really necessary. As regards having a Member of the Information Board to deal with matters of oral propaganda, that is a suggestion which I shall certainly consider, and I think it is quite possible that with the addition of such a member some advance can be made in that direction; and as regards non-official representation on the Information Board, that is a suggestion which has come newly out of this debate and I am fully prepared to take it up.

That, I think, is all that I need say, except to thank the Honourable Member who moved this motion for giving us his advice and experience and in such a stimulating way.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish the Chair to put the motion to vote?

Mr. P. J. Griffiths: Sir, I ask for leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): As regards next Monday, the Chair has to inform Honourable Members that in the afternoon the unattached Members, the Chair understands, have agreed among themselves to move the motions that stand in their names in the following order: No. 8 on the Final List, No. 13 on the Final List, No. 38 on the Final List, and No. 54 on the Final List.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th March, 1941.

LEGISLATIVE ASSEMBLY

Monday, 10th March, 1941.

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.

MEMBERS SWORN.

Mr. Ramaswamy Ayyangar Gopalaswami, M.L.A. (Government of India : Nominated Official); and

Mr. Venilal Tribhovandas Dehejia, M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

CERTAIN BOY FIREMEN ON NORTH WESTERN RAILWAY ELECTING OLD EDUCATIONAL ASSISTANCE RULES.

289. *Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that the rules for educational assistance to railway employee's children circulated under Railway Board's letter No. 4233-E., dated the 26th September, 1930, provide that employees who joined service before 1st February, 1929, shall be allowed the option of electing old or revised rules;
- (b) whether it is a fact that some of the Boy Firemen who joined the North Western Railway service before 1st February, 1930, elected the old educational assistance rules and they continued to receive assistance under such rules till 1940, when they were told that as they were confirmed after 1st February, 1929, they were not entitled to elect old rules; if so, why;
- (c) whether it is a fact that some of the Boy Firemen who joined prior to 1st February, 1929, were confirmed prior to this date, but the orders of confirmation were issued afterwards to take retrospective effect; and why they are debarred from electing old educational assistance rules; and
- (d) whether it is a fact that certain Firemen on the North Western Railway have been asked to refund the educational assistance received by them during the last twelve months, and that recovery is being made through salary bills?

The Honourable Sir Andrew Clow: (a) Yes.

(b) The answer to the first part is in the affirmative; as regards the second part, the North Western Railway's interpretation of the orders supported such action, but the matter is being examined.

(c) and (d). I have called for information and a reply will be laid on the table in due course.

Mr. Lalchand Navarai: May I know, Sir, when it was distinctly given to understand that those who were appointed before the 1st February, 1929, could elect old or revised scales, what justification was there to allow the General Manager of the North Western Railway to depart from that rule, and not to follow it?

The Honourable Sir Andrew Olow: The Honourable Member seems now to be arguing the case. It is not a question of allowing the General Manager not to follow any rule or practice. He put a certain interpretation, and the matter is being examined.

Mr. Lalchand Navarai: Is that interpretation being examined?

The Honourable Sir Andrew Olow: Yes.

JUDGMENT OF THE CHIEF COURT OF SIND CONCERNING REDUCTION IN PAY OF A RAILWAY SERVANT.

290. *Mr. Lalchand Navarai: (a) Will the Honourable Member for Railways be pleased to state whether his attention has been drawn to the judgment delivered by Mr. Justice Weston of Sind Chief Court, published in the *Railway Herald*, Karachi, in its issue, dated the 17th February, 1941, holding that reduction in a railway employee's salary was in contravention of the Payment of Wages Act? What instructions have Government issued to the Railway administrations to stop such reductions? If none, why not?

(b) Do Government propose to refund all amounts illegally recovered from railway employees' wages by way of reduction in salary since the day the Act came into force? If not, why not?

The Honourable Sir Andrew Olow: (a) and (b). I have seen the judgment referred to and its implications are under examination.

Mr. Lalchand Navarai: Will the Honourable Member please say if there is any likelihood of that ruling being accepted by the Railway Department?

The Honourable Sir Andrew Olow: The judgment of courts in respect of a case must be accepted; there is no alternative.

Mr. Lalchand Navarai: My point is, if the Railway Department accepts the interpretation that reductions will not be considered under the Wages Act, then the other people will have to follow it. What lead is the Honourable Member going to give to the other people in this matter?

The Honourable Sir Andrew Olow: I am not proposing to give any lead at present. The judgment is being examined.

RECRUITMENT TO BE MADE ON BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

291. *Bhai Parma Nand: Will the Honourable Member for Communications please state:

- (a) the number of posts in (i) Junior, and (ii) Senior (including European) grades of the various departments, that is, Traffic, Goods and Loco. on Bombay, Baroda and Central India Railway for which recruitment is to be made in the near future; and
- (b) the number of persons to be recruited, community-wise, in the aforesaid grades and in different departments?

The Honourable Sir Andrew Olow: (a) and (b). I can furnish an estimate only of the probable recruitment to the gazetted grades in 1942. These are two Engineering officers, one Signal officer, one Locomotive officer, one Audit officer and five Traffic officers. The ordinary rules regarding communal reservation will be applied.

PERSONS QUALIFIED IN T. 5 COURSES AT THE WALTON TRAINING SCHOOL, NORTH WESTERN RAILWAY.

†292. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state:

- (a) the number of persons qualified in T. 5 courses at the Walton Training School on the North Western Railway and awaiting promotions in each division;
- (b) how many of them are Guards, grade II;
- (c) how promotions are made in grade, class or category for which T. 5 course is prescribed; and
- (d) the percentage allotted in promotion for Guards grade II; if no percentage is allotted, the reasons therefor?

The Honourable Sir Andrew Olow: (a) Lahore 14, Rawalpindi 5, Delhi 25, Multan 6, Karachi 16, Ferozepore 3 and Quetta 6.

(b) 68.

(c) By selection.

(d) There is no percentage allotted for guards, as this is not necessary.

EAST INDIAN RAILWAY MINUTE SHEET CONCERNING TRANSFERS FROM ONE AVENUE OF PROMOTION TO ANOTHER.

†293. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the Minute Sheet No. A. E. 2460/3 of 2nd November, 1940, from the Deputy General Manager (P), East Indian Railway, Calcutta, regarding eligibility of Railway Employees for vacancies to be filled by direct recruitment which reads "the General Manager holds as a matter of general policy that staff should not normally be encouraged to apply for transfers from one avenue of promotion to another. It will be appreciated that such transfers are not in the railway interest. This order is not intended to debar officers from transferring staff from time to time from one group of staff or avenue of promotion to another

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

if in their opinion it is in the interest of the administration that this should be done" and state whether government propose to consider its harmful effect and rescind it?

The Honourable Sir Andrew Olow: I have not seen the minute sheet referred to and see no reason to interfere in this matter.

CONCESSIONS TO RELATIVES OF RAILWAY STAFF BY BALLABHDAS ESWARDAS OF HOWRAH.

†294. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the circular No. 84, dated the 24th January, 1940, issued by Ballabhdas Eswardas, 12, Cullen Place, Howrah, to all Refreshment Room Managers and Inspectors, regarding free diet for refreshment room employees, which says, "Note (2) Relatives of the staff partaking occasional meals in the refreshment room at the expense of the staff may be granted 50 (fifty) per cent. concession on the bill under the signature of the Manager; (3) Extra should be charged at scheduled rates less 25 per cent." and state:

(a) whether it is a fact that refreshment rooms are provided for the comforts and exclusive use of the travelling public; and

(b) the reasons for not reducing the scheduled rates by 50 (fifty) per cent. for the travelling public?

The Honourable Sir Andrew Olow: (a) Refreshment rooms are provided for the convenience of the travelling public, but are not ordinarily closed to others.

(b) The question implies that concession rates charged by an employer to his staff justify an all round reduction in charges for the public. I cannot accept that proposition.

‡295 and 296*.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM AND NON-MUSLIM ESTABLISHMENT OFFICERS, ETC., ON STATE RAILWAYS.

106. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways be pleased to state how far the undertakings given by the Government of India to the representation of Muslim Members of the Legislative Assembly in 1930, have materialised, and place on the table a statement showing Muslim and non-Muslim Establishment Officers, Office Superintendents, Head Clerks, Establishment clerks and Sub-Heads and Class I clerks (Accounts Department) on each State-managed Railway?

The Honourable Sir Andrew Olow: A statement is laid on the table showing the action taken in respect of the undertakings given in 1931. In respect of staff other than officers, the Honourable Member is referred to Appendices O, Q, S and U of the D'Souza Report. As regards

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

‡These questions have been postponed to be answered on the 15th March, 1941.

officers, the latest statistics available in the Railway Board show the position in August, 1939, when the numbers of staff officers were as follows:

Railway.	Muslim.	Non-Muslim.
East Indian.	2	22
Eastern Bengal.	1	4
Great Indian Peninsula.	1	41
North Western.	4	15

Undertaking.

Reply.

(i) The new rules for the recruitment and training of the subordinate staff should be issued without delay which would make adequate provision for the recruitment of members of minority communities.

Rules for the recruitment and training of non-gazetted staff other than labourers and inferior staff and for apprentice mechanics and trade apprentices were issued in 1931. Subsequent issues of these rules lay down that in all cases the regulations issued in 1934 regulating communal representation in subordinate services should be adhered to.

(ii) That the Railway Board would consider the suggestion to appoint one or two officers for a time to look after the interests of Muslims.

After issue of Government's orders regarding communal representation in railway services, an additional officer was appointed in the Establishment Branch of the Board's office to assist the Board in watching the operation of these orders. This post was abolished in 1939 as a measure of economy but in view of certain complaints, the Board placed two officers on special duty to make a full and complete enquiry.

(iii) That a review would be made of the posting of officers to duties connected with the recruitment, training and promotion of staff with a view to secure an adequate number of Muslim officers for such posts.

Government are satisfied that the General Managers have done their best to secure adequate representation for the community within the limitations which exist and that any substantial increase in the extent of their employment on this work could only have been secured by steps which would have reacted on the experience and consequently the prospects of Muslim officers.

(iv) That the suggestion regarding the appointment of two Muslim officers as Deputy Agents, Personnel, would be considered.

There were seven Muslim Staff or Personnel officers in 1931, and 32 Muslim officers have actually held personnel posts since that date. There are no Muslims holding the post of Deputy Agent (Personnel), in a substantive capacity at present but one Muslim officer will shortly be appointed to such a post. One Muslim officer has held the post of Supervisor of Railway Labour, a post which has recently been transferred to the Labour Department where it is now held by a Muslim officer of the I. C. S.

(v) That the suggestion to place Muslims in the posts of Office Superintendents or Head Clerks in the office of the Divisional Superintendents will be considered.

As promotion is not based on communal considerations, the distribution of appointments in these grades must depend very largely on the communal distribution of the senior men in the ranks from which promotion is made.

Undertaking.

Reply.

- (vi) That with a view to securing the representation of Muslims in higher grades as far as possible, the suggestion made regarding direct recruitment to intermediate grades would be considered in respect of certain classes of posts.
- (vii) That Railway Administrations would be asked wherever possible to put a Muslim officer on Selection Boards.
- (viii) That steps would be taken to keep in touch with association and institutions and like committees of Muslim representatives and Heads of Mohamadan colleges and schools when dealing with subjects affecting recruitment of Muslims in the Railway services.
- (ix) That the position on the North-Western Railway would be specially examined in order to see whether recruitment rules could be varied in their application to it with the object of stimulating the recruitment of Muslims.
- (x) That instructions will be issued to Railway Administrations, if on examination, this course is considered necessary, to prepare statistics showing the communal composition of the staff in different categories as a guide to recruitment for future vacancies.
- Orders applicable to all State-managed Railways regarding direct recruitment to all grades higher than the lowest to the extent of 20 per cent. of vacancies were issued in 1937 and such recruitment to intermediate grades is also subject to the rules regarding communal representation.
- The Railway Board are informed that their orders regarding the employment of Muslim officers on selection boards are complied with whenever practicable, although there are occasions when the paucity of Muslim officers makes this difficult.
- The existing orders are those contained in paragraph 8 of the Memorandum of Supplementary Instructions issued by the Home Department in 1935 in connection with their Resolution of 4th July, 1934.
- Two major instructions have been issued by Government to stimulate recruitment of Muslims on the North Western Railway since 1931 : one reserving for Muslims 60 per cent of all vacancies in subordinate posts to be filled by direct recruitment, and the other observing in future, in the recruitment of permanent and temporary inferior staff and labourers, the existing percentage of Muslims. The latter guaranteed Muslims 61.3 per cent. of all vacancies in these categories on the North-Western Railway.
- Statistics are prepared by Railways showing communal composition of subordinate Railway services and the annual recruitment to these services for both permanent and temporary staff. These returns are checked by accounting staff and in the Railway Board's office and are published by the Home Department and in the Report by the Railway Board on Indian Railways.

REMOVALS FROM SERVICE ON EAST INDIAN RAILWAY.

107. **Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Railways be pleased to state how many employees were removed from service in the East Indian Railway in the year 1939-40? Had the Disciplinary rule been observed properly or not? If not, why not?

(b) Is it a fact that appeals are being withheld without assigning any reason?

(c) Is it a fact that an employee in Carriage and Wagon shops, Alam-bagh, has been removed from service merely on account of the fact that

he saw the Director, Railway Board, without taking prior permission of the Works Manager?

The Honourable Sir Andrew Clow: (a) No register is maintained giving particulars of men removed from service and the information could not be collected for the whole railway without extensive research. Nor would it be possible to say whether all the rules of procedure were observed in every case without a detailed scrutiny of the file of every case. I regret that it is not practicable to undertake this task but if the Honourable Member desires to know the number of subordinates or officers removed in any particular office an effort will be made to secure it.

(b) No such case has come to the notice of Government. The ordinary procedure is to cite the number of provision under which an appeal is withheld and this gives the ground for the action.

(c) I have called for information and a further reply will be laid on the table in due course.

STRENGTH OF GUARDS ON NORTH WESTERN RAILWAY.

108. **Sardar Sant Singh:** Will the Honourable Member for Railways please refer to the Establishment Rolls of the North Western Railway for the years 1923-31 (a copy is in the Library of the House), viz.:—Cadre of Guards, and state :

- (a) the reasons for not placing in the Library of the House, copies of the Establishment Rolls after the year 1931; and
- (b) the sanctioned and actual strength of the Guards in each grade in each Division in the years 1932 to 1940, together with the reasons for any difference in any year?

The Honourable Sir Andrew Clow: (a) The North Western Railway have stopped publication of Establishment Rolls in 1931.

(b) Information by divisions and for the period referred to by the Honourable Member is not available and cannot be secured without extensive research. The Honourable Member is, however, referred to the reply to his starred question No. 1349, asked on the 28th March, 1939, and to the reply laid on the table of the House to Bhai Parma Nand's unstarred question No. 78 asked on the 16th November, 1940.

REVISION OF THE STRENGTH OF GUARDS ON NORTH WESTERN RAILWAY.

109. **Sardar Sant Singh:** Will the Honourable Member for Railways please state the dates on which the strength in each grade in each Division of the Guards on the North Western Railway was revised since 1925 and the reasons for such revision of the strength?

The Honourable Sir Andrew Clow: The information available with Government concerning the changes in the total strength of guards in each grade on the North Western Railway is contained in the following table:

Year.	Grade II.	Grade III.	Grade IV.
1926-27	602	388	250
1927-28	602	393	252
1930-31	786	349	177
1931-32	645	335	173
1938-39	836	176	..
1940	838	204	..

The changes in the strength were the result of adjusting it to requirements; in the case of grade IV its abolition was decided on as it was not considered necessary to retain it.

PROMOTION OF GUARDS GRADE II ON NORTH WESTERN RAILWAY.

110. Sardar Sant Singh: Will the Honourable Member for Railways please refer to the information given on 14th February, 1939, to starred question No. 1576 (d), asked in this House on the 29th November, 1938, regarding promotions of guards, grade II, on the North Western Railway and state the reasons for not promoting the staff from grade II to grade III, and, if any promotions have since been made, the number of such promotions in each year against the number of vacancies which occurred since 1928, and the reasons for the delay in ordinary regular promotions?

The Honourable Sir Andrew Olow: Grade II guards are now eligible for promotion to grade III, and are promoted as occasion arises. As regards the second part, 13 guards grade II were promoted to grade III in 1928; there were no promotions afterwards till June, 1940, on account of the abolition of grade IV, the reduction in the number of posts in grade III and the existence of surplus guards who had to be absorbed. In June, 1940, 16 grade II guards were promoted to grade III. Government have no information about the vacancies, but vacancies are not filled up unless it is necessary to do so. As regards the last part of the question, the requirements of the work did not call for further promotions.

PROMOTION OF GUARDS GRADE II ON NORTH WESTERN RAILWAY.

111. Sardar Sant Singh: Will the Honourable Member for Railways please refer to the information given on the 11th February, 1941, in reply to part (a) of starred question No. 56, asked in this House on the 12th November, 1940, regarding the number of guards, Grade II, promoted on the North Western Railway community-wise, viz. "16 ten Muslims, two Hindus, two Sikhs, two Anglo-Indians and Domiciled Europeans" and state:

- (a) the dates on which the selection committee or board met at the Headquarters and the Divisional Offices for the purpose of making promotion;
- (b) the number of candidates who were eligible for promotion examined by the committee or board and from amongst whom the above number was selected;
- (c) the communities to which the candidates belonged;
- (d) the length of service of the number selected and promoted;
- (e) the number of previous adverse remarks and punishment on record against each man selected and promoted;
- (f) the minimum and maximum number of adverse remarks and punishments of the men eligible for promotion but not selected;
- (g) the constitution of the selection committee or board;
- (h) the number of grade II Guards eligible for promotion to grade III, in each division, and the minimum and maximum duration in grade II; and

- (i) if possible to lay on the table the classified lists of Guards maintained by the Divisional and the Headquarters offices?

The Honourable Sir Andrew Olow: (a) to (i). Government do not receive information in such matters of detailed administration, and could not in any case agree to disclose remarks on conduct contained in officials personal records.

PROMOTION OF GUARDS GRADE II ON NORTH WESTERN RAILWAY.

112. Sardar Sant Singh: Will the Honourable Member for Railways please refer to the information given on the 11th February, 1941, in reply to parts (b) and (c) of starred question No. 56, asked in this House on the 12th November, 1940, regarding promotion of guards, grade II, in the North Western Railway, viz., "There was no general list giving seniority, the men were selected from among lists sent in by Divisional Superintendents", and state:

- (a) the information contained in the lists sent in by Divisional Superintendents; and
- (b) the number of senior men superseded by juniors through the lists sent in by Divisional Superintendents?

The Honourable Sir Andrew Olow: (a) The list contains particulars of service of the recommended men.

(b) As these are selection posts, no worker has a prescriptive right to promotion and extraction of the information required by the Honourable Member would involve unjustifiable research.

RELATIVE IMPORTANCE OF TRAINS ON NORTH WESTERN RAILWAY.

113. Sardar Sant Singh: Will the Honourable Member for Railways please state:

- (a) the particulars of trains on the North Western Railway which are declared important and less important;
- (b) by whom and how classification of trains is made;
- (c) the criterion upon which important and less important trains, respectively, are declared;
- (d) the working hours in a run of an important and less important train, respectively; and
- (e) the minimum and maximum mileage in a run of an important and less important train, respectively?

The Honourable Sir Andrew Olow: (a) I am not aware that the North Western Railway have made any official declaration classifying their trains as "important" and "less important".

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

PRINCIPLE FOR PROMOTION OF SELECTED STAFF IN THE DELHI DIVISION OF NORTH WESTERN RAILWAY.

114. Sardar Sant Singh: (a) Will the Honourable Member for Railways please refer to a letter No. 847-P./9, dated the 1st October, 1937, from

Mr. A. G. Griffin, O.B.E., Divisional Superintendent, North Western Railway, Delhi, to the President, Divisional Staff Council, Delhi, *viz.*: "Staff declared fit for promotion by Selection Boards should be promoted on the basis of their relative seniority and not on the basis of priority fixed on relative merit, has already been accepted by me and we are working to this on the Division. I have also passed the acceptance of this view by the Headquarters Office and the Divisional Staff Council may be assured that every reasonable effort will be made by me to have the principle accepted by Agent's Office", and state the dates on which the principles were accepted by the General Manager?

(b) Is the Delhi Division still acting on the principles laid down by Mr. Griffin?

(c) What are the reasons, if any, for not accepting the principles by the General Manager?

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

GUARDS ON NORTH WESTERN RAILWAY.

115. Sardar Sant Singh: Will the Honourable Member for Railways please refer to the information given on the 5th November, 1940, in reply to part (c) of unstarred question No. 26, asked in this House on the 28th February, 1940, *viz.*, "The classification of grades of Guards on the revised scales of pay is equivalent to grades on the old scale of pay and the allotment of the existing posts under the revised scale of pay is under consideration," and state the result of the consideration, and, if it is still under consideration, the probable date of arriving at a conclusion?

The Honourable Sir Andrew Olow: The matter is still under consideration; it is not possible to state when a decision will be reached but the railway administration is awaiting particulars from divisions before making a final decision.

GUARDS GRADE III IN LAHORE DIVISION, NORTH WESTERN RAILWAY, UTILISED FOR WORKING GOODS TRAINS.

116. Sardar Sant Singh: Will the Honourable Member for Railways please state:

(a) if it is a fact that in December, 1940, Guards grade III, Lahore Division on the North Western Railway, who used to work Express-Mail and Passenger trains, were utilised to work goods trains which are worked by grade II;

(b) if the reply to part (a) be in the affirmative, the reasons therefor; and

(c) if the reply to part (a) be in the negative, what the real facts are?

The Honourable Sir Andrew Olow: (a) Yes.

(b) Abnormal sickness and heavy traffic rendered it impossible to maintain normal arrangements.

(c) Does not arise.

MOTIONS FOR ADJOURNMENT.

ALLEGED NEGLECT OF THE DOCTORS OF THE IRWIN HOSPITAL, NEW DELHI, FOR NOT GIVING MEDICAL AID TO A CHILD.

Mr. President (The Honourable Sir Abdur Rahim): I have received three notices of adjournment motions. The first one is in the name of Dr. Sir Ziauddin Ahmad. He wants to discuss a matter of urgent public importance of recent occurrence, namely, the neglect of the doctors of the Irwin Hospital for not giving medical aid to a child who was brought there on account of accident that occurred on Maharaja Ranjit Singh Road on the evening of 6th March and died after three hours without medical aid. What is the nature of the neglect the Honourable Member is complaining of?

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, this boy received injuries on account of some motor accident. He was taken to the Irwin Hospital. There was a junior doctor on duty at the time. He attempted to telephone to various doctors, but nobody came in until a few minutes before the child died.

Mr. President (The Honourable Sir Abdur Rahim): How old was the child?

Dr. Sir Ziauddin Ahmad: The child was five years old. My information is, that some persons wanted to telephone to the father of the child who is a clerk in the Army Department, but they were not allowed even to use the telephone, and he was informed of it on some other telephone. This is not the solitary instance. There have been numerous cases of neglect of this nature, and I think this is a matter

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

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Yes, Sir. It is not correct to say that no medical aid was given. No operation was performed, because no operation would have been of any use; but there was no neglect.

Mr. President (The Honourable Sir Abdur Rahim): There was no neglect?

Mr. J. D. Tyson: No, Sir.

Dr. Sir Ziauddin Ahmad: My point is that the doctor who was attending was a very junior doctor who had come here for training purposes; the doctors who come to the hospital for purely training purposes don't do their duties properly. In connection with another case, a wrong operation was performed on the veins

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

(Less than twenty-five Members rose in their seats.)

As less than 25 Members have risen, leave is refused.

TREATMENT METED OUT TO MR. SRI KRISNNA DUTTA PALIWAL IN GORAKHPUR JAIL.

Mr. President (The Honourable Sir Abdur Rahim): The next one is in the name of Mr. Kazmi. He wishes to discuss a definite matter of urgent political importance, namely, the treatment meted out to Mr. S. K. D. Paliwal, a member of this House, like an ordinary undertrial in Gorakhpur Jail as reported in the *Hindustan Times*, dated 9th March, page 6. Is there any provision for different kind of treatment of undertrial prisoners provided by law?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): So far as I know, according to rules, prisoners who are entitled to A class treatment are given that class of treatment.

Mr. President (The Honourable Sir Abdur Rahim): Undertrial prisoners?

Qazi Muhammad Ahmad Kazmi: So far as undertrial prisoners are concerned in case of people who are entitled to A class

Mr. President (The Honourable Sir Abdur Rahim): What distinction is made, the Honourable Member says, say, according to the rules?

Qazi Muhammad Ahmad Kazmi: That I have not read.

Mr. President (The Honourable Sir Abdur Rahim): The motion is out of order.

Sardar Sant Singh (West Punjab: Sikh): With your permission, may I say one thing, Sir? The distinction has been made in respect of prisoners who are arrested for offences of a political nature in that they are not handcuffed when they are taken to the court

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member who has given notice of this motion is not alleging anything like that.

Sardar Sant Singh: The difference is there, Sir.

Mr. President (The Honourable Sir Abdur Rahim): There may be cases, but it is not mentioned in the motion. The motion is out of order.

TREATMENT METED OUT TO MR. GARG OF AJMER.

Mr. President (The Honourable Sir Abdur Rahim): Then, there is a third motion in the name of Mr. Kazmi. He wishes to discuss a definite matter of urgent political importance, namely, the inhuman treatment meted out to Mr. Garg, Municipal Commissioner, Ajmer, and who was recommended "A Class" by the Court, by the jail authorities, as reported in the *Hindustan Times*, dated 9th March, pages 6 and 12. What is the nature of the inhuman treatment that the Honourable Member is alleging?

Qazi Muhammad Ahmad Kazmi: He was asked to work the *chakki* and he fainted. He was asked to do hard labour.

Mr. President (The Honourable Sir Abdur Rahim): That is grinding corn? "A Class" prisoners are not supposed to do that. Is that so?

Qazi Muhammad Ahmad Kazmi: Yes. He was recommended by the Court to be put in "A Class".

Mr. President (The Honourable Sir Abdur Rahim): Is there any particular reason why he was treated in that way?

Qazi Muhammad Ahmad Kazmi: That will be known to the Honourable the Home Member.

Mr. President (The Honourable Sir Abdur Rahim): Can the Honourable the Home Member throw any light on this?

The Honourable Sir Reginald Maxwell (Home Member): I have no information about this matter. It is a matter of ordinary jail administration. I submit that the question of day to day jail administration cannot be brought up for debate on an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): Are "A Class" prisoners made to work like that?

The Honourable Sir Reginald Maxwell: "A Class" convicts may be assigned tasks, but the jail rules of all provinces, including Ajmer, enjoin that no person is to be given any task beyond his capacity, and that full allowance is to be made for his previous status and occupation. We may be quite confident that those tests were applied in the case of any prisoner. I do not know whether this gentleman was given "A Class". Even if he were classed B, the same test would apply.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): I submit that this adjournment motion ought not to be disposed of without the Home Member putting the full facts before the House, and I suggest that it may be taken up on another day, instead of being summarily disposed of by the Chair or disallowed because a certain number of Members may not have got up in their seats.

The Honourable Sir Reginald Maxwell: If the Honourable Member had put a question, I could have got the information in the ordinary course. I have no desire to keep back any information from the House. What I was objecting to was to debating the matter as one of urgent public importance.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member suggests that a short notice question might be put, when he will be able to obtain full facts.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): On the basis of the reply to the short notice question, we should be allowed to move an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): The adjournment motion is disallowed. The Honourable Member can put a short notice question.

BROADCASTING OF THE NEWS REGARDING THE BALLOT OF NON-OFFICIAL RESOLUTIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Mr. Govind V. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, the imperfect and misleading broadcasting on Saturday night, the 8th instant, of the news regarding the ballot of non-official Resolutions when mention of only one Resolution was made, namely:

"Resolution of Captain Dalpat Singh congratulating Indian troops in Middle East."

Is it the case of the Honourable Member that broadcasting must give all the Resolutions that have been balloted.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): The reason for broadcasting like this is that where Resolutions of vital importance are concerned, people will begin to think that they are not going to be discussed. It will create misunderstanding.

Mr. President (The Honourable Sir Abdur Rahim): People understand quite well that broadcasting cannot give all the news that is available.

Mr. Govind V. Deshmukh: The giving out of news like this will give a wrong impression to the public, particularly the cultivators, whom I represent that the Resolution about low prices of cotton is not to be discussed.

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

THE GENERAL BUDGET—LIST OF DEMANDS—concl'd.

SECOND STAGE.

DEMAND No. 12—EXECUTIVE COUNCIL—cont'd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the list of demands. The Congress Nationalist Party will move cut No. 24.

Appointment of a Defence Committee.

Sardar Sant Singh (West Punjab: Sikh): Sir, I move:

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

The object of my moving this cut motion is to draw the attention of the Government of India to the need of appointing a committee to advise on matters relating to the Defence Department. Before I proceed to deal with the subject matter of this cut motion, I am sure I will be giving expression to the feelings of this House if I take this opportunity to extend a welcome to His Excellency the Commander-in-Chief on his new appointment. I wish that His Excellency had been here in this House and had

broken off the old tradition of not coming to the Legislative Assembly. This was a time when he should have made a considerable contribution to the discussion of this problem and would have enlightened the Members of this House with his views. I understand from the report published in the *Hindustan Times* that in the Upper House, His Excellency was pleased to say on this point as follows:

"There was one main point about which there was a universal and insistent demand and that was a demand for closer co-operation between the Legislature and the Defence Department, especially in respect of giving advice to the Defence Department and receiving information from them."

His Excellency said this had his full sympathy but added that it was not an easy matter to arrange. He hoped before long it might be possible to arrive at a suitable compromise which would be useful both to the House and to the Government. His Excellency in conclusion said he proposed to give this matter his immediate and personal consideration.

After this statement in the Upper House, my task in moving this motion becomes comparatively easier. This is not the first occasion on which this subject has been debated in this House. This subject has been before the House for a number of years. It has formed the subject matter of several Resolutions and it has been discussed times out of number and it was the favourite subject of our friend, Mr. Jinnah, when he used to take a more active interest in the debates of this House. This is an occasion when we are fighting a war full of risks which nobody can foresee at this time. Therefore, if we ask the Defence Department to take this motion in a more responsible spirit than the Defence Department have been taking in the past, I think it will be due to this and it will be showing consideration to the wishes of the people of this country.

Sir, so far the Defence Department has been living in the seclusion of the *harem* with a *burqa* on without giving a glimpse of the personality that is concealed in the *burqa*. Even in the Secretariat, we find the portion allotted to the Defence Department covered with bars all round and admission is denied except with permission obtained from the officer who is sought to be interviewed. So, the time has come when the Defence Department should accept the modern conditions, cast off this *burqa* and become a modern girl.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): On a point of order, Sir, I think we object to the words "*burqa*" and "*harem*" being used in the sense in which the Honourable Member is using them

Mr. President (The Honourable Sir Abdur Rahim): There is no force in the objection.

Sardar Sant Singh: I do not think I intended to hurt the susceptibilities of my Muslim friends by the use of these words. It is really a wonder to find an Honourable Member of Mr. Nauman's position objecting to the very innocent allusion

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling, and the Honourable Member need not dilate on that.

Sardar Sant Singh: I was submitting that, coming out of the seclusion, the Defence Department will find itself in a healthier atmosphere, suitable

[Sardar Sant Singh.]

to the better development of their Department and, coming in contact with the popular opinion, they will gain both in wisdom and in experience. I claim, Sir, that in the past the Defence Department's attitude that they hold a monopoly of wisdom in matters of defence has proved to be incorrect: a conclusive demonstration has been given that the policy of the Defence Department, so far, for the defence of India has proved to be entirely misplaced, with the result that today, in the midst of war, we find that India has very inadequate defence provided by these people who claim all wisdom to themselves. It was the Chadwick report that opened the eyes of the Defence Department and it was brought to their notice that the modern army did not mean mere numbers being maintained in the country for the purpose of maintaining the peace and order in the country itself or for being used merely as an army of occupation to put down Indian liberties. The present European war has shown that the army is intended for the protection of even civilization—not to take away the liberty and freedom of the subject. If it is so, the Defence Department's activities go far beyond the limits of mere strategy or organization of military forces or even the disposition of the troops to various fronts. Their task at this time embraces other activities as well. Therefore, the Defence Department is not going to lose anything either in prestige or power if they associate the representatives of the people with their work.

Sir, the difficulty that confronts this country is that, while the budget of the Defence Department is rising by leaps and bounds, the people of this country are ignored absolutely and have absolutely no voice in the disposal of those finances which are given to the Defence Department by this House or, I should say, which are forcibly taken by a constitutional power, without consent, from this country. Sir, today we find that India is taking very little interest in the matters of defence. Though we are in the midst of a terrible war, the country is sullen and looks upon the Defence Department with eyes of distrust and suspicion. The country is justified in feeling, the people feel it, that the Defence Department has done nothing to take the country into its confidence, with the result that we know not whether India's defence has been strengthened or still stands in need of readjustment or reorganization. They were told that the Indian Army has been increased to about half a million of people; they were told that the mechanical equipment is being hurried; yet these are such meagre points of information that we cannot place our trust entirely on what the Defence Department is doing in the matter. If it is the intention of the Government—and there can be no doubt that it is the intention of the Government—to stimulate war effort, I am afraid the Government of India will have to change their policy sooner than later and will have to take the people of India into their confidence in matters of defence. If, like other countries, like Great Britain, Government want that people should take more interest in the matters of defence in this war, in providing better means for the encouragement of military operations both nearer home as well as at the great distances where battles are actually being fought, then the Government of India must give up this policy of seclusion and must come out and must associate the people of India with their war effort.

Sir, during the last year and a half that the war is going on, practically no information has been vouchsafed to us. I was simply surprised, I should say rather amused, to find that in answer to a question tabled in

this House for the Defence Secretary to make a statement about the war, the reply was given that the statement was being prepared, and after about a month or so when the House had risen, we had a statement on the war sent to us at our places. Is this the war confidence which is being shared by the representatives of the people with the Defence Department?

Mr. N. M. Joshi (Nominated Non-Official): Who says they do it?

Sardar Sant Singh: That is my complaint that they do not do it, my persuasion is that they should do it.

Mr. N. M. Joshi: Why?

Sardar Sant Singh: That brings us to a larger question—"why we should share it?" The logical reason, the moral reason that has any force at all is that we pay for it, that we are directly interested in the activities of the Defence Department, that we have to suffer, not the Britishers, if any attack is made on India. The Britishers are very few as compared with the Indians living here. If India is attacked and, God forbid, if any reverses follow, the sufferers will be the Indians to a much greater extent than the Britishers can be. Therefore, we have a right to demand that we shall decide the policy and the procedure in which the army is being expanded and maintained in India itself. Logically, they cannot deny us this right, it is our birthright, we have been demanding this right but we have been flouted always. Now at this time events are taking an active shape, it is but necessary that they should consent to the formation of a Committee to advise—I am merely asking for a committee to advise—not to overrule, not to compel them to accept the recommendations or the policy of that Committee. I am merely asking for an Advisory Committee. I am asking them to appoint this Advisory Committee immediately so that the people of India may know through their representatives where they stand and what the future has in store for them. This is a matter of great concern to us.

Sir, after the statement that His Excellency the Commander-in-Chief made in the Upper House, I think the Government will come forward with a definite statement on this method of the appointment of a Committee of the Defence Department. I am not oblivious to the constitutional issue that might be raised by the Honourable the Defence Secretary, namely, that in the Declaration of August 8th, His Excellency the Viceroy offered us the enlargement of the Executive Council and the appointment of an Advisory Committee. No doubt, the question of granting more power in the Central Government is connected with the Defence Department as a whole. No doubt, the two questions shall have to go together, but at the same time it can safely be said that it is not necessary that the appointment of a Defence Committee should wait till the larger constitutional issue has been settled. If the constitutional issue is considered later, then in that case it will not be a merely Advisory Committee for the Defence Department but it will be something much bigger. The demand is connected with the appointment of an Indian in charge of the Defence portfolio in the Government of India. Much larger issues will be involved and will have to be conceded, but at present we are dealing with a period that is a sort of interregnum period between the settlement of that larger issue and the present conditions in India. I hope that the pretext of tagging it with the larger issue will not be put forward by the Honourable the Defence Secretary when dealing with this matter.

[Sardar Sant Singh.]

In this connection, it will not be out of place to remind the Honourable the Defence Secretary of a certain state of affairs that resulted after the last war. Members who were in the Fourth Assembly will remember that I raised the question of the forfeiture of the pensions that had been earned after the last war. I raised that question on the floor of the House on two points. Firstly, that certain regulations for the grant of pensions were changed after the war was over, resulting in depriving many soldiers of their hard-earned pensions during the war. It was even given out that this was done because the pensions were a charge on His Majesty's Government in Great Britain. At that time, the then Defence Secretary, Mr. (Now Sir) Tottenham, had to face a volley of questions and resolutions on this point till a Committee was appointed. That Committee came to the conclusion, which was accepted by the Government, that the regulations were really prejudicial to the soldiers. I am anxious that the same mistake should not be committed after this war. It should be made clear to those who are serving on the battlefields that the disability pensions and other pensions of which hope is given to them now will be strictly maintained and impartially given effect to after the war. This is due to the soldiers themselves and it is also due to the Department itself. The second point which I wish to urge in this connection is the forfeiture of these pensions on political grounds. Most of the soldiers of the last war were deprived of their pensions on the recommendation of the civil authorities on the ground that they had participated in the freedom movement of the country.

Mr. O. M. G. Ogilvie (Defence Secretary): Most of the soldiers of the last war!

Sardar Sant Singh: Many. I should say, amongst the Sikhs. I will modify my statement to that extent. I brought their cases to the notice of the Government by means of questions and the debates of the House will bear testimony to the fact that very lean pretexts were given as to why they were deprived of their pensions. I want the Defence Secretary on this occasion to give me an assurance that political activities will not be made ground for the forfeiture of pensions in future and after this war. I am asking these assurances in the hope that these assurances will go a long way in stimulating the war effort in which we are now engaged. They are not in any manner intended to diminish the war effort. As a matter of fact, they are intended to stimulate that effort if such assurances are held out on the floor of the House and which, I am sure, will be given effect to in actual practice after the war has been brought to a victorious conclusion.

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

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

Sir F. E. James (Madras: European): Sir, I have listened to the speech of my Honourable friend, Sardar Sant Singh, with care and attention and I should like at the outset to associate the Members of my Party with the welcome which he has extended to His Excellency the Commander-in-Chief. It is true that His Excellency is not with us and the Sardar Sahib will be the first to appreciate the tremendous demands that are made upon His Excellency's time. The Commander-in-Chief is a Member of the

other House and his views have been very widely broadcast in the press and as widely appreciated by Indian public opinion. We have, after all, in this House a permanent representative of the Defence Department in our colleague, Mr. Ogilvie, and may I here take an opportunity of paying him a tribute? He is the butt of very much criticism in this House. I am bound to say that he has a manner which is extremely disarming at times. I sometimes feel when he comes into this House that he has left his academic gown just outside in the lobby by mistake. Someone expressed to me the other day that he was a Don gone wrong. But no one who has had anything to do with Mr. Ogilvie can fail to appreciate his unvarying kindness and courtesy and the tremendous trouble which he is always willing to take to supply Honourable Members with information. I am very glad indeed to have the opportunity of paying this tribute certainly on my own behalf and on behalf of Members of my own Party.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): On everybody's behalf.

Sir F. E. James: Yes, I am sure on everybody's behalf and even on behalf of some of the Members who are not here, for in spite of the somewhat frozen attitude that my Honourable friend has had to adopt on occasions towards this House, there are few Official Members who are more popular.

Now, let me come down to the real point of this motion. This is a perennial request that there should be attached to the Defence Department a Committee of this House. All legislators love committees, particularly if there is any chance of their being on them and, therefore, this demand is quite natural. In fact it was a demand that was made before the war with which we expressed considerable sympathy. After the war broke out, we realised, as Members in this House must realise that there would be real difficulty in supplying a vast amount of information to a Standing Committee of this House which it would not be in the public interest to supply. If there was a Standing Committee of this House and if its Members had important information withheld from them, they might possibly become dissatisfied with their position. I myself think there are real difficulties in the way of the appointment of a Standing Committee of the Legislature, particularly during war time and that those difficulties, I am sure, will be obvious to Members of this House.

An Honourable Member: Explain them.

Sir F. E. James: I have explained one difficulty, that is the difficulty which the Defence authorities are bound to be faced with in deciding to what extent and on what matters they can consult the Standing Committee. After all, if there is a Standing Committee of this House, it naturally is anxious to be supplied with as much information as possible.

Another point is this: I am not sure that the appointment of a Standing Committee of the House is the best means of achieving what my Honourable friend the Mover of this cut motion wanted to achieve. There is of course the constitutional difficulty which has been adverted to and which cannot be brushed aside. I notice that my Honourable friend was aware of that. He referred to the political deadlock at the moment and I may remind him that in the offer which His Majesty's Government made on the 8th August there was a provision not only for a provisional

[Sir F. E. James.]

national administration at the Centre but also for the establishment of a War Advisory Council, representative not only of British India, but of the Indian States. That still stands as part of the main offer and had the political parties in this country shown a different attitude in the matter that might have already been a *fait accompli* and who can say what valuable results would have been derived from its establishment? There it is, and if my Honourable friend, Sardar Sant Singh, is anxious that something along these lines should be adopted, then perhaps he would be kind enough to concentrate his attention upon those who are standing in the way of the solution of this constitutional difficulty at the moment.

Sardar Sant Singh: That is not the solution.

Sir F. E. James: My Honourable friend says that that is not the solution. To my mind that is the only way in which a solution could be arrived at. There are attempts made even now by well-intentioned and distinguished persons to find some way out of the political deadlock and I think they deserve a word of praise. It is not a pleasant business to try to solve deadlocks and those who are seeking to discuss ways and means of so doing deserve a certain amount of encouragement. But there it is and until the political deadlock is cleared up, the offer which His Majesty's Government made of a War Advisory Council cannot be put into effect because it is an integral part of the wider political issue which up-to-date has defied solution.

Now, Sir, we come back to the more specified and limited demand of a Defence Advisory Committee of this House. I understand that behind this demand is the desire that the activities and the policies of the Defence Department should be made more generally known to the people of this country. That is obviously a very natural desire and one which should as far as possible be met subject to the over-riding considerations of public policy. I would remind my Honourable friend, Sardar Sant Singh, that a considerable amount has already been done (of which he must be aware) in regard to publicity as to the activities and the policies of the Defence Department. My Honourable friend knows perfectly well that one of the subjects taken up by the late Commander-in-Chief was the appointment of a distinguished journalist as Public Relations Officer and that he has established extremely valuable links between the Defence Department and the Press and the public. One may say that since his appointment a great deal more information has been given to the public than was previously given. Not only has that been one step, but there are other steps. Members of the Press were taken to the Middle East and their contacts with soldiers on active service have been extraordinarily valuable in the information that they have been able to bring back. There has also been the visit by the Premier of the Punjab to the Middle East and I am told by those who have heard him since his return that he has made the most profound impression, through his information both of the activities and of the spirit of the fighting forces in the Middle East, upon all those whom he addressed.

The other day, Mr. Griffiths was speaking on the question of propaganda and the importance of the public platform. Sir Sikandar Hayat Khan

has realised that, and if things were sufficiently static—I hope they will be—I wish it were possible for distinguished Members of public life in this country to be taken to the Middle East so that they may see the soldiers in active service. It would be an eye-opener to them. In one speech, Sir Sikandar Hayat Khan said with understandable passion after having seen the troops on the battle field, "I feel that politics is a dirty thing and it was really a cleansing experience to see these men who are really fighting for India's future security and present security". If some of us had the opportunity of going there, we should not only welcome it, but we should benefit from, shall I say, the spiritual baptism which such an experience would give us.

Sardar Sant Singh: The Honourable the Finance Member takes it seriously, because I see him smiling.

Sir F. E. James: The Honourable the Finance Member knows, as do others, what effect contact with those who are really fighting has upon one.

Then, there are other ways in which the defence forces have been publicised. Honourable Members no doubt have seen some of the films which have been produced in this country showing the activities of the air forces and the army and the Royal Indian Navy; and these have been greatly appreciated in the cinemas throughout the country. In fact, I had a report not long ago of one country cinema where one of these films was shown and the audience refused to allow the drama of the evening to be shown until they had this particular film shown several times so that they could take it all in. That shows the advantage of the film as a means of propaganda. I believe Honourable Members of this House have already visited some of the training centres in India, Ordnance factories and other places, where preparations are being made to supply the defence forces of India and to train men both as officers and as other ranks.

Sir Muhammad Yamin Khan: Who visited them?

Sir F. E. James: I do not know but I understand some Members of this House,—or perhaps it may be of the other House,—have visited these places. I take it that the authorities would welcome visits on the part of public men to some of these training centres. Let Honourable Members go and see for themselves what is being done. That is the best form of publicity and I suggest that Honourable Members will get a very much better idea of the defence activities of this country than by sitting round a table with high officials from the Legislature as a Defence Advisory Committee. I am not for one moment suggesting that the possibility of a defence advisory committee should for ever be ruled out. All I am trying to do is to suggest that there are practical difficulties in the way of such an appointment at the present time. Another method might be easier and less rigid. Another method might be for Party Leaders to be consulted from time to time either by the Defence Secretary or by His Excellency the Commander-in-Chief, but we do feel that under present conditions the appointment of a defence advisory committee of this House would lead to very great difficulties.

Sardar Sant Singh: Sir, may I ask the Honourable Member one question? Does he consider publicity as a good substitute for the voice which the representatives of India should have in the control of the Defence Department's expenditure and other activities?

Sir F. E. James: My Honourable friend puts a question which, apart from being entirely irrelevant, is rather confused. He asks whether this publicity is any substitute for giving the people of this country control in defence matters and policy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir F. E. James: My last word to him is, if I may be permitted to put it to him. If he really wants that wider participation in and control over defence policy, I would once more draw his attention to the offer of His Majesty's Government of August 8. It is there and if he cares to accept it he will have that control over both finance and policy that he desires.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-12 con. Muhammadan Rural). Sir, I have heard the speech of my Honourable friend, Sir Frederick James, with close attention. It is difficult to say that he did not oppose this cut motion; I have no quarrel with him; I understand him. He is quite consistent. Whenever there has been any controversy between Government on the one side and the people on the other his uniformly consistent attitude has been to support Government. I do not blame him; from his point of view he is quite right. I appreciate it and, therefore, I do not quarrel with him. But I have a little quarrel with my Honourable friend, Sardar Sant Singh, the Mover of this motion. He feels very happy at the pronouncement made in another place by His Excellency the Commander-in-Chief. So far as that statement goes it is all right and I also feel grateful; but my complaint is that it does not go far enough. What, after all, has His Excellency the Commander-in-Chief said? He said he had full sympathy with the idea of a Defence Committee. Now, my Honourable friend himself has referred to the very important pronouncement that was made on the 8th August. That was a pronouncement far more unequivocal, far more authoritative and far more unqualified. The pronouncement that was made was not merely one of sympathy with the idea. It went further and said that "His Majesty's Government were only too anxious for collaboration of Indian leaders with the Central Government in the prosecution of the war and in that behalf and for that purpose to set up a War Advisory Council composed of representatives of the people." My contention is that that was a far more pointed pronouncement than the assurance of which Sardar Sant Singh seems so much enamoured. But in order to wriggle out of that pronouncement an attempt has been made by my Honourable friend, Sir Frederick James, that that was a conditional offer and that it was an integral part of the scheme of an expanded Council and so on. His interpretation of that pronouncement is that the one thing was dependant upon the other thing; either take the whole of it or nothing of it. But my difficulty is this. With what justification can it be said that the

condition precedent to the War Defence Committee, or call it the War Advisory Council, is the acceptance of the offer that was made on the larger constitutional issue? Whether the larger question is solved or not the fact remains that the war is going on and war efforts have to be made. The fact remains that Government invite our co-operation and support in the war efforts. We are asked to make sacrifices in the shape of new taxation and so on. Remembering all this, merely because the larger constitutional offer is not solved and accepted, does it follow that all co-operation and co-ordination about the war efforts between Government on the one side and the people on the other must be withheld? That is a position which I fail to understand. Because the offer of expanded Council was not accepted, have you asked India not to go in for war aid and not to continue her war efforts? Have you said this: "Well, you have not accepted that offer and, therefore, we do not care to have your support at all?" In that case of course the two things might be joined together. Therefore that is not an excuse which ought to be put forward. In fact even His Excellency the Commander-in-Chief did not raise the sort of objection raised by my friend, Sir Frederick James. He says: "Oh, there is constitutional difficulty, this difficulty and that difficulty: the difficulty of publicity and all that." Now, as a matter of fact even His Excellency does not say this. His Excellency no doubt says that it was not an easy matter to arrange; that is all he said. He also said that it might be possible to arrive at a suitable compromise. All this bogey of constitutional difficulty and other insurmountable difficulty was not raised by His Excellency the Commander-in-Chief. Therefore my contention is, looking at the matter from the point of view of the Government, and even not forgetting that the constitutional deadlock has not been solved, even then it is certainly desirable, as has been expressed in mild language by His Excellency the Commander-in-Chief, to have a Defence Committee and take the leaders of the country into confidence as regards the war. Psychologically, it is a simple position. If you care to have the support of the people in the war efforts, it is essential that you should take them into confidence to some extent. It will not do to say merely that publicity is not in the interests of the country and of the Government. The War problems are discussed even in the Houses of Parliament, and if anything is particularly confidential, it is discussed in a secret session of Parliament. My friend himself advocates propaganda and publicity. You are talking of propaganda before the whole country and you cannot think of a small committee. These are arguments which cannot stand examination for a single moment. The real fact is, as it has been put in very appropriate language by a most distinguished Indian in the other House the other day, that the Government have failed to create a war atmosphere in this country, and that distinguished Indian has given you a warning in this connection. He has put it in such language that I cannot improve on it and I shall only quote it. He says:

"The Government has failed to produce a war atmosphere in India. . . ."

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member can cite speeches, delivered in the other House, like that.

Mr. Akhil Chandra Datta: All right, Sir. I shall make it my own language. I say that although you are having the money, although you

[Mr. Akhil Chandra Datta.]

are having the men, the fact remains that there is no enthusiasm in the country and there is a feeling that the feeling of distrust by the Government is also producing a counter-feeling of distrust in the country; and, therefore, even from the Government's own point of view it is necessary that you must have willing co-operation and willing support, and to achieve that object it is necessary to have some sort of Defence Committee. We are glad that His Excellency the Commander-in-Chief has given us that assurance; but what is being actually done? Instead of taking us into confidence we find that as a matter of fact not only in the Military Department but also in the Civil Departments connected with the war, what is going on is absolute Europeanisation in place of Indianisation. It has been put in one sentence by the President of the Indian Merchants Chamber and, therefore, I shall read just four or five lines. He says in his presidential speech:

"In the Departments of Defence Co-ordination and in the War Supply Board and the War Transportation Board, Indians have been rigidly excluded from all key posts. In the Department of Supply the post of Director General of Supply, the Deputy Director General, Secretary, Deputy Secretary, Director of Administration, Director of Development, Director of Indents and Priority and even technical officers are all held by non-Indians. Not only this, but two British Directors General have been recently appointed in the Department of Supply, one in charge of Munitions and the other in charge of Engineering and both of them are non-Indians."

So, that is what is going on. Now, Sir, I shall read a small paragraph from an editorial note of the *Nagpur Times* of the 18th February last:

"The rapidly dwindling number of Indians holding key positions in the Imperial Secretariat is an eloquent footnote to Mr. Amery's slogan of 'India First'. The Secretaries of all Departments except Communications of which Mr. S. N. Roy is the Secretary, are all Europeans. The newly-created Supply Department is European manned. Many of the Additional Secretaries are Europeans. The De-Indianisation policy was at work when Mr. M. S. A. Hydarli who went on duty to the Eastern Group Conference was succeeded by Mr. Prior as Secretary to Industries and Labour Department. The *Gazette of India*, announcement that Major G. E. Wheeler has been appointed to officiate as Information Officer, Bureau of Public Information, naturally provokes the question why an Indian was not appointed to the post."

My grievance is that instead of taking the people of India into confidence with regard to the war, even with regard to the Civil Departments connected with the war, Indians are rigidly excluded. Sir, I support the motion.

Mr. Amarendra Nath Chatteropadhyaya (Burdwan Division: Non-Muhammadian Rural): Sir, I rise to support the motion moved by my friend, Sardar Sant Singh. Sir, India has been dragged into the war without her consent, and that is the main ground for which the majority of this House have absented themselves from this Assembly. Every nation has a right to defend its own country against any foreign aggression, and as such, we Indians claim the same right, but, unfortunately, the whole question of defence is left in the hands of the Government which is not prepared to trust us. The question of the appointment of a Defence Committee has been debated here year after year; and the present is a most opportune moment to consider this question favourably and to give effect to the demand made by us for so long. The Honourable the Finance Member wants about 84 crores of rupees for defence, and it is, therefore, in the fitness of things that we the representatives of the people should have first hand knowledge as to the manner in which the money will be

spent, and that if there is any necessity for more funds, we may be prepared to give it. It is in the interest of Government that a Committee of this character should be appointed. It is the interest of India which is at stake, and, therefore, we Indians must have a say in this matter. The real position is this. All free nations have an effective voice in their defence matters, but as we are not free to act or to say anything about our own needs or demands, we have to accept whatever Government do, and as such we have been for long accustomed to trust Government because of our helplessness. But, Sir, today our soldiers are fighting in Africa. They are winning victories for England, of which the British Government in India and England feel proud; and yet if we here are not trusted by Government, it is a pity, it is a shame, and, therefore, this disgraceful aspect of the question should be set at rest here and now.

We have been told that H. E. the Commander-in-Chief has said some good words with regard to the future of our defence forces. So far so good, but his words have yet to be translated into action. What we want by this cut motion is that a Defence Committee should be immediately appointed, not in simple words, but it must be a controlling committee, which will repose adequate confidence in the members with regard to the war efforts that may be made here. If, Sir, India can trust Mr. Ogilvie, why should not the Government trust Indians themselves who are the owners of this country? If by the conquest of India, Government feel that we Indians have no right to know our own affairs, why should there be a war at all? Germany is conquering country after country, nation after nation, and yet we Indians are not trusted after a century and a half's contact. The war is not justified in that case at all. Therefore, it is but proper that the Government should appoint a Defence Committee without any further delay. We know that if this question is to be decided by votes, we shall not get them, but we would warn the Government not to take advantage of our position in this House, and they should be just, fair and equitable to our demands which are not at all unreasonable. Sir F. E. James has spoken of the deadlock. The deadlock is not of our creation. It is the creation of an indifferent Government, a Government that does not care for 350 millions of people who have been living like slaves for centuries. If the demand now repeated by us with a view to help the British Government so that they may come out successful in the war is not accepted, it will be the fault of the Government and not of Indians. Sir, the majority Party of this House has gone out and has taken to other methods without embarrassing the Government in any way, and it is to their credit, I should say, although we have not followed them because we have taken a more realistic point of view. The real thing is, the war is to be won, because we do not want any new masters to come in, and if we have to make our war efforts more successfully, we must have our say in the matter, and, therefore, there must be a Defence Committee without delay. Sir, I support this motion.

Mr. C. M. G. Ogilvie: Sir, in the first place, I am sure I will be voicing the opinions of His Excellency the Commander-in-Chief and Defence Member when I say that he will be most grateful for the words of welcome and the tributes paid to him by Sardar Sant Singh and Sir Frederick James. I shall acquaint him with what they said, and I know that he will appreciate the honour done to him.

[Mr. C. M. G. Ogilvie.]

Turning now to myself, I acknowledge with blushes the very kind tribute paid to my long drawn efforts here by Sir Frederick James. I could dilate on that subject for a very considerable time. However, I will content myself by saying that so far from considering myself to be in a *burqa* or in any way behind the veil, I have for the past four years rather regarded myself as a most exposed and unprotected aunt Sally.

Sardar Sant Singh: It is just like the few holes in the *burqa*.

Mr. C. M. G. Ogilvie: I should also like to say that although on many occasions the position, in which I find myself, necessitates my adopting, I will not say an attitude of non-co-operation, but I should say of passive and perhaps sometimes active defence, I do welcome any opportunity I may have for supplying Members of any Party in this House with information or for assisting them in any way I can. I regard that not only as a duty, but as a pleasure.

Now, turning to the subject of this motion, in the first place in accordance with established practice, I wish to say a few cautionary words. As Sir Frederick James pointed out, the subject generally speaking, and not having regard to the particular circumstances in which we find ourselves but generally speaking, the subject of establishing a Committee of the Legislature drawn from all Parties in a position in which it can exercise more or less direct influence and control over the executive Government is one which bristles with difficulties. There is no blinking that fact. I know from the trend of some of the speeches to which I have listened that what is at the back, I should hardly call it the back, but in the front of some of the Honourable Members' minds is dislike of the present form of the constitution. With that that I cannot deal. It is here for the present and I am here as a part of it. Like them I look forward with hope to better days.

A certain confusion of thought also struck me particularly in the case of the speech of Mr. Chattopadhyaya. It was also apparent to some extent in the speeches of Sardar Sant Singh and the Deputy President of the House. That is the idea that Indians are mistrusted because of the position of the present constitution. That is not so at all. The Governor General in Council who is the authority at present responsible for defence is not a non-Indian entity. What the Honourable Members really are saying is almost as much as to say that the Prime Minister of England ought to be reproached by members of an opposition party because he had not included them in his Cabinet. But the fact that he had not done so does not argue the slightest degree of mistrust. There is no mistrust. That I affirm categorically. On the other hand there is always in matters of defence a need for great circumspection and many matters have necessarily to be a close preserve of the executive Government. They would be grievously erring if they mentioned these secrets to any one whatever outside that Government and when other Governments supervene, Honourable Members will find that they too will take exactly the same view of their responsibility. They can do nothing else. That does not mean that the Government of India or the Defence Department arrogate to themselves the monopoly of wisdom. That charge was levelled by my Honourable friend, Sardar Sant Singh. He went on to say that it was a proof, that this monopoly of wisdom, which we do not arrogate to ourselves, does not exist, that

the defence of India had proved to be inadequate. Well, the Government of India, and, particularly, the Defence Department, were engaged for years in a long struggle for more resources and the policy of His Majesty's Government, which was bound up, with the League of Nations and the hope that good sense would ultimately prevail and that these vast armaments which destroy the prosperity of peoples would not be required was necessarily our policy also. Here, in India, it was reinforced by a continuous and general political outcry against the scale of defence expenditure which, it was said, was crippling the development of the country. I could, if I wished, quote, I think, from the Honourable Member's speech himself on a Resolution on that subject. However inadequate, owing to the causes I have mentioned, pre-war preparations were, I maintain on behalf of the Government of India that though they were condemned, as we are all aware, to make bricks without straw, they made very good ones, and that the Indian Armies in the field have shown themselves to be second to none in the world. They have administered a crushing and overwhelming defeat to an antagonist who had been training up for war without respite for 20 years and upon the armaments of whose country practically the whole of their revenues had been expended but they were not a match for our troops and I think, that, if to some extent at least the proof of the pudding is to be found in the eating, possibly an occasional kind word might well be given to the Government of India. In passing, before I leave this subject I may say, as a slight digression, that yesterday I heard from an officer who had returned from the Middle East,—a British service officer,—that the memory which he carried most clearly out of the battle of Sidi Barrani was the spectacle of the Indian troops' iron discipline under heavy fire.

Well, the Honourable Member complained of lack of information. He said that the information they received was meagre. That, I do not think is correct. I think myself that all information possible at the time is given to Honourable Members and the public generally. I do not say that that 'possible' is an immutable thing. As our facilities improve and our resources improve, so are we able to give more information and I think that on the whole one can say that the public of this country receive as much information about all matters connected with the defence of the country as the public of Great Britain does and, of course, a thousand times more than the public of most other countries.

As I said before on several occasions, the only disability under which Honourable Members labour in the present form of the constitution appears to me to be that they do not actually vote the defence budget. Otherwise defence is far from being behind doors or screens. Resolutions can be tabled and are freely debated on any subject connected with defence. Questions are constantly asked. I must myself have answered some thousands during the past four years on every matter connected with the administration of defence and answers are never withheld unless it is clearly contrary to public policy to give them. Out of the thousands of questions I have answered, I do not suppose that I have fallen back upon the 'public interest' answer more than a dozen or twenty times. Government welcome the growth of public interest in defence. Some years ago, I do not think that that interest was very great. It has undoubtedly grown and that growth is not deplored by Government but welcomed by them: and everything which Government can possibly do to meet the legitimate

[Mr. C. M. G. Ogilvie.]

desire of the Indian people and of the representatives of the Indian people for information they will do.

My Honourable friend, Sir F. E. James, said that he thought that it would be a good thing if some Honourable Members of this House could see our troops under their conditions of active service. I entirely agree with him; I think it would be an excellent thing, and if some Honourable Members would like to go,—I cannot make a promise for everybody because a great deal of arrangement has to be made—but if some would like to go, I will try to make arrangements for them. As regards trips to our training and other establishments—our Ordnance Factories, workshops, training centres—we shall welcome visits from Members of this House, more, particularly, now that we have something to show them; and I should be most happy to arrange, as far as our own country is concerned, for any number of Members to visit these establishments; if they are not shown one or two of our holy of holies, they must not think it is because they are not trusted; it is merely because some things are not shown to anybody. Now, when this matter was last debated in this House, I said that though at the time there were not very many matters which could be referred to the House or a Committee of the House for advice, Government would always welcome advice either tendered from the floor of the House, which it does often receive,—or sent by groups of Members or Members in their individual capacity. Some Members, I may say, have acted accordingly and have made suggestions and have asked for information and I should be glad to see an extension of that practice. His Excellency the Defence Member is firmly of the opinion that the possibilities of his receiving views and advice from the representative public men, on the one hand, and of his giving them, on the other, information which will assist them in the exercise of their public duties, require regularization, and he hopes that arrangements will be shortly worked out whereby this can be given effect to,—in what precise manner I cannot at present explain because it has not been worked out and as it has been made, I think, abundantly clear, there are many difficulties not only constitutional but also practical in the way. But so far as rendering it possible for the Defence Member to receive the advice of Indian public men in matters which are connected with his sphere of responsibility and of his giving them all the information which he can safely and properly give is concerned, those difficulties will somehow be surmounted. In view of that assurance, I hope that the Honourable Member will see his way to withdraw his cut motion.

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

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

The motion was negatived.

Policy of Recruitment to the Army, Navy and Air Forces in India.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I move:

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

Sir, this is an important subject. The importance of the Army is and can very well be put in these words: "what the vitality is to an individual, so the army is to a nation". If a person has got vitality, he is likely to live long and his activities can extend over a long period and in various directions; similarly, if a nation has got a good army, it can protect itself from aggression and maintain peace in the land. Now, the imperious necessity of having a good army is not only recognized by us but by the representatives of the Party which is today absent and to which references have been made all throughout this Session up till now. Sir, speaking about the imperious necessity of the army, ex-Premier, C. Rajagopalachariar said on July 18, 1940—that was shortly before the Poona offer:

"But since the whole country has been looking up to us not only for giving ideas for a new international order but actually for taking up the Government and administration of the country, we cannot suddenly transform our character and say that we shall be the torch bearers of a new culture and cease to bother about police, the military, the army, etc. The extension of non-violence, for the first time and immediately, to the field of national defence whether for internal peace or external aggression was not a responsibility to which the Working Committee of the Congress felt themselves equal."

Those are clear words. The necessity of an army is freely recognized and he has repeated the importance of this army again in his speech which he delivered at Poona in September, 1940, when the Poona offer was withdrawn because there was no response from this Government. Explaining the Congress demand under the Poona offer, he said:

"The British who held India in trusteeship for the last hundred and fifty years had bestowed on her a number of good things, except the important one of making her capable of her own defence. This was a thing of prime importance and the Congress by making its Poona offer volunteered to assist Britain in making India capable of defending herself."

So let it not be said that this majority Party, which is absent today, does not recognize the importance of the army or their responsibility with regard to it, when, as a matter of fact, it goes to the extent of blaming this Government for not preparing the country for proper defence. Now, Sir, we have seen the importance, as I say, of this defence and a good deal of the strength of the Defence forces will certainly depend on the policy of recruitment apart from the efficiency that is to be derived from the ammunition that is turned out of the Ordnance Factories or the aeroplanes that will come over from abroad that is America and the battleships that will come to the shores of India from Britain.

The policy of recruitment is based on what is now called the class basis. Recognised leaders of this country and other speakers outside this House have always emphasised this discrimination as a racial discrimination between martial and non-martial classes. For the last two or three years we have got the explanation that the distinction is not of martial and non-martial classes, but of listed and non-listed classes because they saw that in India people had awakened to the sense of their self-respect and that no particular community liked to be called that it was a non-martial race. When they saw that this distinction of martial and non-martial races was unpalatable to the people, they adopted a different phraseology, the listed and non-listed classes. Anybody who looks at this thing carefully will at once find out that these are synonyms for martial and non-martial classes. If you go through the list you will find that such classes are listed as were called martial

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classes and those who were formerly called as non-martial classes are now designated as non-listed classes.

Now, Sir, it has been said that this particular policy was adopted 80 years ago or a little after that. In other words, this policy was adopted after the wars of 1857. His Excellency, the Commander-in-Chief, did not wish to talk about the rights and wrongs of war in India, neither do I wish to say anything about them. Shortly after 1857, this method of recruitment was adopted. Well, we have begun to suspect it. The explanation given is that the martial spirit that existed then had rusted. Well, Sir, whatever may be said about the wars of 1857, it must be taken as a fact and as clear as broad day light that at that time there was the martial spirit all over India. It was particularly noticeable in Bengal, the United Provinces, Bihar and the Maharashtra. How did it rust and why was it allowed to be rusted? Why did the Government which had been established at that time allow this martial spirit to rust? The responsibility is theirs. What some persons have begun to think is this. By creating a class called the martial class and always praising them as such, the Government wanted to create a sort of prejudice against the non-martial classes. Then, we have heard it being said that the Punjab is the sword arm of India as if other provinces do not count and they are not at all martial. My submission, therefore, is that it was done decidedly to create a prejudice against a class which was called a non-martial class. I have also a suspicion that they derived a lesson from the wars of 1857 and they gathered together the martial races from several provinces and recruited them in such a fashion as to balance the communal strength in the army. To achieve that object, it was necessary to get recruitment from different provinces. Apart from the question whether the martial spirit is rusted or not, what really led to the rusting or inactivity of these races was the propaganda which was started after the Government had been established soundly in India that pen is mightier than the sword. They carried on that propaganda and began to put it into action. In other words, persons were educated and got better jobs. They had a better status than persons who were to handle the sword. But the time has now come when tables have been turned and when the pen is not so much needed as the sword.

Sardar Sant Singh: The pen has become weaker.

Mr. Govind V. Deshmukh: And it is the sword which has become stronger and which is very much in need now.

Then, there was another thing which reduced the activities or discouraged the martial spirit of the people of this country. This was the Arms Act. The Arms Act is an Act against which agitation has been made since the inception of the Congress and they had been asking for its repeal. This Act has emasculated Indians. Year after year resolutions were passed to this effect but there was no response.

Mr. M. Ghiasuddin (Punjab: Landholders): Is there no Arms Act in England?

Mr. Govind V. Deshmukh: Never mind that, I am speaking about the demand made by the Congress. Men who cannot be blamed for fiery views such as the late Mr. Gokhale, Surendra Nath Banerjea and other revered leaders protested against this Arms Act. Thus, it went a long way in putting cold water on persons who had sportive habits or who were fond of Shikar and who wanted to keep their martial spirits alive.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Martial spirit had been killed by Mahatma Gandhi.

Mr. Govind V. Deshmukh: I am not concerned at the moment with the personalities. I have given the views of the majority Party's representative who was the Prime Minister in the Madras Presidency. In his latest pronouncement, Mahatma Gandhi has said in so many words that he is responsible only for conducting the Satyagraha movement and if today the All-India Congress Committee were to decide to change this attitude, it is open to them to do so, although he may not believe in it. I have already read out two pronouncements of Mr. Rajagopalachariar and he has not said anything since then to contradict them. He has never said that he has taken to Satyagraha because of this movement. He put forward the constitutional issue as the ground for his Satyagraha.

Mr. President (The Honourable Sir Abdur Rahim): All that is irrelevant to the motion before the House.

Mr. Govind V. Deshmukh: I have said this because of an interruption.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not be diverted by interruptions.

Mr. Govind V. Deshmukh: As I was saying, the thing that was responsible for killing the martial spirit of Indians was to a very considerable extent the Arms Act. Well, after that we had this war of 1914-18. They got a good response. They cannot complain that they did not get a good response, it was not merely from what I will now call the listed class but from other classes which were not so known, and as has been stated in another place, from other classes which were not so well known but which were obscure and which were not known for their bravery. Even from this class there was a good response. If that was so, then do not those classes deserve encouragement now? No. That army was disbanded. These new classes which had shown bravery during the last war and which had sanctified the battlefields with their blood were given the go-bye. Their services were not retained in spite of the services they rendered. Let me again say this that the non-listed classes were not given opportunities as they were given in the Punjab to the listed classes. In the Punjab, they give jagirs and rewards to soldiers and thus encourage recruitment. This is how meritorious military service is rewarded. In other provinces, if people are anxious to enlist, what happens? I will tell you. The Maharattas are considered a martial race. I belong to the Central Provinces and Berar. So far as the Muslims and the Hindus were concerned there was no distinction so far as military service was concerned. The ancestors of my friend, Nawab Siddiq Ali Khan, as well as my forefathers served in the army under the Bhonsle Rajas of Nagpur. In those days there were no differences observed between Hindus and Muslims as prevail now. Now, if I wanted to get myself recruited what

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happened before this war. There are no recruiting centres in the Central Provinces and Berar. A man who wanted to get himself recruited to the army had to come all the way to Delhi, sit here for a number of days on the off chance of being selected. He had to spend a lot of money for staying here. I had put a question regarding the meeting of these expenses by the Government and the answer was the man had to bear the expense. I asked a supplementary question as to whether the Government were prepared to multiply these recruiting centres, and the answer was 'No'. With such great handicaps, how can any province be represented. It is very easy to give a dog a bad name and hang it. First of all you do not give men of any province opportunities for getting themselves recruited and then say to them, 'you have not availed yourself of opportunities, you show no response to the demands we make, you belong to the non-listed class.' This kind of argument does not really sound fair in the mouths of the Government representatives.

The Government again say, "True, we are very anxious to have a unit on a new basis, but we have got no officers. There is a paucity of officers". Whose fault is it? The Congress Party since 1935 has been dinning into the ears of this Government about this, but the Government seem to have put cotton plugs into their ears. Our voice has never reached them. We want recruitment from all the provinces. We want that you should convert this University Training Corps into an Officers Training Corps. We asked questions about this. What was the reply? It can not be done. The Universities were very keen to instil a martial spirit into the students and when at the last Quinquennial conference held at Bombay, they passed a Resolution and approached the Government with a request that military officers should be lent to them so that the U. T. C. might be made more efficient and also that the formation of U. T. C. should be extended to all the Colleges and Universities, what was the reply of the Government? The answer was this cannot be done. Every time we want to do something for the army, the question of money is put forward to deny our demand.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Govind V. Deshmukh: If you will kindly extend to me about ten minutes or even five minutes, I shall finish.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must stick to his time limit.

Mr. Govind V. Deshmukh: Then, I will finish in two minutes. I now come to this point that all the provinces should be given equal opportunities, the reason being that the tactics of warfare have changed now. All provinces are in danger. In those early days, the strategy was wholly confined to land army.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into all that. He must finish now.

Mr. Govind V. Deshmukh: I shall finish in one minute, Sir. On account of the modern strategy of war and use of aeroplanes and bombers,

as the means of attack from Air no province is safe now. Every province is really in danger and, therefore, it is necessary that all the provinces should be given this facility for recruitment and for training and thus enabled to share the responsibility for its defence. With these words, I commend my motion for the acceptance of the House.

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

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

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I rise to support this motion. This motion has two aspects, firstly, the aspect of Indianisation and, secondly, the aspect of recruitment from the different provinces. So far as Indianisation is concerned, we, from this side of the House, have urged time and again that not only should the rank and file of the Army in India be Indianised, but also the officers' ranks. But the progress towards this goal has been extremely slow. What is the position today? We find that although the rank and file of the Army has been greatly increased during the war, the proportion of Indians in the ranks of commissioned officers is extremely small. This is absolutely unjustifiable. I hope and trust that adequate steps will soon be taken to remove this injustice.

As regards the second aspect, the Honourable the Premier of the Punjab said the other day that the Punjab was "the sword arm of India". I greatly appreciate the bravery and heroism displayed by the soldiers from the Punjab in the recent war in Africa, and I congratulate them,—Hindus, Sikhs and Muslims,—who won brilliant victories there. But I do not see any cogent reason for holding the view that the Punjab should always remain the sword arm of India. The Punjab came into the possession of the British Government comparatively recently. It was only in the forties of the last century that the Punjab became a British possession. Before that the other provinces raised their armies in order to enable the British to conquer the rest of India including the Punjab. In those days there were no Punjabees in the Indian Army, but how did those armies which existed then fight their battles? They must have been well-trained, they must have been brave soldiers, and they must have possessed the strength to fight.

The Defence Secretary said the other day that there was no distinction between martial and non-martial races, that distinction was the creation of politicians. If there is no distinction between martial and non-martial races, what is the basis of the discrimination which has been sought to be placed on recruitment from the different provinces? Is it physical strength? If that be so, I may say that there are men possessing adequate physical strength in all parts of the country; this is not the monopoly of the Punjab. Then, again, we should remember that physical strength is not the only thing needed in modern warfare; the brain is as important today as the body. Therefore, too much emphasis should not be laid on physical strength. But there is an important question of principle involved in this. The defence of the country is not only a right but also a duty, and it is not proper that the people of other provinces should be deprived of the exercise of this right and the performance of this duty. A grave injustice has been done to the inhabitants of the other provinces by depriving them of this right in the past, and now the time has come when this right must be restored;—they should be allowed to perform their duty in the proper manner

[Dr. P. N. Banerjee.]

Sir, His Excellency the Commander-in-Chief in moving a substitute Resolution the other day in the other House gave some assurances in this regard. I hope and trust that those assurances will be fully carried out in the spirit in which they were given, and that at no distant date. The matter brooks no delay. We should now see to it that the Army in India becomes an Indian Army in the fullest sense of the term and that facilities are afforded to the inhabitants of all parts of India to serve in this Army.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I take part in this debate with a view not to decry but support the principle underlying this cut motion. It will interest Members of this House when I say I can take my memory back nearly 50 years to my early active Army service days and later to my 22 years of public life. I, therefore, feel I am in a position more or less to weigh matters more from the practical standpoint than from linguistic ability. Sir, I yield to no one in my desire that the Army in India should be increasingly the concern of India, as was the dictum laid down by the Cabinet Member who presided over the Defence Committee of the first Round Table Conference of which I was a member and which policy I supported at that time. Today we are environed with a different position. The world has moved, the Army has changed, ideas have changed and India has changed; but this House seems to be very keen in its efforts, not so much with the policy underlying recruitment into India's new Army but a discrimination between martial and non-martial classes. We have Members of this House who desire to run; some of them before they can walk, others before they can even crawl and think they can make a paper or sentimental Army. To all I would gladly give a tonic to walk faster; and so, in principle, I am not against this cut motion if it indicates India's desire to take a larger part in the new Army than it has done. Nor am I at all against the desire of Members of this House to be taken into closer co-operation and confidence in the policy underlying the defence of this country. For, after all, if England is sincere in its desire to give India Dominion Status, a start must be made now. It is no use being told after the war is over and the incendiary bombs and the roar of the cannon have given place to the trumpet call of peace that we are not prepared or are found wanting. It is better to prepare us now and so dove-tail us into the change which is bound to come sooner or later. But when I hear Members of this House blame Government for not rapidly Indianising the Army and for not recruiting it from all classes from different parts of India I feel they lose sight of a very obvious and important fact: it is this: Though efficiency and economy are strange bed-fellows, yet, if we are to have both efficiency and economy it is in the country's interests to locate your troops in areas where we are more exposed to attack and by communities who are acclimatised to these parts of India. Those parts are not in the South of India, not in the middle of India, not in Calcutta where my friend, Dr. Banerjee, comes from,—a part where they make bombs for the rest of India to fire. No, Sir; it is in the North-West Frontier of India. And who are the inhabitants there, who are acclimatised to that place but the Sikhs and the Punjabees? It is true that their entrance into the Indian Army is much later than many other Indian communities who, unfortunately, today, are dubbed non-martial—or not selected classes and if the Army must be located in these parts where there is the greatest danger, can any unprejudiced Member in this House conceive of an army of Madrassis or Brahmins or Bengalees coming up North and being able to

stand the extreme winter of the North in spite of their being good soldiers down in the plains of India? Nor would it be wise permanently to locate Gurkha Battalions in the hot plains of India. Government are blamed for dividing India into martial and non-martial classes. Indeed my small community—Anglo-Indian, has also been dubbed “non-martial” despite the undeniable fact that Government have every reason to be grateful to the Anglo-Indian community. Indeed I make bold to say that if at the time of the Mutiny the Anglo-Indian Community had not been loyal I feel sure that the map of India would today be a different one. But let me come nearer home.

Sir, I have recently sat as a Member of the Central Selection Committee for Emergency Commissions when I spent a month of interesting work which has been a great lesson to me. I have sat on many of these Committees and I desire to tell this House that I was struck with the cosmopolitan character of the candidates who came up for selection. They came up from every Indian community—Depressed Classes, Indian Christians, Parsis, Jains, Buddhists, Nepalis, Sikhs, Punjabees, Muslims, Anglo-Indians, etc. And, Sir, charitable as I want to be I was struck with one point, i.e., India was not sending her best youth as officers for the new Army and I often asked myself why? In my public life I have travelled all over India and I have mixed with all kinds of Indians—indeed, I believe in the whole of this House I can look on every Indian as a friend of mine. I know India can supply as fine soldiers and officers as any country in the world; but I was struck with the absence of its best youth at these selection committees. They were not the type who would make the best soldiers and the best officers. Most of them were graduates who thought that because they were B.As or LL.Bs, therefore, they ought to be officers. I repeat with regret we were not getting the proper type; and it is on these occasions when a cut motion like this is moved that we should instead of blaming Government make ourselves into publicity agencies and try to get a better class of our boys to join us. As one who has sat on such committees, I can assure you, Sir, that they would welcome them and no one would be prouder or gladder than the Defence Secretary. I speak as one who is absolutely non-communal in a matter like this, and from my own personal knowledge. I hold no brief for the Defence Secretary, but I believe he has India's interests close at heart and he cannot be charged, even by his worst enemy, of being in any way differential in his treatment as regards class recruitment. There are I know higher policies which he has to follow as a servant, but it is up to us to get our best men to come forward and when Government are crying out for men and officers, let us ask ourselves whether India is supplying the best and what part are we playing apart from critics? With all respect to my friends here, I say, let each one of us be a recruiting centre. Let us not misunderstand Government. We have made Government realise that their vested interests, their ideas of monopolies are of the past, we want more recruits and more efficient officers. Are we to get them or not? Surely, you do not want an Army officered by what I might call physical degenerates? I can assure you that many of the specimens who came before us at the last Selection Committee were really not up to standard. It is, therefore, no use decrying the Army Department. Its answer is clear: it is doing its best to help India but we are doing very little to help it, except to criticise it on the platform of this House, more as idealists than as practical men.

[Mr. M. Ghiasuddin.]

Mr. M. Ghiasuddin: Sir, I have listened with great attention and respect to the speech of my Honourable friend, Mr. Deshmukh, the Mover of this cut motion; and much as I tried to understand his point of view, as far as I could see, it was full of self-contradictions. The first point he tried to lay stress on was that the necessity of an army is recognised by the Congress. My way of looking at it is that only either super-idealists or fools would say that an army is not a necessity for any country. One has to be charitable and say that persons who think that we can defend our country by the methods of non-violence are super-idealists and do not fall into the other category. The Honourable Member has tried to trace the history of the so-called martial and non-martial classes to the year 1857. The Honourable the Defence Secretary has time and again repudiated that there is such a thing as martial and non-martial classes . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may continue his speech after Lunch.

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. M. Ghiasuddin: Sir, when the House rose for Lunch, I was trying to meet a point raised by my friend, who, I am sorry to find, is not in his seat now. He said that the so-called differentiation dates back to the year 1857 since that unfortunate incident. He did not fully develop his point, but I guess he meant that the armies at that time did not prove satisfactory and so the avenues of recruitment had to be altered. Well, Sir, I will not refer to that unfortunate incident, because the incident is such that neither side came out with credit then and I think that both sides have definite reason to be ashamed of it for the part they played then, and we should not mention it here. But if the armies at that time did not give a satisfactory account of themselves, I do not suppose the reasons which led the Government to take that view then would hold good today. Government may have held that view then, and perhaps they were justified in changing the field of recruitment. But these are all arguments, and not facts, and so let us come to facts and figures.

Today the Army career is open to everybody. The Government require more men in all branches of the Army than one province, or one single community or one part of the country can supply. It is an opportunity afforded to everybody to come forward and help the cause. The figures that were given the other day by the Secretary of State for India in the House of Commons show that whereas the Punjab supplied more than 48,000 recruits last year, other provinces did not come up to much, and the second best province, as far as I know, was the United Provinces which supplied 12,000 recruits. Now, Sir, there is a marked difference in the figure of 48,000 men supplied by the Punjab and the figure of 12,000 men supplied by the United Provinces, and we all know that the population of the United Provinces is much greater than that of the Punjab. There is something in the traditions of a province,—and this fact Honourable Members of this House generally forget or ignore. There is such

a thing as tradition and it does play a large part in such matters. The families who have made army as their career, son succeeding a father, and grandson succeeding a grandfather,—this process goes on for generations. You cannot build up traditions in a day, nor can you change traditions by a Resolution of this House.

Now, Sir, let us take the attitude of the Party which has absented itself today from this House. On the one hand, its sympathisers say—open the doors of the army to all the provinces,—while on the other hand, the very leaders of that Party go out to the country and tell the people not to help in the prosecution of the war efforts. Today you find a great many *ex*-Ministers and *ex*-Premiers of several provinces in jail, because they have been openly preaching that nobody should enlist in the army. On the one hand, they carry on a propaganda against recruitment to the army, while on the other hand the Premier of the Punjab—an *ex*-soldier himself, has given his full support to the recruiting campaign. That great gentleman has not only asked every able bodied youngman to enlist in the army, but many members of his own family have joined the army,—in fact two of his sons who are of military age are serving in the army. One of them, unfortunately, has been taken away by the enemy after he had given a very good account of himself and after he had been wounded, but the younger son is still serving. Therefore, the attitude of the leaders in a province does count in all these matters. On the other hand, what do we see today in the other provinces? How does the leader of that organization regard the soldiers? Some months back all right-minded people were shocked to know his views when he said something about the soldiers from the Punjab. He said the Punjabi soldiers were mercenary. Now, Sir, we all know that the term mercenary is hardly a fit language to be employed in respect of such honourable men who have shed lustre on India by the way in which they have fought and are still fighting abroad, and the world has come to know of their bravery, and such brave men have been characterised by this man as mercenary soldiers. How would the Honourable the Mover of this Resolution like if I say he is mercenary because he attends this House not to do any service to the country or to his constituency, but to draw his daily allowance? All I can say is that any man who uses the word 'mercenary' in regard to those brave men is a petty-minded person, only such petty-minded people can use such language,—and it is not even worth replying . . .

Mr. Govind V. Deshmukh: Whom are you referring to? I have not said that.

Mr. M. Ghiasuddin: The leader of your organization did say that.

Mr. Govind V. Deshmukh: Who is it?

Mr. M. Ghiasuddin: I think every Honourable Member of this House who reads newspapers knows who the leader is.

An Honourable Member: Mr. Aney?

Dr. P. N. Banerjee: He is not responsible for anybody's statement outside.

Mr. M. Ghasuddin: I do not say that, but according to that great leader of Wardha he would like to create more mercenaries, that is what this Resolution comes to.

Another point raised by my friend was that the Arms Act is responsible for these people not coming forward in sufficient numbers to join the army, it has made cowards of persons here. Let me tell my friend that Acts similar to the Arms Act here are in existence in all civilized countries, and so it is not the Arms Act which is to blame. The one thing which makes a man coward, is this doctrine of non-violence, and not the Arms Act. So unless a man is an utter fool or a hypocrite, he would see the harm that is being done to our young men by this doctrine.

Mr. Govind V. Deshmukh: Some can honestly believe in it.

Mr. M. Ghasuddin: You have to be very very honest, in fact ultra honest, to believe in such a thing.

Mr. Govind V. Deshmukh: You must attain that amount of detachment from the world and then you can do it.

Mr. M. Ghasuddin: Sir, a great cry has been raised against my province. They say we want the monopoly of the army and they remind us that at one time the Punjab was conquered by the armies from Bihar and Bengal. But there may have been other contributory factors to that. There was a certain amount of disaffection among the Sikh armies; probably those soldiers were better officered, and that would have contributed to the defeat of the Punjab then. But in the Punjab we gave them a much better fight, and any historian will bear testimony to it . . .

An Honourable Member: When was it?

Mr. M. Ghasuddin: We gave the British much better fight than the other people.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member should address the Chair.

Mr. M. Ghasuddin: I am sorry, Sir.

Sir, a demand has been made to the Honourable the Defence Secretary and a promise made by His Excellency the Commander-in-Chief in another place has been cited. Well, let me give a warning to the Honourable the Defence Secretary and through him a warning to His Excellency the Commander-in-Chief that the people of my province of the Punjab earned their share not by talking in this House or by making speeches. They have earned this proud place by their blood.

An Honourable Member: So have others.

Mr. M. Ghasuddin: If any attempt is made to tamper with our rightful share we will not tolerate it and we will resist it.

Dr. P. N. Banerjee: By force?

Mr. M. Ghasuddin: Now, I want to say one more thing. That is my advice to the Honourable the Mover of this Resolution. Today our Indian Army needs as much men as any province can bring forward and there is room for many more. Instead of moving such Resolutions in this House and instead of making speeches here, let him go out in the country and help the recruiting authorities and persuade his young men to come forward for service. That would be doing real service and Resolutions like this, to use an American expression, cut no ice.

Mr. Govind V. Deshmukh: In your case it might.

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

Mr. M. Ghasuddin: I have finished, Sir.

Mr. C. M. G. Ogilvie: Sir, the old vexed question of martial and non-martial has again been raised. I have tried on several occasions to exercise this ghost but I have failed. However, I am not deterred and I am going to try and do so again. Government, as I have often said before, do not recognise any distinctions of martial and non-martial and the distinction which is observed, which is enlisted and non-enlisted, is not an immutable distinction and has no relation to martial and non-martial.

An Honourable Member: What is it based on?

Mr. C. M. G. Ogilvie: I will explain. I can well understand people not likely to be called non-martial. It does sound derogatory. It sounds as if they were cowards or would not fight for their hearths and homes and no man likes that imputed to him. I shall, therefore, be the last person to use the phrase non-martial intentionally about any of the peoples of India, none of whom to the best of my knowledge and belief are lacking in those qualities. On the other hand, I think, everybody will admit that a large and even supply of excellent military material is not readily obtainable from all sources. It is not merely a question of courage or physique or brains but of that particular type of character which combines boldness and caution, swift decision, capacity to see the weak point of an enemy and to look after one's own skin, which makes the formidable fighting man. Well, you get people like that in all parts of this country, undoubtedly, but in some parts of it you get more than in others and in the past we have been very much restricted in numbers and consequently in choice. History also enters into it as certain Members have seen but it is not only history. When you are restricted to a comparatively small Army, it is obviously impossible to mingle the ordinary folk, not the upper classes, but ordinary peasants from all parts of the country in a single unit, you cannot really do that. So your enlisted classes must be comparatively speaking few. As the Army expands, so those classes expand and His Excellency the Defence Member said recently in another place a beginning has already been made in the breaking of new ground. He also said, and this also I wish to make quite clear, that the breaking of new ground does not mean that we throw overboard those who have served India so valiantly and successfully. I notice that Dr. Banerjee—or it may have been the Mover—said that during the last war it was discovered that many

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of the additional classes then enlisted made very good soldiers. Quite true. So it was, but he also said that they were thrown out at the end of the war and the old ones kept. Should we have thrown out the old and kept the new ones, or what should we have done? As a matter of fact, we kept, I think, those who generally speaking had proved in the last war to be in practice the best, but we were much restricted by the size of the Army and if we could have we should have liked to have kept very many more. His Excellency said in the Upper House that though for the early expansion of an Army it is necessary to rely mainly upon what is already there, as you cannot build up quickly new units from nothing,—they have got to be raised from a nucleus of trained men which can only be supplied from existing units, still in the new expansion that is going on now, no province or people will be excluded from consideration. I think that is all that can be said and that is all that any one can ask for. He also made it quite clear that those classes who were already serving in the Army would not lose the opportunities for service which they at present enjoy and of which they have made such magnificent use.

I was very glad to hear from Dr. Banerjea that he complimented the soldiers of the Punjab on their recent victories. Well, I too, speaking as a Punjabi, feel very proud of them, but though I rejoice in their successes, I must point out that it was not only the Punjabees who gained glory for themselves in the recent victories. There were many soldiers from the United Provinces, Garhwalis, Rajputs, Mussalmans from the United Provinces, Mahrattas from Bombay and also the Madras Sappers and Miners who displayed their customary courage in the most dangerous task of removing concealed mines in order to let our troops get through. In fact, all the classes of Indian soldiers at present on active service have very greatly distinguished themselves, and I have no doubt that the newer material, when its time comes to be tested, will do its utmost to live up to the magnificent traditions bequeathed to it by our old army. I hope that, on receipt of the assurance which I have just given to him, the Honourable Member will see fit to withdraw his cut motion.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, only this morning, my friend, Sir F. E. James, complimented the Honourable the Defence Secretary first on behalf of himself, then on behalf of the European Group, then on behalf of all the Groups in the Assembly, and, then, on behalf of everybody; now I would add one thing more, *viz.*, not only on behalf of the living, but on behalf of the dead, and the reason for adding this remark is that I know he has done a very great service in finding a suitable place for the resting place of the late Maulana Shaukat Ali. Sir, we know, when we were in great difficulties, he came forward and helped us on that particular occasion.

I heard with great satisfaction the remarks made by my friend over there when he communicated to us the desire of His Excellency the Commander-in-Chief. Of course, it is a standing grievance for the Muslims at least, in my Province, the United Provinces, that there are certain towns—I know of one place which was part of a constituency which I represented in the U. P. Council—there are certain towns and the people there had

two professions and nothing else, *viz.*, either service in the army or gardening. They knew nothing else. Now, unfortunately, recruitment to the army stopped and consequently they did not know what to do; they were accustomed for generations to nothing but doing army work—whether you call them martial races or by whatever name—it is a fact that from their very childhood they were accustomed to all kinds of military training, military technical terms and a military atmosphere.

Dr. P. N. Banerjea: So also in Mainpuri.

Dr. Sir Ziauddin Ahmad: I did not like to include Mainpuri, because Bhagaon is in the Mainpuri district.

Now, I would like to know whether the assurance given to us applies only to the Army, or it extends also to the Air Force and the Navy, because the Muslims have got a standing complaint just at present that for the recruitment for certain categories, which I need not mention at present, in certain regions, I do not say that they are excluded, but they are not getting their proper share of the recruitment in the Air Force, and not even in the Navy, especially amongst the officers; therefore, I think this announcement which we have received with great satisfaction in different Provinces and which has also been so received by people belonging to the different communities and in different atmospheres—call it by martial or by any other name you like—is very welcome and they will also visualize that this privilege will be extended to all the arms, and not restricted to the recruitment to the army. In this connection, I may say that I have heard some definite complaints about the manner of double selection in the army. They have no doubt a Recruiting Committee—which is a very representative one, it represents all shades of opinion which a military selection committee should have, but we have some complaints about the primary selections. In the first place, I believe that it is unnecessary to have double selection,—first, selection by some local committee, and a second time, selections by a central committee. Now, provincial committees have got different ideas; their standards differ so widely from province to province. With one particular class of persons a certain qualification is supposed to be a suitable qualification for selection by one provincial committee, and just the reverse when you come to a second province. Now, we have got in the United Provinces Selection Committee a body which is always a touring body; it chooses its places of selection the Circuit House, and we thus call it a Circuit House Committee, though officially it is known as the U. P. Selection Committee. If the idea is that the people should be saved from the trouble of coming to Delhi, and in order to avoid expenses there, I may assure him that the expenses are actually doubled if a candidate has to bear expenses twice—once for the local selection committee, and then for the selection committee which has been established by the central organization; so it is most desirable that in order to have a uniformity of standard, there should be only one selection committee which can tour about; they may visit different places, they may visit the centres of the universities and get suitable candidates. But as regards the other method which is adopted at present, I do not know whether it is convenient from the point of view of the military authorities, but it is certainly not convenient from the point of view of the candidates. The second difficulty which I felt was that I come across a number of young men very suitable for a military career, but they do not know where to go; some of them are in the railway

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service or some other service, but they say that they want to serve in the military department during the war and they want to get some commission if they are competent, and the officers under whom they serve are willing to send them, but wherever they send applications they never hear of them; I do not know what happens. I may mention one definite case; the General Manager of the B. & N. W. Railway sent an application from a young man who had two years' military training in the cavalry and had one hundred hours' flying experience. He wanted to enlist himself as an ordinary commissioned officer, he sent his application, the General Manager sent his application to our Selection Committee in the United Provinces, but he got no reply. I forwarded a duplicate, but I got no reply. I do not know whether the selection committees ever paid any attention to it. So I think it is very desirable that the method of selection should be such as may be simple and easily intelligible to all the persons who want to serve in the army. At present they do not know where to go, how to apply, etc. Therefore, I think some kind of propaganda work should be done in this direction, and this method of recruitment should be widely advertised, so that everybody may know what is the method of the application if they want to serve in any of these three arms,—viz., the Army, the Navy and the Air Force. I do not want to take up the question of propaganda work which we discussed at great length here, and unfortunately, whenever we get out motions, they are really restricted to the speech of the Honourable the Mover and the reply from the Government.

An Honourable Member: Why?

Dr. Sir Ziauddin Ahmad: for want of time; and we do not get sufficient experience in getting on with this propaganda. I have got a good deal to say. . . .

An Honourable Member: The question may now be put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair should remind the Honourable Member that it is almost the time for the question to be put.

Dr. Sir Ziauddin Ahmad: Very well, Sir, I shall wait for the Finance Bill, when I will not be restricted as regards the time.

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

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

The motion was negatived.

Grievances of Government Employees.

Mr. Deputy President (Mr. Akhil Chandra Datta): Now, it is the turn 3 P.M. of the unattached Members.

Mr. N. M. Joshi: Sir, I beg to move:

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

This time I do not want to go into all the grievances of the Government employees but deal with only one grievance which comes uppermost in the minds of all Government employees and from which they suffer the most.

That grievance is that the Government employees are not compensated for the loss which they suffer on account of the rise in prices and the cost of living. It is more than 18 months since the war started, and since the war started the prices of articles in our country have gone up. In his Budget speech the Honourable the Finance Member admitted that the prices of articles of export had gone up by 40 per cent. and he also admitted that the prices of articles of internal consumption also tended to keep pace with the rising prices of articles of export. This year he has brought down the figure, but I do not know how he could do it. At least he has not explained it. Still, he admits that the prices of articles of export have gone up and he does not say that the prices of articles of internal consumption have not kept pace with the rise in prices of articles of export. On account of this rise in prices the poor people of this country, who do not get sufficient for the maintenance of themselves and of their families, have suffered and their standard of life is tending to go down and has already gone down considerably. Now, Sir, if this is to be prevented, then those people who do not get sufficient for their maintenance and for the maintenance of their families must be compensated by the rise in wages and in salaries. In this matter, the Government of India have done nothing. If you take the industrial workers, at least some of them have got some increases in their wages; but in the case of Government employees, the Government of India did not do anything up to this time. Recently, I read of certain statements made by the Honourable the Finance Member and this morning I read in the newspapers that the Standing Finance Committee has considered this question. Now, Sir, after having waited for 18 months it seems that the Government of India propose to do in this matter what the Provincial Governments have done. We do not yet know what the Provincial Governments have done. I have read in the papers that some of them propose to give some grain compensation allowance for the lowest paid employees.

Now, as to the Government's policy of doing what the Provincial Governments have done, I would suggest to the Government of India to follow one policy and stick to that policy. If they want to follow the Provincial Governments in the matter of treatment of their low paid employees, let them decide that way, but it is my experience that when the Provincial Governments do something in favour of their inferior servants, the Government of India are not willing to follow their good example. You will remember, Sir, that in the matter of pensions of the inferior servants I brought to the notice of the Legislative Assembly that the Bombay Government have done some justice to their inferior servants and I suggested that the Government of India should follow their example. Then, the Government of India said that they cannot follow the Bombay Government. The Government of India considered themselves to be wiser than the Bombay Government on that occasion. Now, when it is a question of taking away from the employees of the Government of India, they would bring forward the argument of following the Provincial Governments.

An Honourable Member: Taking away how?

Mr. N. M. Joshi: Taking away in this sense that recently some inquiries have been made regarding the conditions under which some of the Government employees are living. The Rau Committee has recently reported and it has recommended that there should be a rise of Rs. 3 a month in the salaries of the lowest paid Government employees in the railways. The

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Government of India could have easily said that as that Committee has gone into the question of the lowest paid railway employees, they are prepared to accept their recommendation for the inferior servants of the Government of India. The Government of India could have done that but they are not willing to do it because they know that what the Provincial Governments are doing or will do is much less than what has been recommended by the Rau Committee.

Then, Sir, as regards the question of the Government of India following the Provincial Governments, I would like to ask the Honourable Member what he proposes to do where there are no independent Governments, such as, the Centrally Administered Areas like Delhi and Ajmer. In these Central areas there are no independent Governments. There is no doubt that they have some kind of Governments but they are not independent provinces. Their Governments have no power of levying taxation. They have to come to the Government of India for money and I would like to know what the Government of India propose to do with regard to them. Let them, at least, follow the Rau Committee's recommendation in the Central Areas where they are in control. I would, therefore, suggest to the Government of India, in the first place, that they should set a good example by themselves accepting the recommendation of the Rau Committee in the Central territories and then apply that recommendation to the other provinces.

Dr. P. N. Banerjee: How can the Government of India apply it?

Mr. N. M. Joshi: The Government of India can apply that recommendation only to their employees. I am not asking them to raise the salaries or give war allowances to the employees of the Provincial Governments. In this matter I would like the Government of India to be just and fair and even generous. Then, Sir, I would like the Government of India also to consider the question not only of those people who are called inferior servants or the lowest paid but they should also take up the question of those people who may be getting a little more than what the inferior servants get but who do not get really sufficient for the maintenance of their families and themselves, that is, people who are getting, say, Rs. 100. Sir, I do not wish to take up any more time of the House and I would commend my cut motion to the favourable consideration of the Assembly and of the Government of India.

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

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

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I rise to support this cut motion. It relates to the grievances of Government employees, and I think the House should have sympathy for them. They are the back-bone of the Government, and they should be kept always contented and not dissatisfied. It is in the interest of Government to look to their welfare, and to see that they get enough to live on. Everyone has a right to live, and if the Government employees do not get sufficient for maintaining themselves and their families, they will be discouraged and the efficiency of the Government work will suffer.

Now, Sir, my Honourable friend, Mr. Joshi, has, as usual, taken up this cut, and he wants that there should be some increase in the salaries

or allowances of these low paid Government servants. So far as Provincial Governments are concerned, he says that the Government of India should merely give a lead by doing something on their own account. In these days of war, it is very necessary that there should be dearness allowance to these low paid servants. What is the percentage in the rise of prices is a question to be found out and settled by Government. It may be 30 per cent. or 40 per cent. It cannot possibly be denied that there is rise in prices. But to what extent it is, it is for the Government to find out. The other question is, to which classes of Government servants the dearness allowance should be given. So far as the Central Government is concerned, a low paid subordinate here gets about Rs. 60 to Rs. 80. At any rate, that class of subordinates should get the allowance. So far as the Provincial Governments are concerned, the lowest paid employee starts on Rs. 30 or so. In the provinces also, the dearness allowance should be given to those who draw Rs. 60 and less.

There is another grievance of the employees of the Government of India. It is well known that some of these people used to be taken to Simla where they were provided with rent-free houses, and so they were not required to pay any rent. Now, some of them are not taken up to Simla. I do not know how many. So far as the exodus is concerned, it is yet to be seen whether the Government have complied with all that was intended. At any rate, it is quite clear that the Government have not complied with the idea that was contemplated, namely, that there should be less and less exodus to Simla. These subordinates who remain in Delhi throughout the year get no house rent at all. In lieu of rent-free houses, which they used to get when they were taken to Simla, these people should be given some allowances. Of course, their wants are the same both here in Delhi and in Simla. This particular grievance should be considered by the Government sympathetically. You must keep the subordinates contented wherever they require some help in the direction of allowances.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, my Honourable friend, Mr. Joshi, is quite right in saying that this matter of dearness allowance was placed before the Standing Finance Committee at its last meeting. I may say that there was remarkable unanimity of opinion on the proposals which the Government of India had formulated. Mr. Joshi says he has not heard what the provincial schemes are. A number of Provincial Governments have already published their schemes and they are quite well-known to the Government servants affected. It is true that several of those schemes have not yet come into operation for the simple reason that they are based on a criterion which has not yet materialised. In other words, the cost of living as measured in the reports of the cost of staple food grains has not yet risen in several of these provinces to the point at which the Provincial Governments consider that any compensation whatever is called for. I must express my strong agreement with that point of view. The fact is that whatever fluctuations have occurred in the last two years in the cost of living the levels which existed when the present rates of pay were fixed have certainly not been violently exceeded and in fact it is possible to prove that in many areas they have not even yet been reached. I am familiar with the argument that Government servants of this class should not be deprived of any improvement in their standard of living which has accrued

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to them over a long period when prices have been somewhat lower than those prevailing when their rates of pay were fixed. I admit that argument is deserving of some weight. At the same time the position which prevails over large areas of India is that the cost of living has increased, if at all, only to the extent of barely ten per cent and I maintain that it is quite impossible to preserve any kind of structure of salaries or wages if fluctuations of that kind in the cost of living are to be continuously adjusted.

Well, now, I take my main stand on this principle that the cost of living in any locality is very peculiarly a local matter regarding which the Provincial Government is obviously in the best position to form an opinion and the Provincial Government is able to keep itself in touch. Moreover, the number of inferior servants employed in the provinces is far larger than those employed by the Central Government in those provinces. It would, therefore, be in my opinion quite improper for the Central Government to take the lead and not only to tell the Provincial Governments what it thought was required in the circumstances of the case, but to proceed to apply to its own comparatively small minority of servants a scale of compensation regardless entirely of the ideas of the Provincial Government. Surely, the path of common sense is to await the Provincial Government's formulation of its own scheme and to apply to the comparatively small number of Central Government servants the scheme which the Provincial Government has applied to its own comparable grades.

Mr. Joshi throws up at me that in some other matter,—I think he said in the matter of pensions,—we did not follow the Bombay Government when they improved the pensions. That is an entirely different matter. The question of a substantive condition of service is entirely different from a question of compensation or adjustment due to local and temporary conditions. With regard to the latter it cannot be denied that the authorities on the spot are in a much better position to judge what is appropriate than the Central Government. But it is entirely a different matter to formulate new substantive conditions of service for your employees. Mr. Joshi asks what we intend to do in the Central Areas. We have not yet decided what we shall do in the Central Areas and it seems to me that on the same argument as I have employed hitherto, that is, that Central Areas are mostly contiguous to provinces in which very similar conditions prevail, unless we see any strong reason to the contrary I imagine that we shall formulate something on the lines which are applicable in the neighbouring districts of contiguous provinces. Mr. Joshi was not content with asking us to give a lead by handing out large compensatory allowances to inferior servants, but with a fine courage he went on to say that we should apply this to higher grades and go right up to Rs. 100. I would remind him that a man on Rs. 170 a month is already being asked to make some additional contribution by way of income-tax and I think it will be somewhat anomalous if an employee on Rs. 170 a month in effect is asked to suffer a reduction in his net income whilst the employee on Rs. 100 a month is given an increase. In other words, who is to pay for all these generous compensations? What about a little compensation or consideration for the taxpayer from whose money these compensations have to come?

Mr. Lalchand Navalrai supported Mr. Joshi, but he went on to another point which certainly comes within the grievances of Government servants, though it is not connected with the dearness allowance. His soft heart has been obviously entirely melted by the dreadful hardships of those who once used to go to Simla and when they went to Simla were given a compensation, because it was so expensive to have to move to Simla, and now that they are kept in Delhi they have lost that compensation and they are not given a compensation because of the loss of the compensation which they once got, because they had to go to Simla. That may seem humorous, but it is a literal statement of the case which these Government servants have. It is not an overdrawn statement; it is a serious claim that having once enjoyed compensation on account of certain increases in cost to which they were subjected, they ought now to be compensated for the loss.

Mr. Lalchand Navalrai: They have the same cost in Delhi.

The Honourable Sir Jeremy Raisman: I should be very glad if Mr. Lalchand Navalrai would organise all these Government servants and get them together and give me that simple answer. I should be glad to accept that simple position, namely, that there is no extra cost involved in going to Simla or there is no extra cost in Delhi, because the immediate effect of that would be that I should save the Simla compensatory allowances. The existing rates of pay and rents and so on in Delhi were fixed on the basis of Delhi. The only change that took place was that the people who went to Simla got something more. If it is the considered opinion of the Government servants concerned that there is no such difference, then the taxpayer here also is due for a little relief and the compensatory allowances given to the ministerial staff who move to Simla should be withdrawn at once.

I submit, Sir, that in fact in dealing with the case of these inferior Government servants we have to maintain a certain standard of logic and common sense and also a certain standard of fairness to the general taxpayer. In my opinion Government servants are dealt with not only with justice and equity but even with generosity as Mr. Joshi suggests. But we cannot put them in the position of being spoilt darlings of the community and extend to them concessions which are not justifiable. Sir, I oppose the motion.

Dr. Sir Ziauddin Ahmad: Sir, this question of dearness allowance was discussed twice in the Standing Finance Committee, and I think also in the Railway Finance Committee, and I think there are one or two important points in this connection. I may point out at the outset that the Honourable Member for Labour was certainly wrong in the manner of the appointment of this Committee. The Committee should not have been there under the auspices of the G. I. P. Railway, and this question ought not to be decided on the issue of one railway line. It is a broad issue which affects the entire employees of the Central Government. In fact, the other day when some person came in, and this question was being discussed in the committee, I thought I was discussing with the representative of the Labour Department, but I subsequently discovered that my arguments were all wasted, because he was representing the Finance Department, and not the Labour Department. I think the

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conclusion that the Finance Department and the Finance Committee arrived at is very just and equitable, and they decided that wherever they find that the circumstances are such that additional relief is necessary, this relief should be given to all the servants in the Central Government, to whichever Department they may belong. We went thoroughly into the price index of the various provinces, and discussed these matters in great detail and came to some conclusion. We laid down principles, and then we discussed the details, and I think even my friend, Mr. Joshi, who is so difficult to satisfy when any question of labour comes in, because he wants something more, will be satisfied with this principle that whenever the Provincial Government on account of local conditions and on inquiry finds that dearness allowance is necessary, we should accept their decision and give dearness allowance to the servants of the Government of India, whether they be railway employees or employees of any other Department. And if the Government of India accept this principle, I do not think any class of persons can have any reason to complain. It is said that the railways are a commercial concern, and when they are making enormous profits, a share of those profits should go to the low-paid staff in the shape of bonus. This argument was offered by some persons during the debate, but it is not a right argument. In the first place, this profit is really due to the increase in rates and fares last year, and also partially to the increase in traffic. But if we accept this principle of giving bonus to the employees, then the bonus should be given to everybody—not only to the low-paid staff, but also to the highly paid staff. The moment you accept the principle of bonus on account of profit, you must accept the principle that it will apply to all, and not only to the low-paid staff. Therefore, that kind of argument advanced by some persons that it should be given to railways, because there is a profit, and that it should be given only to the low-paid staff, is, I think, not sound. If a bonus is given, because profit has accrued, it should be given to everybody. If it is a dearness allowance, then it should be given to all servants of the Government of India whether in the Post office or the Railways or in any other Department. I ask the Honourable the Communications Member whether he will agree that if it is to be given to one class of his employees, it should not also be extended to another class of his employees, not only in the railways, but also to the post office. Therefore, I think, the principle adopted by the Finance Committee is a sound principle and the method of their calculation is also a sound one, and if we go on that principle, no class of persons will have reason to complain; and though we started in a wrong manner, I think we decided the correct policy—a policy which cannot be objected to by any class of servants.

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

“That the demand under the head ‘Executive Council’ be reduced by Rs. 100.”

The motion was negatived.

Mr. Deputy President (Mr. Akhil Chandra Datta): The next motion is No. 13 on the list.

Mr. N. M. Joshi: Sir, what has happened to my motion No. 9?

Mr. Deputy President (Mr. Akhil Chandra Datta): No. 9 is not on this list. There was an agreement that No. 13 should be moved after Mr. Joshi's No. 8.

Mr. N. M. Joshi: Why No. 13?

Mr. Deputy President (Mr. Akhil Chandra Datta): It was the result of a certain agreement, the Chair understands.

Mr. N. M. Joshi: I never heard of that agreement.

An Honourable Member: Because you were not here.

Mr. N. M. Joshi: May I say, Sir, that there has been some misunderstanding? If I had known that I could move only one cut motion, I would have moved some other motion and discussed all the things I wanted to discuss. I will not take a long time, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair cannot go behind this agreement.

Mr. N. M. Joshi: There was no agreement.

Mr. Deputy President (Mr. Akhil Chandra Datta): It can be done with the consent of all the unattached Members.

Mr. N. M. Joshi: All right, Sir. I will not move any more motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): No. 13, Mr. Kazmi.

Repressive Policy of the Government.

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

“That the demand under the head ‘Executive Council’ be reduced by Rs. 100.”

The *New Statesman*, one of the most influential papers of England, has summed up the situation in India in one sentence:

“India is in moral revolt.”

The position of Government may be summed up in a similar sentence:

“Government are using immoral means to crush the moral revolt.”

The significance of this would be seen from the fact that in South Africa the party that is against South Africa's participation in the war is not only carrying on a verbal campaign against it, but is preaching violence, raising of an armed rebellion, organising of storm troopers and is even conjuring up the vision of a Nazi victory

An Honourable Member: What are you reading?

Qazi Muhammad Ahmad Kazmi: The *New Statesman* and my own comments. This armed revolt is tolerated in South Africa. But a moral revolt, which the Honourable Member even described as a symbolic revolt

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and which, as Mr. Amery has said, has had no effect on the Government's war effort, is being sought to be crushed by means of a policy of indiscriminate imprisonments, detentions, and so on. Six *ex*-Premiers and nearly three score Ministers are in prison; and what is their crime? The demand for the freedom of conscience. In most cases the imprisonments are effected even before the demand is made or the speech in protest against the war policy and the war effort is actually made. In the vast majority of cases, heavy sentences have been given just for the offence of repeating an innocent slogan which is nothing more than the expression of an opinion—"It is wrong to help the British war effort with men and money. The only worthy effort is to resist all war by non-violent resistance."

Sir. Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): What does that mean?

Qazi Muhammad Ahmad Kazmi: It means what it says, namely, that it is wrong to help the British Government with men and money; the only worthy effort is to resist all war by non-violent means.

The Honourable Sir Muhammad Zafar Khan (Leader of the House): You call that innocent?

The Honourable Sir Reginald Maxwell (Home Member): On a point of information; may I know whether this is the Honourable Member's own speech, or he is still reading from a quotation?

Qazi Muhammad Ahmad Kazmi: Quotation.

The Honourable Sir Reginald Maxwell: From whom?

Qazi Muhammad Ahmad Kazmi: It is the slogan for all members whom you have arrested.

The Honourable Sir Reginald Maxwell: Is the Honourable Member giving his own opinion, or is it a quotation?

Qazi Muhammad Ahmad Kazmi: A quotation from persons who repeat this formally, and some are arrested before the formula is uttered, and others are arrested after the formula is uttered, and this is a very convenient way of going to jail these days

The Honourable Sir Jeremy Raisman: The cat is out of the bag!

Qazi Muhammad Ahmad Kazmi: I have been told that a lawyer of renown has said that if Mahatmaji were to allow him to defend the Satyagrahis, he would see that every one of these sentences was wrong in law and was set aside; and the matter is so simple that every one can see it. In the case of Pandit Jawahar Lal Nehru, if he had cared to defend himself, no Court would have dared imposing the savage sentence of four years. He would have been acquitted, for he had committed no offence

Mr. M. Ghiasuddin: Even in a Nazi Court?

Qazi Muhammad Ahmad Kazmi: I have no experience of that. My learned friend might have. For what are called symbolic offences, or I should call technical offences, they are being given varying sentences of four months to four years, and fined Rs. 200 to Rs. 6,000. The earnestness of the people of India may be judged from the fact that an Advocate of the Central Provinces, Mr. Jakatdar, and an M. L. A., aged 65 years, has offered satyagraha six times in spite of having been sentenced to a fine aggregating over five thousand rupees and has again been sentenced to six months' rigorous imprisonment

Sir Syed Raza Ali: The sentence was not severe enough; that is the grievance, I suppose?

Qazi Muhammad Ahmad Kazmi: In their zeal to suppress the movement, the Government have not even hesitated to interfere in the election to this Honourable House. Mr. Khedan Lal, the Congress candidate, was arrested before his election, and just two days before the date of election, his worker, Mr. S. K. D. Paliwal, was also arrested, and the Government ought to have realised from the thumping majority of votes that Mr. Khedan Lal secured that this policy of torment and terror cannot succeed for long.

Now, as regards the prisoners, there is no uniformity of punishment, and certainly no uniformity of treatment, though the "technical" offence in all cases is the same, whereas there is uniformity of treatment for the German and Italian prisoners who are now in India. The arbitrary classification of prisoners adds insult to injury. There is no classification for war prisoners. The general demand for better and uniform treatment for politicals has been underemphatically ignored, and in some cases, as in the United Provinces, policies laid down by previous Governments have been reversed. One would have thought that the Government would have issued instructions that no satyagrahi should be awarded less than "B" Class, but today even women Satyagrahis are being given "C" Class. You can find any number of such cases, and they for that reason are compelled to undergo various hardships, humiliation and mental torture for having to stay with the ordinary convicts of low character. No Government, having an iota of civilization in it, could allow this treatment.

In some provinces, many of those who repeat these anti-war slogans and have made anti-war speeches have not been arrested at all, while, in a large number of provinces, people have been imprisoned without having done any overt act. In some provinces, including Delhi itself, prisoners are marched to railway stations through public streets in handcuffs and bar fetters. In the Punjab, a man of the position of Mian Sahib Iftikharuddin, who pays several thousands of rupees as income-tax was transferred from one prison to another in handcuffs.

Then, Sir, food in jails, and in the Delhi jail, in particular, is unclean, full of grit and of inferior quality. In spite of protests and publicity, no improvement in the matter has been made. The prescribed diet of an ordinary prisoner is none too nourishing or substantial, and it is notorious that even that is undercooked and unclean. In the Vellore Jail, satyagrahi prisoners and detenus were harassed by being denied the normal rice diet and they were being given, instead, an inferior grain *ragi*, which even beggars regard as starvation diet

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): What is *ragi*?

Qazi Muhammad Ahmad Kazmi: My friend knows it better than myself. I had to ask the meaning of it, but I now find that they are asking me what it is.

Mr. Umar Aly Shah (North Madras: Muhammadan): *Ragi* means *Ghody*?

Qazi Muhammad Ahmad Kazmi: Now, prisoners are allowed to supplement their diet, but may not have cooked food from outside. In the Madras Presidency, even Mr. C. Rajagopalachariar, the *ex*-Premier of the Province, is no exception to the rule, and even pickles and edibles of that kind come under the description of cooked food. In the Ajmer province,—and I had occasion to refer to it this morning,—Mr. Krishna Gopal Garg, a respectable and well-known citizen of Ajmer, who is in frail health, was given *chakki* grinding mill-task for some days during which he had a fainting fit. The trying Magistrate gave him “‘A’ Class,” but the administration have persisted in giving him “‘C’ Class” treatment, and the *Hindustan Times* has fitly characterised it as a scandal.

Then, Mr. Abdulla Farooqui, editor of two journals, *Mahakar Khyal* and *Khatoon*, who is incarcerated in Delhi Jail, is given old bamboos for cutting and making splinters,—and this is a kind of work considered fit enough to be given to a distinguished writer and editor of two journals,—and those who saw his condition say that his hands had become swollen and it became difficult for him even to take his food. Then, there are prisoners who have been served with restriction orders, and those who are detenus and security prisoners. The one is undergoing the rigours of jail life outside, while the other is inside without the semblance of a trial. On a previous occasion, I read out before this House that these restriction orders have been served on many persons in Delhi itself. In some cases these orders require these people to attend the police station after every four hours, that is, at 8 A.M., 12 noon, 4 P.M. and 8 P.M. Probably they are not called at night, because they might disturb the sleep of the police officers. Not only that, Sir, but they are also restricted to a ward or two of the Municipality of Delhi. Even if they cross the borders of the ward, they are held to have contravened the terms of the notice and are given various terms of imprisonment. They are asked to keep themselves not only within the bounds of the Municipal ward, which would hardly be 1/20th part of the area of the city and if they step out of it they are considered to have infringed or violated the terms of the order and are given imprisonment. Even if they cross the road which abounds a particular ward, they are liable to be convicted. In one case—that was cited previously before this House,—a gentleman was charged by the police for having joined the *Fatcha* ceremony of his sister. His defence was that he only crossed the road to get hold of the child, but anyway he was challanned by the police and convicted. And, Sir, taking advantage of the present position in Delhi, a number of persons have taken up the role of C. I. D. men. They approach peaceful citizens and tell them—look here, we have noted your activities and we will report you, and you will get restriction orders served on you,—and they are making money out of it.

Now, Sir, the lot of detenus who are in jail even without the semblance of a trial, and behind whose back the Honourable Member made the most irresponsible and unworthy attack on their character and labelled them as

traitors, etc., is very pitiable indeed. The Members of the Government are never tired of praising the life in prison. Honourable Members know very well the place where most of these people are kept,—they are kept in places far away from all railway communications, and their relatives and friends have no opportunity of meeting them. I may here mention the instance of Maulvi Habibur Rahman of Ludhiana who was at one time the President of the Majlis-i-Ahrar. He had a talk with Mr. Rafi Ahmad Kidwai at Allahabad. Mr. Rafi Ahmad Kidwai is an *ex*-Minister of the United Provinces. After he returned from Allahabad and reached Lahore, he was taken into custody without any charge or without any allegation that he had done anything which could be construed as prejudicial to the war activity, and now he has been transferred to Montgomery Jail. Now, Sir, it will be news to Members of this Honourable House that no friend or relative of his can see him without the permission in writing of the C. I. D. D. I. G. of Police, C. I. D., at Lahore. Unless one gets the permission of this officer who is in Lahore, no person can see him in Montgomery Jail, and no person is allowed permission by the C. I. D. His own son had much difficulty in seeing him. His doctor, Dr. Abdul Qavi, who has got a good practice. He had been attending him while he was outside the jail. He wanted to get the permission of the D. I. G., C. I. D., at Lahore to see him, because Maulvi Habibur Rahman being of advanced age suffered from piles and wanted medical consultation. The result was that permission was not granted. Even those persons who have got the good fortune of getting permission from that high official have got to get their permission renewed by the Superintendent of the Jail. That is only proper. I do not blame the Government. The interview can only be had in the presence of a jail officer as well as a policeman, and they must be in hearing distance, that is, only a few steps from the place where the conversation is going on. It was suggested by Mr. Amery in the House of Commons that leaders of political parties in India, if they wanted to correspond or consult or do anything of the kind, will be given all the facilities.

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

Qazi Muhammad Ahmad Kazmi: I am just finishing. These are the hardships of the people who are suffering. The Honourable the Home Member inspected the Deoli Jail in the guise of a P. W. D. Official. If he wanted to know the real condition of the people there, it would have been better if he had got convicted and resided there for some time. Then he would have also got well deserved rest from his arduous duties, and if he had told his experiences after he had been sometime in jail, we would have had no hesitation in giving full credit to his statement about the life of the prisoners there. I would only submit in the end that the characterisation by the Honourable the Home Member of the detenus that are now kept in Deoli jail has evoked a strong protest in the whole of India, and I must add that in my view the statement regarding them was most disgraceful and not fitting to this House. With these words, I move the motion.

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

“That the demand under the head ‘Executive Council’ be reduced by Rs. 100.”

Sir Syed Raza Ali: It is extremely difficult for a man returned to this august Assembly by the vote of his constituency to speak freely on a motion of this character.

An Honourable Member: Why?

Sir Syed Raza Ali: After all the position is that among the remarks that my Honourable friend made in his speech he has referred to a large number of Members of this House and Congress Ministers serving in the Provincial Governments till the year 1939 being sent to jail. I really feel considerable diffidence in saying anything which would create an impression that I have no objection to Government riding the high horse and acting recklessly in the discharge of their duties. As I said, I would be the last man to produce the impression that if the Government are acting recklessly they can have the sympathy from any action of this House. But, Sir, let us see what is the real issue raised by the motion of my Honourable friend. My Honourable friend has divided the main question into two parts. His contention is that in the first instance those who are courting arrest and going to jail are doing so in the exercise of a right which has not been conceded to them by a wicked Government, according to him. That is the first part. The second part consists of a number of instances in which according to his information unduly severe treatment has been meted out by Government officials, magistrates and jail authorities to people either belonging to the Congress or to associations affiliated to the Congress, such for instance, I take it, as the Ahrars. Let me make it clear that so far as the second point is concerned, it is not for me to say anything. My Honourable friend just referred to an old man of 65 being sentenced 6 times in the exercise of his right, I suppose, of shouting out anti-war slogans. Now, as regards the age and the number of times on which this individual has been sentenced, I do not think there is much for me to say. If the magistrate had inflicted one year's sentence of simple imprisonment, the complaint so far as this man is concerned would not have arisen.

Dr. P. N. Banerjee: What about the hand cuffs?

Sir Syed Raza Ali: I am coming to that. The complaint is that instead of "A" and "B" classes being given to these Congress prisoners they are given "C" class. Another complaint is that Congress prisoners have been marched to railway stations and other places in handcuffs.

Qazi Muhammad Ahmad Kazmi: And hand fetters.

Sir Syed Raza Ali: I mentioned the first word used by my friend—it may be fetters too. Another complaint is that the kind of work to which they are put in jail is unduly severe and it is not in keeping with the degree of the offence committed by them as according to my friend these prisoners have committed a non-violent offence. I may have to say later a word about the meaning of "non-violent offences". Any way, so far as these things are concerned, it is not for me to offer any remarks; it is a matter for the Government to inquire into and find out whether any of these complaints are correct; I will confine myself entirely to the attitude taken up by the law-breakers on the question of shouting out anti-war slogans. Sir, complaint was made by my Honourable friend that interviews are not allowed with some of these prisoners without the authority of the Inspector General of Prisons.

Qazi Muhammad Ahmad Kazmi: D. I. G., C. I. D.

Mr. Muhammad Azhar Ali: I would add, of the place where the man was arrested.

Sir Syed Raza Ali: Again, this is a question with which we as a party are not concerned. This again is a matter which should be determined by Government,—whether all the rules should be suspended so far as the Congress prisoners are concerned. Let me, however, recite an incident which happened to me. Sir, it is open to my friend to lay all sorts of charges at the door of the Government, and it may be that the Government are hard put to it to find a defence on some of the questions; that is Government's look-out. But let me tell this House as to how the Congress ministries themselves behaved when they were in power in 1939. . . .

Sardar Sant Singh: On a point of order, how is that relevant?

An Honourable Member: That is not a point of order.

Mr. Deputy President (Mr. Akhil Chandra Datta): Let us wait and see.

Sir Syed Raza Ali: You are complaining of this treatment meted out to Congress prisoners by this bureaucratic Government of India. Let me remind you that they themselves behaved no better than the Government of India towards certain important Muslim prisoners. Now the point is this. We know that the Khaksars went to Lucknow when that unfortunate internal trouble among Muslims took place in 1939. We also know that Allama Mashriqi was awarded a sentence. Sir, I thought it my duty as a Member of this House to visit the unfortunate Allama Mashriqi and to find out from him as to what the real cause of his quarrel with the Congress Government was. Sir, let me tell this House that the first thing I was told was this, that I could not possibly be allowed to see Allama Mashriqi unless I obtained permission from the officiating Prime Minister himself—not the D. I. G. but the officiating Prime Minister himself was to give me permission. That happened to be Mr. Rafi Ahmad Kidwai—who unfortunately is behind the bars of jail today. Sir, I did apply, he gave me permission but the permission was hedged round with so many conditions that I found it impossible to have that interview. One of the conditions was that Mashriqi was to go to the Superintendent's room to be interviewed by me. Mashriqi had already declared to Government half a dozen times before that he refused to leave his room as a prisoner; if anybody wanted to have any interview with him, it was for him to come to Mashriqi's room and I requested Government to waive this condition and allow me to see Mashriqi in his room. But the reply was, "rules are rules, whether it is a case of Raza Ali or somebody else; rules cannot be relaxed for the sake of Raza Ali". May I ask whether the rules can now be relaxed for the sake of this Congress person or that Congress person? I am not really exhibiting a want of sympathy. But this is the message I got a friend to give to Mr. Rafi Ahmad Kidwai on the phone; I said, "well, you will not always remain in power; you do not know (Interruptions) what turn the events will take"; now, the events have unfortunately

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taken a turn very disadvantageous to Mr. Rafi Ahmad Kidwai and his friends. All I can say is that the present Government—I am not here to defend the Government as they are capable of defending themselves—are not more wicked than the Congress Government of 1939, who did not grant me the interview.

Now I come to the main point. My main point is this. Are Congressmen and the friends of Congressmen, and I believe my Honourable friend is a friend of the Congress, are they right in complaining and in raising this cry, "grant us the right to preach to the people that they should not participate either in the war or in the war effort"? Sir, this is a point that concerns everybody who lives in India, whether Hindu, Muslim, Sikh, Christian, Parsi, Jew or anybody else. Sir, may I ask my Honourable friend—is there any country in the world which is involved in war the people of which have been conceded the right by their Government to preach anti-war slogans?

Dr. P. N. Banerjee: What about South Africa?

Sir Syed Raza Ali: I am very glad my Honourable friend has raised that point; well, I happen to know South Africa a little.

Dr. P. N. Banerjee: South Africa of the present day.

Sir Syed Raza Ali: If my Honourable friend, Dr. Banerjee, reads his paper carefully, he must have noticed that only nine days ago a Reuter's message came out from South Africa to the effect that Government had put a ban on a nationalist association that was engaged in conducting anti-war propaganda,—only nine days ago.

Dr. P. N. Banerjee: After how many months?

Sir Syed Raza Ali: However, I do not want to give too much time to South Africa, but I know this much that what is being done by the Congress people in India today South Africans will not dream of doing and then agitating the question of ill-treatment of prisoners.

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

Sir Syed Raza Ali: On the first question I just want to say this much indeed seriously,—that in Germany, Italy or England or any Dominion or Colony within the British Commonwealth of Nations, it is impossible for any Government, unless it is prepared to abdicate its functions as a Government, to allow its people the free right of conducting an anti-war agitation when that country and that Government are engaged in a life and death struggle. In fact, it is childish. If the Government really want to concede that right to the Congressmen, then, before they do so, they should make up their mind to abdicate their functions as a decent Government. On this question, it is impossible for anybody to agree with the Congress. No doubt, the Congressmen think that it is such an innocent thing. After all, the word "innocent" was used by my Honourable friend. Now, what is called innocent? The right to say: "Do not go to fight; do not help the Britishers". It means "do not defend your

own country" for ultimately, it comes to that. My friend knows that very well. Therefore, I say that this is really a childish campaign. I am sorry my friend has brought this motion. We have been keeping studiously silent on this question, but a time comes when it is your duty to speak up. I am sure my Honourable and Learned friend has rendered a positive disservice to the Congress and the unfortunate victims of the Congress by raising the question in the form of this cut motion.

Sir, I oppose the motion.

Mr. N. M. Joshi: Mr. Deputy President, I rise to support the cut proposed by my Honourable friend, Mr. Kazmi. I am glad my Honourable friend is present in this House, at least on this occasion. In my judgment, if he had cared very much for the maintenance of civil liberties even in war times, he should not have absented himself from the House when the Defence of India Bill was passed into an Act. Though late, he has learnt wisdom now. I am not interested in defending the Congress. I am interested in defending the civil liberties of the citizens of this country. Whenever even the Congress had attacked civil liberties, I had not failed to lodge my protest against the Congress Government. The point is not whether the Congress is right or wrong. The point is whether the civil liberties of the people of this country should be attacked even in war times. Sir, it is said that during war times there is no country in the world where people are allowed to say if they are against the war that they are against the war.

Sir Syed Raza Ali: They cannot be allowed to preach.

Mr. N. M. Joshi: They cannot preach, but if they are against the war, they must say that they are against the war and I take it that they will be allowed to argue why they are against the war.

Sir Syed Raza Ali: No.

Mr. N. M. Joshi: My Honourable friend says 'No'. There is clearly a difference of opinion. He asked: Is there any country in the world where such a liberty is given? May I ask him another question? Is there a democracy in the world where a country is involved in the war without consulting its Legislature or Parliament? I do not know of any democracy where a country is involved in a war without consulting its Parliament. Therefore, it is not quite fair to compare India, which has been involved in the war without the consent of the people, with those countries where people have joined the war with their own consent. I know that during war times, ordinarily, in all countries people are not allowed the same freedom of speech and the same civil liberties in other respects. I can understand a Government restricting the civil liberties of the people and preventing the people giving information by their speeches and by their writings which is likely to be helpful to the enemy. I can even understand a Government restricting the civil liberties of the people to the extent that during the time of war when passions could be easily roused, people should not be permitted to make provocative speeches. But to make use of the existence of war, to prevent people to argue calmly and coolly their opposition to the war if they are against it, and to prevent people to persuade their countrymen to accept the view which they themselves hold, namely, opposition to the war, is going beyond the reasonable limits.

Sir Syed Raza Ali: Is that allowed in England?

Mr. N. M. Joshi: I shall come to what is being allowed in England. I remember the Government of India stating, through the mouth of their Leader, that the Government are prepared to give to the people of this country the same right which is given to the conscientious objectors in Great Britain. Well, Sir, I know that during the last war man like Ramsay MacDonald, when he was opposed to the war, did make his speeches against the war and he was permitted to do so.

Sir Syed Raza Ali: Not if he preaches.

Mr. N. M. Joshi: I am not talking about preaching. I am not a preacher, but I believe in persuading people to accept my view. A citizen has every right to put forward his point of view before the other citizens and persuade them to accept his view. That may be allowed here: that has been allowed in Great Britain.

An Honourable Member: What about Sir Oswald Mosley?

Mr. N. M. Joshi: I feel that it is in the interests of Government themselves if they feel that they have involved this country in the war rightly to give this freedom to the citizens to discuss this question, whether it was in the interests of the country that our country should have been involved in the war? If people are to be persuaded and not to be coerced to join the war, then the right thing to do is to allow them freedom for the proper discussion of this subject.

Sir Syed Raza Ali: Publicly?

Mr. N. M. Joshi: If you do not allow public discussion, you simply coerce people to accept your point of view and you do not persuade them

Sir Syed Raza Ali: No country is allowing that.

Mr. Deputy President (Mr. Akhil Chandra Datta): There should be no interruptions.

Mr. N. M. Joshi: If it suits the convenience of my Honourable friend, Sir Syed Raza Ali, let him do so. But the point which I am making is this, that every citizen must be allowed to present his point of view before the other citizens. He has an equal right to persuade the other citizens to accept his point of view, and that must be allowed even during the war. In India, we go much beyond this and with much less excuse than in Great Britain. After all, Great Britain is the actual seat of war. India is not. Whatever you may say, even today there is greater freedom allowed in Great Britain than in India.

Sir Syed Raza Ali: No.

Mr. N. M. Joshi: I am going to prove that.

Sir Syed Raza Ali: Quote cases.

Mr. N. M. Joshi: I am going to quote cases if the Honourable Member will only have a little patience which will suit his age and experience.

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

Sir, in India people are penalised not only for what they say or what they do but what political opinions they hold. The Government of India is putting in jail communists on the ground that they are communists. In Great Britain, a man is not put in jail on the ground that he is a communist. There is at least one Communist Member of the British Parliament, who is still allowed to make his speeches in that Parliament and who is still allowed to make his speeches to his constituents. There are thousands of communists in Great Britain who are still doing their work as usual and who are still using their freedom to preach their point of view. There is at least one point in favour of Great Britain so far as civil liberty is concerned and there is nothing in favour of India. I feel that it is wrong to penalise any people on the ground of their political principles or views. If communists do something wrong, if they go against the law, then certainly put them before a Magistrate or before a Judge and let them have at least a fair trial. But that is not done in India.

The Government of India have announced their policy that people who hold communistic views will be put in jail. I do not wish at present to go into the question of treatment of prisoners. I have spoken about that point before. I would like the Government of India to consider the question of people who are detained without trial and then who are refused even the ordinary treatment which is necessary to be given to them as human beings. I have placed several points regarding this treatment of prisoners before the House. I had also made a suggestion to the Government of India that they should appoint a Committee to consider the question of treatment given to the detenus in the various jails of India. Sir, last time I put before the House one of the difficulties of those people who are put in jail as regards the maintenance of their family outside of the jail. I have also placed before the House the difficulty of their family members especially ladies, in finding the requisite money to go and visit the jails. The Government of India have removed some of the detenus from Bombay to Deoli camp. I know several families of these detenus who cannot afford to go to Deoli on account of want of money to see their relatives lodged in the detention camps. I would have liked the Government of India to at least make the rule that if a detenu, say from Madras or from Bombay, is taken to Deoli, his wife or his near relatives will be at least given railway fare to go to Deoli.

Dr. Sir Ziauddin Ahmad: First class fare.

Sir Syed Raza Ali: Why not run a special train?

Mr. N. M. Joshi: Well, Sir, if the Government of India have sufficient number of detenus from Bombay or Madras and other provinces lodged in Deoli jail, it may be necessary for them to have a special train. Every detenu is a human being and he has his own rights. He has been put in jail without trial and it is wrong to make his family suffer on account of the Government's action. I, therefore, hope, Sir, that the House will not treat this subject lightly, will not treat this subject merely out of a partisan spirit, but let them consider this question from a humanitarian point of

[Mr. N. M. Joshi.]

view, let them consider this question from the point of view of fairness and justice, and I am quite sure, that even the Honourable Members of the Muslim League Party of this House will support this cut motion moved by my Honourable friend, Qazi Muhammad Ahmad Kazmi.

Sardar Sant Singh: Sir, I had no intention of intervening in this debate (Interruption), and the very fact that I stand on my legs to exercise my right of speech troubles my Honourable friends of the Muslim League, which means that realisation of their error of ways has dawned upon them at last and I hope that the process will continue for some time more to bring light to their benighted brains. It is strange to find a man of the position and status of Sir Syed Raza Ali making a speech by which he is encouraging restrictions of liberty of speech, liberty of action and sorts of disappearance of civil liberties from this unfortunate land. It was a shock to me to find that a man who claims to be an experienced politician of India

Sir Syed Raza Ali: May I know when I made that claim?

Sardar Sant Singh: I am very happy that he does not claim to be one. So, I will try to leave him in oblivion which he deserves rightly after the speech which he made just now. Sir, the question before the House, the subject matter of the cut motion was the repressive policy of the Government of India in the matter of the administration of the Defence of India Act and the rules made thereunder. I do not understand how the question of the administration of the Congress Governments in the various provinces came into the discussion at all, unless my Honourable friends of the Muslim League have gone into utter lack of imagination that they are out to defame Congress Governments in season and out of season.

Sir Syed Raza Ali: I have quoted my own case.

Sardar Sant Singh: Quoting your own case, does not justify the action of this Government. Suppose for the sake of argument the Congress Governments have been doing wrong in the matter of maintaining law and order, does it justify that the Honourable the Home Member of the Government of India should be doing the same thing with the people living in the Centrally Administered areas. According to him one wrong justifies the other and two wrongs make one right. If that is the logic of my Honourable friend, Sir Syed Raza Ali, I have nothing to say about it. My Honourable friends of the Muslim League forget that we, in the Punjab, are suffering at the hands of the Unionist Government. You forget that it is the Unionist Government that placed a ban upon religious processions which no Congress Government would do. The Unionist Government in the Punjab banned the religious procession on the occasion of the birthday of Guru Gobind Singh at Sargodha under the Defence of India Act.

Dr. Sir Ziauddin Ahmad: How is all this relevant?

Sardar Sant Singh: My Honourable friend, Sir Syed Raza Ali, referred to what the Provincial Governments were doing.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member come to the Central Government. The Central Government is not responsible for what happens outside.

Sardar Sant Singh: It was because Sir Syed Raza Ali referred to the Provincial Governments

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the Central Government.

Sardar Sant Singh: I am only giving a reply to what Sir Syed Raza Ali said.

Mr. President (The Honourable Sir Abdur Rahim): It does not justify the Honourable Member to go outside into the provinces.

Dr. P. N. Banerjee: It is only by the way.

Sardar Sant Singh: I am not one of those who objects to the policy of the Government of India on that account. If the Congress Governments have done anything wrong, they are as much condemnable as the Central Government if they do anything wrong or as the Provincial Governments which are not Congress Governments if they do anything wrong. It is the repressive policy which is to be condemned whether it comes from the Government of India or from any of the Provincial Governments. There is no sense in making this objection from that point of view, namely, that because Sir Syed Raza Ali was not allowed to interview a prisoner by a Congress Government, that is no reason, that is no justification. What I want to say is this: is it or is it not a fact that the Defence of India Act and the Rules made thereunder are being worked in a spirit which represses the legitimate activities of the people of India. That is the question to which we must direct our attention.

Here, on the floor of the House, I have complained from the very day that the Defence of India Bill was brought before this House that I want an assurance from the Honourable Member who was piloting this Bill that this will be worked in a spirit which will not crush the legitimate activities of several people outside the prosecution of the war or the maintenance of law and order. I can understand that in time of war, order must be maintained, the successful prosecution of the war must not be hampered. So far I am willing to go with the Government. But when the Central Government abdicate their power entirely, refuse to watch the working of the rules, throw the responsibility upon the Provincial Governments and say that they have nothing to do with them, I take exception to it. I say the Central Government are not keeping within those assurances given on the floor of this House. The Honourable the Home Member told us the other day that he had visited the Deoli camp and those persons who are detained there are traitors. This was strong language and it was taken exception to on that very day and every sensible man will take exception to it. After all whoever is detained is detained on police reports alone. No regular charge is made and they were never brought to trial. They were given no opportunity to cross-examine witnesses who deposed against them; their antecedents were never tested in a court of law. Therefore, the description of such men as traitors to the country is open to serious doubt and serious challenge. Therefore, I will say that if the Government of India want that the people should reconcile themselves to the Defence of India Rules they will have to exercise greater caution and greater control over the working of the Act. I know a case which I intend to cite during the discussions on the Finance Bill of a very respectable chemist in Lahore

[Sardar Sant Singh.]

belonging to a well-known firm who was visited by a police officer of the rank of D. S. P., who wanted to arrest him for selling a drug for Rs. 2 against the notification. He protested that this drug was not one of those the sale of which was controlled or prohibited under the Defence of India Rules. But his protest was not heard and he was taken into custody. Two days he was kept in lock-up. He wrote to the Inspector General of Police and to the Prime Minister that the sale which had taken place did not contravene any of the provisions of the Defence of India Rules. Nobody listened. After two days he was let off on a bail of Rs. 10,000, and, ultimately, when the case came up the police found that the sale of the drug was not prohibited under the Defence of India Rules. The case was converted then into an attempt to cheat under the ordinary Penal Code. The Defence of India Rules disappeared and the case was brought under cheating.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is dealing with a provincial case. He cannot be allowed to do that.

Sardar Sant Singh: I am referring to it as an illustrative case to show that the Defence of India Rules

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may be right in saying that the Government of India ought to supervise the administration but he cannot deal with the merits of these cases.

Sardar Sant Singh: I am not discussing the case. I am only saying what the Magistrate said. He said that there was no case under the Defence of India Rules. There was no case under the Penal Code either and he was discharged.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): The Honourable Member makes the Government of India look almost virtuous by comparison!

Sardar Sant Singh: I agree they are virtuous in comparison with Provincial administration but at the same time I would be failing in my duty if I do not bring to the notice of the Government of India that they should amend these Defence of India Rules, and if they have handed over the whole control to the Provincial Governments they should get it back by legislation and keep the control to themselves. That is the point that I have been urging for a year and a half during which the Defence of India Rules have been working. I really cannot appreciate the position that the Government of India have no hand in the matter or that they cannot watch the working of the Defence of India Rules by the Provincial Governments. The present position is this that the Defence of India Act is admittedly a very drastic legislation; it puts very drastic powers in the hands of individuals who are not capable of exercising them. Therefore, the time has come when some sort of committee should be appointed to examine the working of the Defence of India Rules throughout India whether action is taken by the Provincial Governments or the Central Government. That is the point that I have been

pressing during the last one year and a half and I want again to bring to the notice of Government the mischief that is being done under the Defence of India Rules. They are certainly entitled to use them for legitimate purposes where the prosecution of the war is hampered in one way or the other. But they are not entitled to abdicate in favour of other individuals whom they have given power to use this Act in any way they like. Therefore, I support this motion.

Several Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

The Honourable Sir Reginald Maxwell: Sir, I confess I have found this rather a confusing discussion and I do not know exactly what case I am called upon to meet. But so far as I could disentangle the remarks which were made by various Honourable Members, there seem to be two main objects underlying this motion. One which was stated more prominently by Mr. Joshi than by the Mover is the assertion that civil liberties ought to be allowed to the extent of permitting any conscientious objector to say what he likes, regardless of its effects. On that I would remind the House of the objects for which the Defence of India Act was passed. The Preamble of the Act states its main object, viz., "to provide for special measures to ensure the public safety and interest and the defence of British India". That is a very solemn purpose and we are interpreting it in the highest interests of the country. The rules which Government are authorised to frame under the Defence of India Act are rules "for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community". In other words, the Defence of India Act is not primarily a penal enactment; but it recognises the fact that in time of war, in time of grave national emergency the liberties of the ordinary citizen have to be circumscribed in certain directions. That very point was stressed by the Honourable the Leader of the House in the Assembly debate on the Defence of India Bill where he quoted from a speech of Mr. Winston Churchill drawing attention to the fact that it might seem a paradox that a war undertaken in the name of liberty and right might require as a necessary part of its purpose the surrender for the time being of many valuable liberties and rights. The Honourable the Leader of the House at that time gave an assurance to the House that we should, as stated there by Mr. Winston Churchill, regard ourselves as the jealous guardians of those rights in so far as it is possible, and I can assure the House that in all matters connected with the Defence of India Act we have a full sense of our responsibility. . .

Sardar Sant Singh: May I ask the Honourable Member one question? It is this. . .

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

The Honourable Sir Reginald Maxwell: If I stop to answer interruptions, I will not have time to finish. While, then, I am able to assure the House

[Sir Reginald Maxwell.]

that in administering the Defence of India Act so far as it depends on the Central Government, we have a full sense of our responsibilities, I must repeat that no assurance has ever been given that the rules would not be used against any form of activity which was designed to impede the successful prosecution of the war.

Now, I had come here prepared to discuss the use of the Defence of India Rules, generally, because the motion did not make it clear on the face of it how restricted the intentions of the Honourable the Mover were: but I find that in reality the only thing in which he is at all interested is the treatment of satyagrahis; and in regard to those persons, as has already been recognised by my Honourable friend, Sir Syed Raza Ali, we have to take them at their word: they have come forward not merely as conscientious objectors, but as persons going about openly attempting to persuade the public to withhold all support from the war effort. In regard to conscientious objectors, neither this Government nor any Provincial Government in India has ever said that conscientious objectors would not be allowed all the liberty which similar persons are allowed in England. There, no restriction is placed on a person who holds conscientious objections to war as such, and he is even at liberty to profess his views openly; but there too a line is drawn against any attempt to interfere with others who are willingly giving their services to the war. Now, I deny that the person who utters an anti-war slogan can be given the credit of insincerity. If he means what he says, he wishes to persuade the public that they should withhold their support from the war. Even in its simplest form, the stereotyped slogan must be taken in that sense, but I have come across a number of instances in which persons supporting the movement which my Honourable friend wishes to defend have said quite other things. Let me quote from a speech by a gentleman named Mr. Ghulam Ghaus who holds the high title of dictator of the All-India Ahrar Party. He in addressing meetings in Peshawar stated among other things: that three-fourths of the British Navy had been sunk, and on one occasion he prayed that Hitler should be given strength to kill the British people. On the subject of the Army, in all his speeches he invariably exhorted his listeners to persuade any military sepoy they met not to die a *haram* death. Another gentleman of the Punjab, I think I will not mention his name, exhorted the audience to inculcate the spirit of those brave German pilots who at great personal risk and in face of thundering anti-aircraft guns and strong searchlights shelled London and did not even miss the Royal Palace. Another gentleman, this time a gentleman in Madras, said:

"Britain will never defeat Germany. The Nazi mode of government is given for us to welcome in our midst. Britain has robbed France of many of her possessions and slaughtered many of her innocent men and women, all the while posing as an ally of the French. The Indian army is a host of stone-starved men. This army is deplorably short-lived and is not likely to exist for more than 28 days."

As that speech was delivered on the 26th January, I am glad that the speaker's prophecy has not come true. Therefore, it is not entirely open to the Honourable Member to talk as though this anti-war slogan campaign was an entirely innocuous thing or that we were not right in invoking our powers under the Defence of India Rules against such persons.

They are of a different character from the conscientious objectors. I have no objection to any one deploring the necessity of war as such—in that sense I am a conscientious objector myself. But I am not going to allow any one to persuade other people not to take part in the actions which are necessary for the safety of British India. That is all I need say on this particular point, except this, that in so far as we have used powers under the Defence of India Rules against movements of this kind or against any other movements commonly described as political, we have attacked only the war aspect of the activities of these agitators. The Defence of India Rules have not been used from the beginning and I defy any Honourable Member to give me an instance to the contrary: these rules have not been used to suppress any legitimate form of political agitation. . . .

Sardar Sant Singh: I am telling you in Sargodha the Guru Govind birthday procession was stopped.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member has had his opportunity to speak.

Sardar Sant Singh: Religious processions are being stopped.

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

The Honourable Sir Reginald Maxwell: The other line of attack which I am asked to meet and which, I confess, surprises me, is this: that persons convicted for civil disobedience are not allowed privileges other than those of ordinary convicts. So far as I can make out the very special object of the Honourable the Mover of this motion was that satyagrahis should be declared entitled to some kind of special treatment in jail and that the treatment which is an ordinary incident of the life of a person convicted of any other offence suddenly becomes (in the words of his daily adjournment motion) "inhuman" when it is applied to a satyagrahi. Incidentally I may correct him on the point of whether *ragi* is a suitable diet or not: it is the staple food of a large number of the people in my province, Bombay, and is universally recognised as having a very good nutritive value. However, that is a minor point; but when an Honourable Member who appears, if I may say so, to be supporting a movement which claims to penetrate to all strata of society and takes particular interest in Harijans and people of that kind, when he complains that those persons, those satyagrahis who are imprisoned are compelled to associate with persons of low character, I am surprised at the lengths of, I might almost say, snobbery to which certain classes of our professing nationalist population are inclined to go. . . .

Sir F. E. James: There is a lot of snobbery in jail!

The Honourable Sir Reginald Maxwell: So it seems. As regards the use of handcuffs and fetters, I might mention that in a few days I am answering a question which is being asked by the Honourable Member himself on that subject in this House, and, therefore, I will not detain the House with details on that point; but I have a perfectly satisfactory answer to give so far as Delhi is concerned, and I think that was the province to which he alluded.

[Sir Reginald Maxwell.]

But in regard to these satyagrahis it may interest the House to know that the total number of persons actually undergoing imprisonment under all sections of the Defence of India Rules on the 1st of February amounted only to 3,094 in the whole of India. So many prisoners were in jail for all offences under the Defence of India Rules. On the face of it then to describe the action taken under the defence rules as anything in the nature of repression is a total misuse of language. But of these 3,094 prisoners who were then in jail, I find that about 2,642 are prisoners convicted in connection with the civil disobedience movement; that is to say, these were prisoners who had actually invited their arrest. Now, when a person comes to me and asks to be arrested and I arrest him under some section of the law, am I to be accused of repression? I cannot understand what sort of repression it is. Actually I have plenty of instances, which I could quote if there is time, to show that if we do not arrest a satyagrahi, we are regarded as unsympathetic. There is a very good case on record, and it was published in the *Madras Mail*, of a satyagrahi who was provided with a bullock cart and garlands to go to his place of satyagraha, in fact the people of the village wondered why they had not got on to his good points before. It all went well, but when the man appeared on the platform the police did not turn up. This entirely upset the programme of the meeting, and they sent anxious messengers to the police Sub-Inspector to come along. The Sub-Inspector said he had other work to do. Then their demands for a Sub-Inspector changed to pleading, and they begged him to come along if only not to spoil the ceremony. He came and sat on the platform with the satyagrahi, and the satyagrahi stammered his slogan. But the Sub-Inspector was engaged in conversation with his next door neighbour and finally went home. . . .

Sir F. E. James: Have they a photograph?

The Honourable Sir Reginald Maxwell: I expect so.

I have heard of another case of a gentleman in Bihar offering himself as a satyagrahi. This gentleman is a *bidi* maker,—I am not sure if he has a sufficiently good status to associate himself with other satyagrahis,—he is a *bidi* maker, and he is now *en route* to Delhi walking three and half miles a day. He is imploring the rural police alongside his route to arrest him.

Sir F. E. James: He will get here next Session.

The Honourable Sir Reginald Maxwell: If the police do not listen to his entreaties and arrest him.

Then, there is another case of a man in Bareilly who had given notice of satyagraha in a certain village. He went to the District Magistrate and told him that he wished to change that village for another one as he had met with such hostility that he had to run away from the village originally chosen. The District Magistrate asked him if he would prefer to go straight to jail. He thanked the District Magistrate and went round to the Police Office to be arrested.

Sir F. E. James: Tell us some more.

The Honourable Sir Reginald Maxwell: There is another instance at Dehra Dun. A Congress volunteer who had been detailed for courting arrest dodged his duties on the ground that he was suffering from frost bite. This was interpreted to mean cold feet. I have many other instances which I might quote, but I might perhaps quote one to illustrate the types of satyagrahis we are getting hold of. There was one case again in Madras, an accused woman who was perfectly illiterate, a country girl who did not know what she was doing. She gave her age as 19 but looked considerably less. Immediately after the examination of the one prosecution witness, she was asked to cross-examine the witness. She did not know what cross-examination meant, but she merely repeated the slogan. Then she was questioned by the court, and she frankly admitted she did not understand what the slogan meant. She thought that the present war was between Britain and Poland. I have no time to give other anecdotes to the House about these persons.

Some Honourable Members: Give us some more.

The Honourable Sir Reginald Maxwell: I will tell the House at least one encouraging story, that is, in the Central Provinces a satyagrahi was sentenced to a fine of Rs. 60. His father sent a currency note of Rs. 100, of which Rs. 60 was on account of fine, and the balance was for a contribution to the war fund. (Laughter.) In these circumstances, I heard without surprise the story of the Honourable the Mover of the satyagrahi in the Central Provinces who had made six attempts before he could get himself arrested. This again is an instance of repression!

Sir F. E. James: May I know, Sir, if the Honourable the Home Member will take suitable steps to have these stories broadcast in the usual way?

The Honourable Sir Reginald Maxwell: As I said, these satyagrahis are persons who have asked us or invited us to arrest them, and who object in fact to not being arrested; yet when they come to jail they ask for special treatment. The treatment that is good enough for ordinary convicts is not good enough for them, and I would ask the House what sort of heroes or martyrs are these. I understood that it was one of the duties of a true satyagrahi not to ask for any special privileges for himself. One point has been made as regards classification, and on that I can assure the House categorically that no distinction at all is made between satyagrahis and ordinary convicted prisoners. As regards the principle of classification, all persons, whether satyagrahis or ordinary convicts, are classified according to their status and mode of life before their arrest, and no exception is made to that. In other respects the Government of India have informed Provincial Governments that satyagrahis are not ineligible for 'A' class treatment, that is to say, the offence does not come under those which debar a convict from 'A' class treatment, and I may inform the House that a great many of them get 'A' class. But I do not know why these complaints are brought forward and are generally supported by allegations of ill-health and so forth, or that the prisoner was not able to do the tasks assigned to him. From all these complaints one would rather suppose that the average satyagrahi was a confirmed valetudinarian. If so, I can only say to the Honourable Member that the persons who are supporting this

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movement are not prize examples of India's manhood, and I would suggest that in order to get the movement taken more seriously, he should find a few satyagrahis who are able to take ordinary food and become ordinary convicts. Sir, I oppose this motion.

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

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

The motion was negatived.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): May I make a statement? Sir, the Holi and Dulhandi were to have been observed on Wednesday and Thursday, respectively, in this week. Consequently, no meetings of the Assembly were fixed for those days. Intimation has now been received that while the Holi will be observed as arranged on Wednesday, the Dulhandi will be observed on Friday instead of on Thursday. In these circumstances, Sir, I would request you to cancel the meeting fixed for Friday and to direct a meeting to be held on Thursday in lieu of Friday. If you are pleased to make this direction, the list of business issued for Tuesday, Friday and Saturday will stand as the list for Tuesday, Thursday and Saturday.

Mr. President (The Honourable Sir Abdur Rahim): As suggested by the Honourable the Leader of the House, the meeting for Friday is cancelled, and, instead, there will be a meeting on Thursday next.

(It being Five of the Clock.)

DEMAND No. 1—CUSTOMS.

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

"That a sum not exceeding Rs. 82,13,000 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, 1942, in respect of 'Customs'."

The motion was adopted.

DEMAND No. 2—CENTRAL EXCISE DUTIES.

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

"That a sum not exceeding Rs. 10,85,000 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, 1942, in respect of 'Central Excise Duties'."

The motion was adopted.

DEMAND No. 3—TAXES ON INCOME INCLUDING CORPORATION TAX.

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

"That a sum not exceeding Rs. 82,63,000 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, 1942, in respect of 'Taxes on Income including Corporation Tax'."

The motion was adopted.

DEMAND No. 4—SALT.

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

"That a sum not exceeding Rs. 50,73,000 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, 1942, in respect of 'Salt'."

The motion was adopted.

DEMAND No. 5—OPIUM.

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

"That a sum not exceeding Rs. 25,56,000 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, 1942, in respect of 'Opium'."

The motion was adopted.

DEMAND No. 6—PROVINCIAL EXCISE.

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

"That a sum not exceeding Rs. 4,09,000 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, 1942, in respect of 'Provincial Excise'."

The motion was adopted.

DEMAND No. 7—STAMPS.

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

"That a sum not exceeding Rs. 25,09,000 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, 1942, in respect of 'Stamps'."

The motion was adopted.

DEMAND No. 8—FOREST.

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

"That a sum not exceeding Rs. 6,86,000 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, 1942, in respect of 'Forest'."

The motion was adopted.

DEMAND No. 9—IRRIGATION (INCLUDING WORKING EXPENSES), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS.

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

"That a sum not exceeding Rs. 2,11,000 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, 1942, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works'."

The motion was adopted.

DEMAND No. 10—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES).

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

"That a sum not exceeding Rs. 11,25,48,000 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, 1942, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

The motion was adopted.

DEMAND No. 11—INTEREST ON DEBT AND OTHER OBLIGATIONS AND REDUCTION OR AVOIDANCE OF DEBT.

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

"That a sum not exceeding Rs. 84,24,000 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, 1942, in respect of 'Interest on Debt and other Obligations and Reduction or Avoidance of Debt'."

The motion was adopted.

DEMAND No. 12—EXECUTIVE COUNCIL.

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

"That a sum not exceeding Rs. 1,23,000 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, 1942, in respect of 'Executive Council'."

The motion was adopted.

DEMAND No. 13—COUNCIL OF STATE.

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

"That a sum not exceeding Rs. 1,39,000 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, 1942, in respect of 'Council of State'."

The motion was adopted.

DEMAND No. 14—LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

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

"That a sum not exceeding Rs. 8,11,000 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, 1942, in respect of 'Legislative Assembly and Legislative Assembly Department'."

The motion was adopted.

DEMAND No. 15—HOME DEPARTMENT.

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

"That a sum not exceeding Rs. 11,74,000 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, 1942, in respect of 'Home Department'."

The motion was adopted.

DEMAND No. 16—LEGISLATIVE DEPARTMENT.

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

"That a sum not exceeding Rs. 3,78,000 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, 1942, in respect of 'Legislative Department'."

The motion was adopted.

DEMAND No. 17—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

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

"That a sum not exceeding Rs. 5,71,000 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, 1942, in respect of 'Department of Education, Health and Lands'."

The motion was adopted.

DEMAND No. 18—FINANCE DEPARTMENT.

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

"That a sum not exceeding Rs. 5,12,000 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, 1942, in respect of 'Finance Department'."

The motion was adopted.

DEMAND No. 19—COMMERCE DEPARTMENT.

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

"That a sum not exceeding Rs. 5,61,000 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, 1942, in respect of 'Commerce Department'."

The motion was adopted.

DEMAND No. 20—DEPARTMENT OF LABOUR.

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

"That a sum not exceeding Rs. 4,63,000 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, 1942, in respect of 'Department of Labour'."

The motion was adopted.

DEMAND No. 21—DEPARTMENT OF COMMUNICATIONS.

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

"That a sum not exceeding Rs. 2,05,000 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, 1942, in respect of 'Department of Communications'."

The motion was adopted.

DEMAND NO. 22—CENTRAL BOARD OF REVENUE.

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

"That a sum not exceeding Rs. 5,30,000 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, 1942, in respect of 'Central Board of Revenue'."

The motion was adopted.

DEMAND NO. 23—INDIA OFFICE AND HIGH COMMISSIONER'S ESTABLISHMENT CHARGES.

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

"That a sum not exceeding Rs. 18,51,000 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, 1942, in respect of 'India Office and High Commissioner's Establishment Charges'."

The motion was adopted.

DEMAND NO. 24—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS, ETC., ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS AND MANAGEMENT OF TREASURIES.

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

"That a sum not exceeding Rs. 1,11,000 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, 1942, in respect of 'Payments to other Governments, Departments, etc., on account of the Administration of Agency Subjects and Management of Treasuries'."

The motion was adopted.

DEMAND NO. 25—AUDIT.

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

"That a sum not exceeding Rs. 90,37,000 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, 1942, in respect of 'Audit'."

The motion was adopted.

DEMAND NO. 26—ADMINISTRATION OF JUSTICE.

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

"That a sum not exceeding Rs. 55,000 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, 1942, in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND NO. 27—POLICE.

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

"That a sum not exceeding Rs. 36,20,000 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, 1942, in respect of 'Police'."

The motion was adopted.

DEMAND NO. 28—PORTS AND PILOTAGE.

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

"That a sum not exceeding Rs. 14,25,000 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, 1942, in respect of 'Ports and Pilotage'."

The motion was adopted.

DEMAND NO. 29—LIGHTHOUSES AND LIGHTSHIPS.

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

"That a sum not exceeding Rs. 8,14,000 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, 1942, in respect of 'Lighthouses and Lightships'."

The motion was adopted.

DEMAND NO. 30—SURVEY OF INDIA.

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

"That a sum not exceeding Rs. 15,83,000 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, 1942, in respect of 'Survey of India'."

The motion was adopted.

DEMAND NO. 31—BOTANICAL SURVEY.

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

"That a sum not exceeding Rs. 56,000 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, 1942, in respect of 'Botanical Survey'."

The motion was adopted.

DEMAND NO. 32—ZOOLOGICAL SURVEY.

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

"That a sum not exceeding Rs. 1,20,000 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, 1942, in respect of 'Zoological Survey'."

The motion was adopted.

DEMAND NO. 33—GEOLOGICAL SURVEY.

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

"That a sum not exceeding Rs. 3,06,000 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, 1942, in respect of 'Geological Survey'."

The motion was adopted.

DEMAND No. 84—MINES.

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

"That a sum not exceeding Rs. 1,50,000 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, 1942, in respect of 'Mines'."

The motion was adopted.

DEMAND No. 35—ARCHÆOLOGY.

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

"That a sum not exceeding Rs. 11,67,000 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, 1942, in respect of 'Archæology'."

The motion was adopted.

DEMAND No. 36—METEOROLOGY.

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

"That a sum not exceeding Rs. 22,27,000 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, 1942, in respect of 'Meteorology'."

The motion was adopted.

DEMAND No. 37—OTHER SCIENTIFIC DEPARTMENTS.

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

"That a sum not exceeding Rs. 2,77,000 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, 1942, in respect of 'Other Scientific Departments'."

The motion was adopted.

DEMAND No. 38—EDUCATION.

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

"That a sum not exceeding Rs. 7,11,000 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, 1942, in respect of 'Education'."

The motion was adopted.

DEMAND No. 39—MEDICAL SERVICES

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

"That a sum not exceeding Rs. 8,02,000 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, 1942, in respect of 'Medical Services'."

The motion was adopted.

DEMAND No. 40—PUBLIC HEALTH.

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

"That a sum not exceeding Rs. 11,10,000 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, 1942, in respect of 'Public Health'."

The motion was adopted.

DEMAND No. 41—AGRICULTURE.

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

"That a sum not exceeding Rs. 29,30,000 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, 1942, in respect of 'Agriculture'."

The motion was adopted.

DEMAND No. 42—IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

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

"That a sum not exceeding Rs. 2,29,000 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, 1942, in respect of 'Imperial Council of Agricultural Research'."

The motion was adopted.

DEMAND No. 43—AGRICULTURAL MARKETING.

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

"That a sum not exceeding Rs. 4,97,000 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, 1942, in respect of 'Agricultural Marketing'."

The motion was adopted.

DEMAND No. 44—IMPERIAL INSTITUTE OF SUGAR TECHNOLOGY.

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

"That a sum not exceeding Rs. 1,000 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, 1942, in respect of 'Imperial Institute of Sugar Technology'."

The motion was adopted.

DEMAND No. 45—CIVIL VETERINARY SERVICES.

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

"That a sum not exceeding Rs. 8,61,000 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, 1942, in respect of 'Civil Veterinary Services'."

The motion was adopted.

DEMAND No. 46—INDUSTRIES.

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

"That a sum not exceeding Rs. 9,16,000 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, 1942, in respect of 'Industries'."

The motion was adopted.

DEMAND No. 47—SCIENTIFIC AND INDUSTRIAL RESEARCH.

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

"That a sum not exceeding Rs. 9,29,000 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, 1942, in respect of 'Scientific and Industrial Research'."

The motion was adopted.

DEMAND No. 48—AVIATION.

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

"That a sum not exceeding Rs. 1,02,62,000 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, 1942, in respect of 'Aviation'."

The motion was adopted.

DEMAND No. 49—BROADCASTING.

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

"That a sum not exceeding Rs. 49,85,000 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, 1942, in respect of 'Broadcasting'."

The motion was adopted.

DEMAND No. 50—CAPITAL OUTLAY ON BROADCASTING (CHARGED TO REVENUE).

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

"That a sum not exceeding Rs. 1,000 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, 1942, in respect of 'Capital Outlay on Broadcasting (charged to revenue)'."

The motion was adopted.

DEMAND No. 51—INDIAN STORES DEPARTMENT.

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

"That a sum not exceeding Rs. 16,53,000 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, 1942, in respect of 'Indian Stores Department'."

The motion was adopted.

DEMAND No. 52—EMIGRATION—INTERNAL.

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

"That a sum not exceeding Rs. 25,000 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, 1942, in respect of 'Emigration—Internal'."

The motion was adopted.

DEMAND No. 53—EMIGRATION—EXTERNAL.

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

"That a sum not exceeding Rs. 1,34,000 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, 1942, in respect of 'Emigration—External'."

The motion was adopted.

DEMAND No. 54—COMMERCIAL INTELLIGENCE AND STATISTICS.

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

"That a sum not exceeding Rs. 8,27,000 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, 1942, in respect of 'Commercial Intelligence and Statistics'."

The motion was adopted.

DEMAND No. 55—CENSUS.

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

"That a sum not exceeding Rs. 2,59,000 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, 1942, in respect of 'Census'."

The motion was adopted.

DEMAND No. 56—JOINT-STOCK COMPANIES.

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

"That a sum not exceeding Rs. 1,70,000 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, 1942, in respect of 'Joint-Stock Companies'."

The motion was adopted.

DEMAND No. 57—MISCELLANEOUS DEPARTMENTS.

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

"That a sum not exceeding Rs. 7,72,000 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, 1942, in respect of 'Miscellaneous Departments'."

The motion was adopted.

DEMAND No. 58—CURRENCY.

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

"That a sum not exceeding Rs. 24,45,000 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, 1942, in respect of 'Currency'."

The motion was adopted.

DEMAND No. 59—MINT.

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

"That a sum not exceeding Rs. 69,81,000 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, 1942, in respect of 'Mint'."

The motion was adopted.

DEMAND No. 60—CIVIL WORKS.

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

"That a sum not exceeding Rs. 1,15,33,000 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, 1942, in respect of 'Civil Works'."

The motion was adopted.

DEMAND NO. 61—CENTRAL ROAD FUND.

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

"That a sum not exceeding Rs. 2,07,00,000 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, 1942, in respect of 'Central Road Fund'."

The motion was adopted.

DEMAND NO. 62—SUPERANNUATION ALLOWANCES AND PENSIONS.

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

"That a sum not exceeding Rs. 1,08,05,000 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, 1942, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

DEMAND NO. 63—STATIONERY AND PRINTING.

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

"That a sum not exceeding Rs. 33,33,000 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, 1942, in respect of 'Stationery and Printing'."

The motion was adopted.

DEMAND NO. 64—MISCELLANEOUS.

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

"That a sum not exceeding Rs. 28,19,000 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, 1942, in respect of 'Miscellaneous'."

The motion was adopted.

DEMAND NO. 65—MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

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

"That a sum not exceeding Rs. 1,47,000 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, 1942, in respect of 'Miscellaneous adjustments between the Central and Provincial Governments'."

The motion was adopted.

DEMAND NO. 66—DELHI.

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

"That a sum not exceeding Rs. 52,02,000 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, 1942, in respect of 'Delhi'."

The motion was adopted.

DEMAND NO. 67—AJMER-MERWARA.

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

"That a sum not exceeding Rs. 20,31,000 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, 1942, in respect of 'Ajmer-Merwara'."

The motion was adopted.

DEMAND NO. 68—PANTH PIPLODA.

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

"That a sum not exceeding Rs. 13,000 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, 1942, in respect of 'Panth Piploda'."

The motion was adopted.

DEMAND NO. 69—ANDAMAN AND NICOBAR ISLANDS.

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

"That a sum not exceeding Rs. 42,80,000 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, 1942, in respect of 'Andaman and Nicobar Islands'."

The motion was adopted.

DEMAND NO. 70—INDIAN POSTS AND TELEGRAPHS.

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

"That a sum not exceeding Rs. 13,76,000 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, 1942, in respect of 'Indian Posts and Telegraphs'."

The motion was adopted.

DEMAND NO. 71—INDIAN POSTS AND TELEGRAPHS—STORES SUSPENSE (NOT CHARGED TO REVENUE).

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

"That a sum not exceeding Rs. 40,00,000 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, 1942, in respect of 'Indian Posts and Telegraphs—Stores Suspense (not charged to Revenue)'."

The motion was adopted.

DEMAND NO. 72—INDIAN POSTS AND TELEGRAPHS—CAPITAL OUTLAY ON TELEPHONE PROJECTS (NOT CHARGED TO REVENUE).

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

"That a sum not exceeding Rs. 1,000 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, 1942, in respect of 'Indian Posts and Telegraphs—Capital Outlay on Telephone Projects (not charged to Revenue)'."

The motion was adopted.

DEMAND NO. 73—CAPITAL OUTLAY ON VIZAGAPATAM HARBOUR.

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

"That a sum not exceeding Rs. 1,50,000 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, 1942, in respect of 'Capital Outlay on Vizagapatam Harbour'."

The motion was adopted.

DEMAND NO. 74—DELHI CAPITAL OUTLAY.

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

"That a sum not exceeding Rs. 9,50,000 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, 1942, in respect of 'Delhi Capital Outlay'."

The motion was adopted.

DEMAND NO. 75—COMMUTED VALUE OF PENSIONS.

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

"That a sum not exceeding Rs. 1,000 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, 1942, in respect of 'Commuted Value of Pensions'."

The motion was adopted.

DEMAND NO. 76—INTEREST-FREE ADVANCES.

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

"That a sum not exceeding Rs. 1,77,69,000 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, 1942, in respect of 'Interest-free Advances'."

The motion was adopted.

DEMAND NO. 77—LOANS AND ADVANCES BEARING INTEREST.

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

"That a sum not exceeding Rs. 93,03,000 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, 1942, in respect of 'Loans and Advances bearing Interest'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 11th March, 1941.

LEGISLATIVE ASSEMBLY

Tuesday, 11th March, 1941.

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.

SUPERVISION OF DELHI MONUMENTS.

+297. ***Maulvi Syed Murtuza Sahib Bahadur**: (a) Will the Secretary, Department of Education, Health and Lands, please state if it is a fact that the Delhi monuments when they were under the charge of the Superintendent, Archaeological Survey, Northern Circle, Agra, were looked after by a qualified engineering staff subordinate to the Superintendent, while the Public Works Department's engineering staff supervised the conservation of those monuments?

(b) Is the Director General or the Assistant Superintendent attached to his office a qualified engineer? If not, is it a fact that such technical supervision is lacking now when work at the monuments is done departmentally by the Director General?

Mr. J. D. Tyson: (a) Yes.

(b) The reply to the first part is in the negative. In regard to the second part, the Assistant Superintendent is a qualified architect and has the necessary subordinate technical staff to assist him in the execution of conservation work.

STOPPAGE OF INCREMENTS OF CERTAIN OFFICIALS IN THE OFFICE OF THE SUPERINTENDENT OF ARCHÆOLOGY, LAHORE CIRCLE.

+298. ***Maulvi Syed Murtuza Sahib Bahadur**: (a) Will the Secretary, Department of Education, Health and Lands please state if increments of certain officials in the office of the Superintendent of Archæology, Lahore Circle, were stopped some time ago by the Superintendent?

(b) Is it a fact that the Superintendent did so under orders of or in consultation with the Director General of Archæology, who is the appellate authority in such cases?

(c) Is it a fact that some of these officials appealed to the Director General against stoppage of their increments and that these appeals were rejected by him?

(d) Was the procedure regular and if so, who was to be the appellate authority in those cases?

Mr. J. D. Tyson: (a) Yes, the increments of certain members of the staff were stopped.

(b) No.

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

(c) Yes.

(d) In view of the reply to part (b) of the question, there was no irregularity of the kind suggested in the procedure followed in these cases. The Director General of Archaeology in India was the appellate authority.

ANNUAL REPORT OF THE ARCHÆOLOGICAL SURVEY.

299. *Maulvi Muhammad Abdul Ghani: Will the Education Secretary please state to which year the last Annual Report of the Archæological Survey so far published pertains? If this report is not up to date, why has the publication of new Report been delayed?

Mr. J. D. Tyson: The last Annual Report published relates to the year 1935-86 and that for 1936-87 will appear very shortly. The delay in the publication of the report is partly due to the fact that owing to the death of Mr. Mazumdar, Superintendent in 1938, his reports had to be written by other officers. Moreover, since the outbreak of war, there have been particularly heavy demands on the Government of India Press.

Maulvi Muhammad Abdul Ghani: What about the 1937-38 report?

Mr. J. D. Tyson: Part I is in the press, and Part II is on the point of being sent to press. The report is going to be in a different form from 1937-38 onwards. It is going to be in two parts.

Maulvi Muhammad Abdul Ghani: May I know whether, during the time of the predecessor of the present Director General, the reports used to be published in time?

Mr. J. D. Tyson: I shall require notice of that question: but I can say that the report of 1934-35 was published in 1937.

MUSLIM CHAUKIDARS AT THE DELHI MONUMENTS.

300. *Maulvi Muhammad Abdul Ghani: (a) Will the Education Secretary please state if it is a fact that during the last two years, the Muslim Chaukidars at Tughlaqabad, Delhi Fort, and other monuments in Delhi have been dismissed by the Archæological Department? If so, what were the reasons for their dismissal?

(b) Who have been appointed in their places, Muslims or Hindus?

(c) Will the Secretary please place on the table of the House a statement showing the number of Hindu and Muslim chaukidars (giving the length of service of each) employed at the Delhi monuments before the monuments were transferred to the direct charge of the Director General, and on the 15th February, 1941?

Mr. J. D. Tyson: (a) Three Muslim Chaukidars have been dismissed during the last two years for incompetence.

(b) Two Muslims and one Hindu were appointed in the vacancies.

(c) Two statements furnishing the information required by the Honourable Member are laid on the table.

List No. 1.

Length of service of Hindu and Moslem chowkidars prior to the transfer on the 1st April, 1938, to the charge of the Director General of Archaeology in India, New Delhi.

Serial No.	Approximate length of service on 1st April 1938 as far as can be ascertained.	Community.
<i>Delhi Monuments (work-charged establishment).</i>		
1	8 years	
2	8 years	Hindu.
3	8 years	Do.
4	8 years	Do.
5	Over 2 years	Do.
6	Over 2 years	Do.
7	8 years	Do.
8	8 years	Do.
9	8 years	Do.
10	Over 2 years	Do.
11	2 years	Do.
12	8 years	Do.
13	8 years	Do.
14	8 years	Do.
15	11 years	Moslem.
16	Over 2 years	Do.
17	9 years	Do.
18	Over 16 years	Do.
19	8 years	Do.
20	Over 2 years	Do.
21	Over 2 years	Do.
22	Over 16 years	Do.
23	Over 2 years	Do.
24	Over 2 years	Do.
25	Over 2 years	Do.
26	Over 14 years	Do.
27	Over 14 years	Do.
28	8 years	Do.
29	Over 2 years	Do.
30	Over 2 years	Do.
31	Over 2 years	Do.
32	Over 2 years	Do.
33	Over 2 years	Do.
34	Over 2 years	Do.
35	Over 2 years	Do.
36	Over 2 years	Do.
37	Over 2 years	Do.
38	Over 2 years	Do.
39	Over 2 years	Do.
40	8 years	Do.
41	Over 2 years	Do.
<i>Delhi Fort Archaeological Area Establishment (permanent non-pensionable).</i>		
42	11 years	
43	17 years	Moslem.
44	9 years	Do.
45	5 years	Do.
46	7 years	Do.
47	9 years	Do.
48	9 years	Do.
49	7 years	Do.
50	16 years	Do.

Serial No.	Approximate length of service on 1st April 1938 as far as can be ascertained.	Community.
51	2 years	Moslem.
52	4 years	Do.
53	5 years	Do.
54	3 years	Do.
55	8 years	Hindu.
56	9 years	Do.
57	1 year	Do.

LIST No. 2.

Length of service of Hindu and Moslem chowkidars as it stood on the 15th February, 1941.

Serial No.	Approximate length of service on 15th February 1941 as far as can be ascertained.	Community.
<i>Delhi Monuments (work-charged establishment).</i>		
1	11 years	Hindu.
2	11 years	Do.
3	11 years	Do.
4	11 years	Do.
5	Over 4 years	Do.
6	Over 4 years	Do.
7	11 years	Do.
8	11 years	Do.
9	11 years	Do.
10	Over 4 years	Do.
11	5 years	Do.
12	0 year	Do.
13	2 years	Do.
14	11 years	Moslem.
15	2 years	Do.
16	1 year	Do.
17	11 years	Do.
18	0 year	Hindu.
19	11 years	Moslem.
20	Over 4 years	Do.
21	2 years	Do.
22	Over 17 years	Do.
23	1 year	Do.
24	2 years	Do.
25	Over 4 years	Do.
26	Over 16 years	Do.
27	Over 16 years	Do.
28	11 years	Do.
29	1 year	Hindu.
30	1 year	Moslem.
31	Over 4 years	Do.
32	Over 4 years	Do.
33	Over 4 years	Hindu.
34	0 year	Christian.
35	0 year	Hindu.
36	0 year	Do.
37	0 year	Moslem.
38	0 year	Do.
39	Over 4 years	Do.
40	11 years	Do.
41	Over 4 years	Do.

Serial No.	Approximate length of service on 15th February 1941 as far as can be ascertained.	Community.
<i>Delhi Fort Archaeological establishment (permanent non-pensionable).</i>		
42	14 years	Moslem.
43	19 years	Do.
44	12 years	Do.
45	8 years	Do.
46	10 years	Do.
47	12 years	Do.
48	12 years	Do.
49	10 years	Do.
50	19 years	Do.
51	5 years	Do.
52	0 year	Hindu.
53	1 year	Do.
54	2 years	Do.
55	0 year	Moslem.
56	11 years	Hindu.
57	4 years	Do.

Permanent pensionable establishment.

58	7 years	Muslim.	Transferred
59	9 years	Do.	from the
			Fort Mu-
			seum to the
			Delhi Fort
			establishment
			from
			1st October
			1939.

Sir Syed Raza Ali: Sir, it is a trivial matter, and I am sorry to put a supplementary question. But may I know who the appointing authority is? Is it the Director General of Archaeology or somebody else?

Mr. J. D. Tyson: I am afraid I do not know.

Sir Syed Raza Ali: Can the Honourable Member tell us how many non-Muslim chowkidars have been similarly dismissed during the last two years?

Mr. J. D. Tyson: I shall require notice of that question.

REPRESENTATION OF SHIPPING INTERESTS ON THE CENTRAL ADVISORY COMMITTEE FOR WAR SUPPLIES.

301. *Mr. Akhil Chandra Datta: Will the Honourable the Law Member be pleased to state if shipping interests are represented on the Central Advisory Committee for war supplies, of which he is the Chairman? If not, why are these interests not represented? If they are represented, will he please state who represents them?

The Honourable Sir Muhammad Zafrullah Khan: With the permission of the Honourable Member, I propose to answer questions Nos. 301—304 together. There is no Central Advisory Committee for War Supplies. There is, however, a Standing Advisory Committee attached to the Department of Supply. This Committee, as the Honourable Member is aware, is composed entirely of members elected by the Central Legislature.

Messrs. Mackinnon Mackenzie & Co. represent shipping interests on the Provincial Advisory Committees at Calcutta and Bombay. It is not

considered necessary to provide for similar representation on other Provincial Advisory Committees.

Representation on the Provincial Advisory Committees is not confined to the Chambers of Commerce. Messrs. Mackinnon Mackenzie & Co. as the managing agents of the British India Steam Navigation Company, Limited, hold a most prominent position in the Indian shipping world. Imperial Chemical Industries (India) Ltd. enjoy a most unique position in the Chemical industry of this country and in fact of the Empire. Consequently, with the consent of the Provincial Government concerned, these two firms were invited to serve on the Advisory Committee at Calcutta. If by the term "Indian shipping" Indian owned shipping is meant, it is as such not represented on any Advisory Committee. It is neither possible nor desirable to provide for separate representation for the diverse shipping interests as the size of the Advisory Committees is necessarily limited.

Dr. Sir Ziauddin Ahmad: Is it not a fact that a committee is associated with the Director General of Munitions Production, though it is not called a provincial committee, but by some other name?

The Honourable Sir Muhammad Zafrullah Khan: Yes, the Director General of Munitions Production has an advisory committee associated with him.

Dr. Sir Ziauddin Ahmad: I think the questioner meant that committee.

The Honourable Sir Muhammad Zafrullah Khan: How do I know?

REPRESENTATION OF SHIPPING INTERESTS ON THE PROVINCIAL ADVISORY COMMITTEES FOR WAR SUPPLIES.

†302. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Law Member be pleased to state if shipping interests are represented on the Provincial Advisory Committees for war supplies in different provinces?

(b) If the answer to part (a) be in the affirmative, who represents the shipping interests on the different Provincial Advisory Committees?

(c) If the answer to part (a) be in the negative, will he be pleased to state why they are not represented, and whether the Government of India propose to take any steps to secure their representation?

SEPARATE REPRESENTATION GIVEN TO CERTAIN CONCERNS ON THE PROVINCIAL ADVISORY COMMITTEE FOR WAR SUPPLIES IN BENGAL.

†303. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Law Member be pleased to state if Messrs. Mackinnon Mackenzie and Company have been nominated on the Provincial Advisory Committee for war supplies in Bengal, and, if so, whether they represent the shipping interests on that Committee?

(b) Is it not a fact that representation on such Provincial Advisory Committees has been given to Chambers of Commerce and not to individual concerns?

(c) Will the Honourable Member be pleased to state why such concerns as Messrs. Mackinnon Mackenzie and Company and the Imperial Chemical Industries (India) Limited, have been given separate representation on the Provincial Advisory Committee for war supplies in Bengal?

†For answer to this question, see answer to question No. 301.

REPRESENTATION OF INDIAN SHIPPING INTERESTS ON THE PROVINCIAL AND CENTRAL ADVISORY COMMITTEES FOR WAR SUPPLIES.

†304. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Law Member be pleased to state if Indian shipping interests are represented on the Central Advisory Committee for war supplies, or on any of the Provincial Advisory Committees for war supplies?

(b) If the answer to part (a) be in the negative, will he be pleased to state whether he proposes to take any steps to secure that representation? If not, why not?

CHARGE OF PERIODICAL INSPECTION OF THE MONUMENTS IN DELHI.

305. ***Pandit Lakshmi Kanta Maitra:** (a) With reference to the reply given to my starred question No. 561, dated the 28th March, 1940, will the Secretary for Education, Health and Lands be pleased to state if there is any objection to handing over charge of the periodical inspection of the monuments in Delhi to the technical staff of the Land and Development Office with an additional conveyance allowance of Rs. 35 only, instead of entrusting it to the Office Superintendent who draws Rs. 75 as special pay and Rs. 35 as conveyance allowance for the same purpose?

(b) Is it a fact that the permanent clerical staff of the Land and Development Office has been increased during this year?

(c) In the interests both of the efficiency and economy, are Government prepared to consider the suggestion of entrusting the technical work to the technical staff only?

(d) Is it not a fact that nowhere purely technical work of inspections, regular or periodical, is looked after by the clerical staff?

(e) What was the original expenditure on the supervision of these monuments before they were transferred to the Land and Development Officer and what is the total expenditure now, including allowances and special pay drawn by the senior clerk?

(f) Is it a fact that when the Land and Development Officer goes on leave, the office superintendent draws the following pays and allowances:

(1) his own pay Rs. 300;

(2) special pay of Rs. 75;

(3) conveyance allowance Rs. 35; and

(4) special pay of Rs. 100 when the Land and Development Officer is on leave?

(g) Is it a fact that a senior draftsman has been appointed on Rs. 150 to Rs. 250?

(h) Do Government propose to set up an enquiry for effecting reduction in expenditure in the Land and Development Office?

Mr. J. D. Tyson: (a) and (c). The Honourable Member's attention is invited to the reply given to parts (c) and (d) of the starred question No. 561 on March 28, 1940. The inspection by the staff of the Land and Development Office is for the purpose of maintaining a record of rights in the land and preventing unauthorised occupation or interference with the buildings.

†For answer to this question, see answer to question No. 301.

(b) No.

(d) The information is not available.

(e) A statement giving the information required by the Honourable Member is laid on the table.

(f) When the Land and Development Officer proceeded on leave in 1939 and again in 1940, purely *ad hoc* arrangements as described in the question were made for the leave vacancy on each occasion.

(g) Yes. The former incumbent of the senior draftsman's post has proceeded on leave preparatory to retirement and a new appointment has been made in his place.

(h) A special inspection of the Land and Development Office was carried out by the Financial Adviser to the Chief Commissioner in 1939 and Government do not consider that any useful purpose will be served by another enquiry now.

Statement.

Formerly the expenditure on the supervision of these monuments was Rs. 75 per mensem, plus an assessed portion of the pay of the Ranger employed under the Superintendent, Horticultural Operations. The existing expenditure is Rs. 140 per mensem, made up as follows:

	Ra.
Pay of two Chowkidars at Rs. 15 per mensem	30
Special pay of Superintendent, Land and Development Office ...	75
Conveyance allowance of Superintendent, Land and Development Office	35
	140

Pandit Lakshmi Kanta Maitra: With regard to part (f) of the question, may I know if the scale of salary as noted in the question is still in force or has expired?

Mr. J. D. Tyson: If he has returned from leave, the arrangement is finished.

WITHHOLDING OF ESTATE MATTERS APPEALS OF CERTAIN PRESS EMPLOYEES BY THE CONSULTING ENGINEER.

306. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member in charge of Labour Department, please state if it is a fact that Government have issued instructions recently that appeals in Estate matters should be addressed to the Labour Department through the Consulting Engineer? If so, why have the appeals of certain Press employees not been forwarded to the Labour Department by the Consulting Engineer?

(b) Is the Honourable Member prepared to direct the Consulting Engineer to forward all appeals withheld or rejected by him to the Labour Department for final orders? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes. The orders on the subject are designed to obviate unnecessary references to the Government of India arising out of the House Allotment Rules. On this basis representations are in the first instance duly considered by the Consulting Engineer on their merits and if he considers that no useful purpose will be served by transmission to the Labour Department the appeal is rejected and the memorialists informed accordingly. Should, however, the memorialists not be prepared to accept the decision of the Consulting Engineer and request that the appeal may be forwarded to the

Labour Department for final orders, their requests are acceded to. It is thus open to the Press employees concerned to request again that their appeals may be forwarded to the Labour Department.

(b) No, in view of my reply to part (a) of the question.

SEPARATION OF CADRES FOR ACCOUNTANTS AND CLERKS IN GOVERNMENT OF INDIA PRESSES AND PRINTING AND STATIONERY DEPARTMENT.

307. *Qazi Muhammad Ahmad Kazmi: (a) Is the Honourable Member in charge of Labour Department aware of the undertaking given by him in the last winter session of the Legislative Assembly that the posts of Accountants in the Presses and Branches of the Stationery and Printing Department have been separated from the clerical cadre? If so, why has the Accountant of the Government of India Press, New Delhi, been allowed by the Manager of the said Press to officiate against the post of Head Assistant which post is borne on the clerical cadre?

(b) What are the scales of posts of Accountant and Head Assistant in the offices administered by the Controller of Printing and Stationery, India? If the scale be the same, what is the justification in putting the Accountants as Head Assistants or Superintendents, thereby blocking the career of the clerical staff?

(c) Is it a fact that when Accountants go on leave, the Assistants are not allowed to officiate in their places? If so, why are Accountants allowed to officiate *vice* Head Assistants and Superintendents?

(d) Are the Assistants in the Central Stationery Office, Calcutta; Forms Press, Calcutta and Central Publication Branch, Delhi allowed to officiate as Head Assistants or Superintendents? If so, why is this not done in the case of Assistants in the Government of India Press, New Delhi?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Presumably the Honourable Member has in mind the reply given by me on the 8th March, 1940, to part (e) of Mr. Muhammad Azhar Ali's unstarred question No. 64. What I stated was that orders have recently been issued for the exclusion of posts of Accountant from the clerical establishment for purposes of the leave reserve. I also explained that those orders were designed to enable the Controller of Printing and Stationery to fill leave vacancies by transfer of qualified men from other Presses or Branches, if necessary. This does not mean that the posts of Accountant have been separated from the clerical cadre, or that the Accountants are debarred from officiating in the posts of Head Assistant.

(b) A statement is laid on the table of the House. The scales of pay of Accountants and Head Assistants are not the same in all cases. The latter portion of the question does not arise.

(c) Assistants are not ordinarily permitted to officiate as Accountants if the former do not possess the requisite qualifications. An Accountant is appointed to officiate as Head Assistant or Superintendent if, apart from his accounts qualifications, he is considered to be the most meritorious of the persons eligible to be appointed.

(d) The reply to the first part is in the affirmative. As regards the second, the Accountant has been appointed to officiate as Head Assistant in the Government of India Press, New Delhi, as he is considered to be more meritorious than any of the Assistants.

Names of Presses and Branches of the Stationery and Printing.	Scale of pay of the post of Accountant.		Scale of pay of the post of Head Assistant.		Remarks.
	Old rate.	Revised rate.	Old rate.	Revised rate.	
	Rs.	Rs.	Rs.	Ks.	
1. Government of India Press, Calcutta	250-10-350	225-15/2-300	250-10-350	225-15/2-300	
2. Forms Press, Calcutta	250-10-350	225-15/2-300	There is no post of Head Assistant.		(c) For persons who join service on or after the 10th January 1940.
		175-15/2-250 (a).			
3. Government of India Press, New Delhi	175-15/2-250	175-15/2-250	180-10-250	175-15/2-250.	
4. Forms Press, Aligarh	100-5-140	100-5-125	125-5-175	125-5-150	
5. Government of India Press, Simla	There is no post of Accountant.		There is no post of Head Assistant.		
6. Central Stationery Office, Calcutta	250-10-350	225-15/2-300	Class I 250-10-350 Class II 200-10-250	225-15/2-300 180-15/2-225	
7. Central Forms Store, Calcutta	250-10-350	225-15/2-300	Class I 250-10-350 Class II 200-10-250	225-15/2-300 180-15/2-225	
8. Central Publication Branch, Delhi	250-10-350	225-15/2-300	There is no post of Head Assistant.		
		175-15/2-250 (a)			

†308—313*.

INADEQUATE NUMBER OF SHIPS EMPLOYED BY THE MOGUL LINE FOR OUTWARD AND INWARD VOYAGES OF HAJ PILGRIMS.

314. *Qazi Muhammad Ahmad Kazmi: (a) Will the Education Secretary be pleased to state whether Government had allotted 75 per cent. of the pilgrim traffic to the Mogul Line in the 1939-40 Haj season on the basis of the carrying capacity of the seven ships of that Line?

(b) Is it a fact that only three ships were employed by the Mogul Line for taking the pilgrims from India to Jeddah during the 1939-40 Haj season and only four ships were employed for bringing the pilgrims back from Jeddah to India?

(c) Was the employment of only three ships on the outward voyage and only four ships on the inward voyage in accordance with the allotment of 75 per cent. of the pilgrim traffic which was based on the carrying capacity of seven ships?

(d) Is it a fact that, in view of the employment of only three ships for the carriage of pilgrims on the outward voyage by the Mogul Line, a large number of pilgrims were put to great inconvenience, such as over-crowding in ships and waiting in ports for days while going from India to Jeddah and in view of the employment of only four ships for the return trip hundreds of pilgrims had to wait for four to six weeks in Jeddah for the arrival of a ship?

(e) If the answer to part (d) above be in the affirmative, will the Honourable Member be pleased to state whether Government took up this matter with the Mogul Line in the interests of the pilgrims and, if so, what explanation they have received from that company for berthing a far smaller number of ships than the number of ships on the carrying capacity of which they claimed their quota and were given the same by Government?

Mr. J. D. Tyson: (a) To ensure the more economical use of shipping, Government proposed to make an allocation of the traffic in the proportions stated by the Honourable Member.

(b) Yes.

(c) For the outward journey three ships were employed and there were five sailings. On the inward journey four ships were employed and there were seven sailings. The proposed allocation between the Scindia Steam Navigation Company and the Mogul Line, based on the carrying capacity of the two fleets, never came into operation as the Scindia Company refused to accept it. The shipping programme actually adopted was approved by Government and was designed to avoid an uneconomical use of tonnage.

(d) Apart from an excess of pilgrims carried by the S. S. "Rizwani" in the last sailing from Karachi, the reasons for which have already been fully explained to the House, there was no over-crowding in the ships, and no abnormal delays took place on the outward voyage. As regards the inward voyage, no pilgrims were detained at Jeddah longer than four weeks,

†These questions were withdrawn by the questioners.

with the exception of 67 who reached Jedda from Medina over three months after the Haj date: these were ultimately repatriated by way of Bahrein in view of the changed position then prevailing in the Red Sea.

(e) Does not arise.

Dr. Sir Ziauddin Ahmad: In view of the fact that Scindia demanded 50-50 instead of 75-25, may I ask whether all these troubles that we have seen recently are due to the fact that the proportion of 75-25 was not considered to be equitable?

Mr. J. D. Tyson: I do not know to what troubles the Honourable Member refers. Last year's pilgrimage went off very well and this year's pilgrimage even better.

Dr. Sir Ziauddin Ahmad: The trouble is that they boycotted it last year. This time, of course, it is entirely different.

Mr. J. D. Tyson: I do not think it has affected the running of the pilgrimage.

Maulana Zafar Ali Khan: Has any offer been made by Government to the Scindia Steam Navigation Company?

Mr. J. D. Tyson: They were given the same offer as the Mogul line for the current year but they would not accept it.

Qazi Muhammad Ahmad Kazmi: With reference to part (a) of the question, I understand that Government fixed 75 per cent. for economy of tonnage or shipping. Would a 50-50 per cent. division between Scindia and Mogul line make any difference?

Mr. J. D. Tyson: No, Sir. Fifty per cent. and 75 per cent. have nothing to do directly with economy of shipping. Regulation was resorted to by Government to ensure economy of shipping, and the moment there was regulation, the question arose as to how many ships of each line were to be berthed. For that reason Government had to suggest allocation of the traffic.

Qazi Muhammad Ahmad Kazmi: Are any dates for the sailings from Jedda notified to the pilgrims, so that they may come in time and may not have to wait for four weeks at Jedda?

Mr. J. D. Tyson: I do not think it is possible to notify to the pilgrims at the Jedda end the dates on which ships would be available for the reason that the pilgrims are either on their way back from Mecca to Jedda or from Mecca to Medina or from Medina to Jedda. It is impossible to get in touch with the pilgrims until they actually reach Jedda. On arrival at Jedda they register their names for passage back.

Qazi Muhammad Ahmad Kazmi: Are any dates fixed at all for sailings from Jedda? If so, can they not be notified at Jedda, Mecca and Medina so that pilgrims who start from Medina or Mecca may know that they must reach Jedda by such date if they want to catch the ship?

Mr. J. D. Tyson: I think it is exceedingly unlikely that we could in war time notify the actual dates in Jedda. We cannot do it in India and still less in any neutral country.

Qazi Muhammad Ahmad Kazmi: Have they ever thought of doing this in peace time?

Mr. J. D. Tyson: I shall require notice of that question.

Mr. Lalchand Navalrai: May I know if they arrived there in time for the Haj?

Mr. J. D. Tyson: They did.

ENORMOUS RISE IN THE RATES OF FREIGHT FROM CALCUTTA TO JEDDA.

315. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable the Commerce Member be pleased to state whether it is a fact that while the rate of freight per bag of rice from Calcutta to Jedda before the outbreak of the war was Re. 1, Rs. 3-8-0 per bag shipped per s.s. "Akbar" which sailed from Calcutta in December 1940 were charged from Calcutta to Jedda?

(b) If the answer to part (a) be in the negative, will the Honourable Member be pleased to state what the rate of freight charged was?

(c) If the answer to part (a) be in the affirmative will the Honourable Member be pleased to state whether Government have enquired that this enormous rise of over 250 per cent. in the rate of freight was necessary to meet the cost of operations, particularly after the ship was given a subsidy for meeting the war risk insurance and other expenses due to detention, etc.?

(d) What was the rate of freight on bag cargo carried from Bombay and Karachi to Jedda by pilgrim ships during the pilgrim season of 1940-41 and what was the rate charged on such cargo before the outbreak of the war?

(e) What was the total quantity of cargo carried from India to Jedda and other Red Sea Ports by the pilgrim ships that sailed with pilgrims during 1940-41 Haj Season?

(f) In view of the notification issued by the Government of India in September, 1940, were the rates charged by the Mogul Line on cargo carried by their pilgrim ships between Indian ports and Jedda under the control of the Commerce Department, and if so, were the rates charged fixed by the Line with the approval of the Commerce Department? If not, why were they not under their control?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). The pre-war rate of freight between Calcutta and Jedda varied between Rs. 1-4-0 and Rs. 1-8-0 per bag of 168 lbs. The rate of freight charged per s.s. "Akbar" which sailed from Calcutta in December, 1940 was Rs. 3-8-0.

(c) The increase in the freight rate was due partly to the increase in payments for war risk insurance and partly to the probable increase in the duration of the voyage which it was not possible to estimate accurately in advance. The promise of assistance to the Line was given in connexion with the carriage of pilgrims only, and the company will be required to meet the fair share of war risk insurance and detention expenses which are debitable to the carriage of cargo.

(d) The rate of freight during the pilgrim season 1940-41 was Rs. 2-12-0 per bag. The pre-war rate was Rs. 1-4-0 per bag.

(e) 8,576 tons.

(f) The reply to the first portion is in the negative. The latter part does not arise.

I may, however, explain in this connexion that the notification of September, 1940, referred to by the Honourable Member was cancelled almost at once and Government have not so far exercised any control over freight rates charged by shipping companies.

Mr. Lalchand Navalrai: When the rates and freights were increased, why was any subsidy given?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No subsidy has been given.

Mr. Lalchand Navalrai: Why that promise then?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The promise was given so that the company may keep the charges for the passengers at a reasonable level. Should the company incur any loss on the total voyage including freight for cargo and rate for passengers, then the Government of India was prepared to consider the question of a subsidy for special and unexpected conditions then arising during the last few months. The question whether any subsidy should be given will depend upon the total result of the voyage and it is likely that no subsidy may have to be paid at all.

Mr. Husenbhai Abdullabhai Laljee: Was this freight of Rs. 3-8-0 fixed by the company after consultation with Government?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No, Sir.

Mr. Husenbhai Abdullabhai Laljee: If they make enormous profits, will they give back something as rebate to Government for having promised a subsidy?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: When other industrialists are prepared to do that, I am sure, the Mogul line will be prepared to consider that.

Mr. Husenbhai Abdullabhai Laljee: There is a guarantee by you and you allow them to charge any amount and any freight they like. That guarantee and that liberty you do not give to other industries.

DESIRABILITY OF ABOLITION OF CALL OF PILGRIM SHIPS AT KAMARAN.

316. *Maulvi Syed Murtuza Sahib Bahadur: Will the Education Secretary please state whether it is a fact that pilgrim ships from India this year were allowed to proceed to Jedda without medical examination at

Kamran Quarantine Station, and whether in view of the Muslim public's persistent demand, he is prepared to consider favourably the question of abolishing the call of pilgrim ships at Kamran?

Mr. J. D. Tyson: The call of pilgrim ships at Kamran was dispensed with during the 1940-41 pilgrim season as a special case owing to war conditions. It cannot be permanently discontinued without the concurrence of the other parties to the Anglo-Dutch Agreement relating to Kamran, viz., His Majesty's Government and the Government of the Netherlands.

Maulvi Syed Murtuza Sahib Bahadur: Will Government make a move in this matter, so that the international rules in this connection may be modified?

Mr. J. D. Tyson: Honourable Members will appreciate that when all the Governments concerned are fully occupied with the war, the moment is hardly opportune for reopening the matter.

INDIANS IN MUNITION FACTORIES.

317. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Law Member be pleased to state how many Indians have been employed in Munition factories in India since the outbreak of the war and how many of them are Europeans, Anglo-Indians and purely Indians?

The Honourable Sir Muhammad Zafrullah Khan: I regret that I cannot understand the question. If the Honourable Member will kindly put down a question indicating more precisely the information which he requires I shall be happy to give it.

PROTECTIVE MEASURES AGAINST AIR RAIDS ON WAR MATERIALS FACTORIES.

318. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Labour Member be pleased to state what protective measures have been taken regarding all iron and steel and munition factories, manufacturing war materials in India, Province by Province, against possible air raids by enemies?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Government are taking all necessary measures for protection and in this connection attention is invited to the Press Note on the subject issued on the 15th February, 1941.

UNSTARRED QUESTIONS AND ANSWERS.

SAFEGUARDING THE INTERESTS OF MUSLIM CANDIDATES IN FILLING VACANCIES IN THE GOVERNMENT OF INDIA PRESSES.

117. Mr. Muhammad Azhar Ali: (a) Is the Honourable Member in charge of Labour Department, aware that Managers of the Government of India Presses are not maintaining the approved lists of candidates in the correct manner as laid down by the Home Department circular?

(b) Is it a fact that for unreserved vacancies, Muslim candidates are not considered for appointments?

(c) Is it a fact that Muslim candidates, who had been officiating off and on for more than a year, are not considered at the time of filling unreserved vacancies and that Hindu candidates who have recently passed the test are being given appointments in preference to experienced Muslim candidates?

(d) If the answer to the preceding parts be in the affirmative, what action is proposed to be taken to prevent injustice to Muslim candidates, and is the Honourable Member prepared to institute an examination of a certain percentage of appointment papers of the Government of India Presses?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) I am not aware of any such instructions having been issued by the Home Department.

(b) No.

(c) If the Honourable Member will kindly mention the name of the Press, the particular category of appointments for which the test was held, and when it was held, I shall have enquiries made.

(d) Does not arise.

COMMUNAL COMPOSITION OF POSTS IN THE CENTRAL STATIONERY OFFICE, CALCUTTA.

118. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member in charge of Labour Department please state to which community the present incumbents of the following posts belong in the Central Stationery Office, Calcutta:

- (1) Deputy Controller, Stationery,
- (2) Assistant Controller, Stationery,
- (3) Superintendents Stationery,
- (4) Head Clerks, Stationery,
- (5) Chemical Examiners, Stationery, and
- (6) Assistants?

(b) Is it a fact that all the important posts in the Central Stationery Office, Calcutta, are being held by Hindus for the last ten years or so?

(c) If the answer to part (b) be in the Affirmative, do Government propose to make a change and break this monopoly of Government of India posts by one community?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) The present incumbents of the posts (1) to (4) are Hindus. The 5th category comprises two Chemical Assistants and one Store Examiner, of these two are Hindus and one Muslim. Of the Assistants, 15 are Hindus and three are Muslims.

(b) No.

(c) Does not arise.

DESIRABILITY OF APPOINTING A QUALIFIED PRINTER IN THE CENTRAL STATIONERY OFFICE, CALCUTTA.

119. Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether it is a fact that more than 50 per cent. of

the purchases made by the Central Stationery Office, Calcutta, is done for the Government of India Presses?

(b) Is he aware that in other purchasing departments of the Government of India, such as, Supply Department, Indian Stores Department, etc., technical officers supervise the purchases?

(c) If the answer to part (b) be in the affirmative, when do Government propose to appoint a qualified printer in the above office? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) No.

(b) Yes, except in a few isolated cases.

(c) It is not necessary for any of the officers in the Central Stationery Office to be a qualified printer.

DESIRABILITY OF APPOINTING A QUALIFIED PRINTER IN THE HEADQUARTERS OFFICE OF THE CONTROLLER OF PRINTING.

120. Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether it is a fact that the Central Printing Clearing Office distributes work to all the Government of India Presses, according to their capacity and capability and also gives necessary instructions to the Managers as regards types, style, etc.?

(b) Is it a fact that certain Government of India Presses, such as, at Simla, Calcutta and Aligarh remain idle a great deal?

(c) Is it also a fact that the Government of India Press, Simla, idled a lot during the years 1939 and 1940, whereas the Government of India Press, Delhi, worked overtime throughout that whole period?

(d) Do Government propose to appoint a qualified printer in the headquarters office of the Controller of Printing Office in the near future? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) The distribution of work to the Government of India Presses is done by the Assistant Controller, Printing, who is in charge of the Clearing section of the Office of the Controller of Printing and Stationery, India, according to the nature of the work and the capacity and capability of the press. Instructions regarding type, style of printing, etc., are given to the presses whenever necessary in conformity with the prescribed Rules for Printing and Binding.

(b) No.

(c) Some sections of the Government of India Press, Simla, remained idle for short periods during the years 1939 and 1940 due to paucity of suitable work for that press consequent on the economy measures introduced in printing and stationery as a result of the war. The overtime in the New Delhi press was due mainly to urgent and immediate work in connection with the war which could not be entrusted to the Simla press on account of its urgency.

(d) No. No technical qualifications are considered necessary for the Assistant Controller, Printing. The present incumbent, however, possesses such qualifications.

COMMUNAL COMPOSITION OF THE BINDERY, MACHINE AND COMPOSING
BRANCHES OF THE GOVERNMENT OF INDIA PRESSES.

121. **Mr. Muhammad Azhar Ali:** (a) Is the Honourable the Labour Member aware that Muslims are losing ground in the Bindery, Machine and Composing Branches of the Government of India Presses for the last few years?

(b) Will he please lay on the table comparative statements of posts in the branches mentioned in part (a) which were held by different communities in the Government of India Presses in 1939 and 1940?

(c) With reference to part (b), will the Honourable Member please state the reason why the shortage has taken place? What action does he propose to take to prevent it?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) No.

(b) A statement showing the number of posts held by members of different communities in the Bindery, Machine and Composing Branches of the Government of India Presses on the 1st January, 1939, and the 1st January, 1940, is laid on the table.

(c) Does not arise.

Statement showing the number of posts held by members of different communities in the Binding, Machine and Composing Branches of the Government of India Presses on the 1st January, 1939, and the 1st January, 1940.

	Hindus (including Depressed classes).		Muslims.	Other minorities.	Total.
GOVERNMENT OF INDIA PRESS, CALCUTTA.					
(A) Binding Branch (Binders and Warehousemen).	{ 1-1-39 4 (+8)	125 (+9)	1 (+2)	130 (+19)	
	{ 1-1-40 6 (+7)	127 (+6)	3	136 (+13)	
(B) Machine Branch (Machine- men and Pressmen).	{ 1-1-39 2 (+1)	36 (+4)	..	38 (+5)	
	{ 1-1-40 3 (+1)	36 (+3)	..	39 (+4)	
(C) Composing Branch (Lino and mono. operators, etc., compositors, impositors and distributors).	{ 1-1-39 114 (+14)	28 (+6)	8	150 (+20)	
	{ 1-1-40 117 (+14)	31 (+6)	8 (+1)	156 (+21)	

GOVERNMENT OF INDIA PRESS, NEW DELHI.

(A) Binding Branch (Binders and Warehousemen).	1-1-39	31 (+1)	45	3	79 (+1)	
	1-1-40	32	45	4	81	
(B) Machine Branch (Machine-men and Pressmen, etc.)	1-1-39	5	19	3	27	
	1-1-40	6	17	4	27	
(C) Composing Branch (Lino and mono operators, compositors, impositors and distributors).	1-1-39	95	77 (+4)	9	181 (+4)	
	1-1-40	94 (+1)	78	9	181 (+1)	

Hindus (including
Depressed
classes). Muslims. Other
minorities. Total.

GOVERNMENT OF INDIA PRESS, SIMLA.

(A) Binding Branch (Binders and Warehousemen).	1-1-39	20 (+2)	20 (+3)	1	41 (+5)	
	1-1-40	20 (+2)	20 (+1)	1 (+1)	41 (+4)	
(B) Machine Branch (Machine-men, Pressmen, etc.).	1-1-39	12 (+1)	2	..	14 (+1)	
	1-1-40	12 (+1)	2	..	14 (+1)	
(C) Composing Branch (Lino and mono operators, compositors, impositors).	1-1-39	40 (+2)	41 (+2)	4	85 (+4)	
	1-1-40	39	36 (+2)	4	79 (+2)	

FORMS PRESS, ALIGARH.

(A) Binding Branch (Binders).	1-1-39	38 (+5)	32 (+14)	4	74 (+19)	
	1-1-40	37 (+7)	32 (+13)	3 (+1)	72 (+21)	
(B) Machine Branch (Pressmen, Machinemen and Rotary printers).	1-1-39	28	5	1	34	
	1-1-40	28	5	1	34	
(C) Composing Branch (Compositors and impositors).	1-1-39	6	7 (+1)	..	13 (+1)	
	1-1-40	6	7 (+1)	..	13 (+1)	

FORMS PRESS, CALCUTTA.

(A) Binding Branch (Binders).	1-1-39	2 (+2)	9 (+1)	..	11 (+3)	
	1-1-40	2 (+2)	9 (+1)	..	11 (+3)	
(B) Machine Branch (Machine-men).	1-1-39	1	11 (+3)	..	12 (+3)	
	1-1-40	1	11 (+3)	..	12 (+3)	
(C) Composing Branch (Compositors and impositors).	1-1-39	4 (+1)	..	..	4 (+1)	
	1-1-40	4 (+1)	..	..	4 (+1)	

NOTE.—Figures in brackets relate to temporary appointments.

ACCEPTANCE OF AN OFFICE IN A TRADE UNION OR OF EDITORSHIP, ETC., OF ITS PERIODICAL BY A GOVERNMENT OR RAILWAY SERVANT.

122. **Sardar Sant Singh:** Will the Honourable Member for Labour please state if there is any prohibition imposed upon a Government, including Railway, servant against the editing, printing and publishing of a periodical of a trade union of which he is a member, or holding an office in the union? If so, what are its particulars?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No general prohibition has been laid down, but the attention of the Honourable Member is invited to rule 18 of the Government Servants' Conduct Rules which governs the editing or management of a periodical by Government servants including Railway servants to whom these Rules apply.

RECOGNITION OF A TRADE UNION OF A CLASS OR SECTION OF GOVERNMENT OR RAILWAY SERVANTS.

123. Sardar Sant Singh: Will the Honourable Member for Labour please state if there is any prohibition against the recognition of a trade union of a class or section of Government, including Railway, servants by the Administration or Head of Office? If so, what are its particulars?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The attention of the Honourable Member is invited to the 'Rules for the recognition of associations of industrial employees (including Railway employees) of the Government of India', copies of which are placed in the Library of the House. The grant and continuance of recognition rests in the discretion of Government or in the authority to whom the power is delegated by Government. It is not the policy of Government in the Railway Department to recognise small unions whose membership is restricted to certain categories of staff.

MOTION FOR ADJOURNMENT.

DETENTION IN 'C' CLASS OF KHAWAJA KHALEEL AHMAD SHAH, *ex-M.L.C.*, UNITED PROVINCES.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment of the business of the House today from Qazi Muhammad Ahmad Kazmi. He wishes to discuss a definite matter of urgent political importance, *viz.*, the detention in 'C' Class of Khwaja Khaleel Ahmad Shah, *ex-M.L.C.*, United Provinces, a Member of the Municipal Board, Bahraich, author of several books, who has been convicted under Defence of India Rules.

Does the Honourable Member draw a distinction between "public importance" and "political importance"?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): I am very sorry, I meant "public".

Mr. President (The Honourable Sir Abdur Rahim): I suppose the Honourable Member means that it is the duty of this Assembly to decide what prisoners are to be allotted which class?

Qazi Muhammad Ahmad Kazmi: In yesterday's speech, the Honourable the Home Member said that the Government of India have issued instructions to the various Provincial Governments that persons who are entitled to "A' Class" treatment must be given "A' Class" treatment if they are convicted under the Defence of India Act and if those conditions are not acted upon by the various Provincial Governments which are to act according to the instructions given by the Government of India, then the responsibility would lie on the Government of India.

The Honourable Sir Reginald Maxwell (Home Member): Sir, it is for the Government of India to lay down certain general principles and the principle I referred to yesterday was that a person is not debarred from being classed in "A' Class" by the fact that he had been convicted of civil disobedience offence. That is all I told the House yesterday. But in

the matter of detailed classification of individual prisoners, it is and it has always been a matter entirely for the Provincial Governments in which the Central Government cannot possibly have any say.

Mr. President (The Honourable Sir Abdur Rahim): Having regard to the statement made by the Honourable the Home Member, I hold that this motion is not in order. The matter, of classifying the different prisoners according to the rules and instructions issued by the Government of India, is left to the discretion of the Local Governments, and it is not possible to discuss each individual case on its merits in this Assembly. The motion is disallowed.

ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Monday, the 10th March, 1941, the time fixed for receiving nominations for the Central Advisory Council for Railways, seven nominations were received. Subsequently one member withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following members to be duly elected, namely:

- (1) Haji Chaudhury Muhammad Ismail Khan,
- (2) Mr. Lalchand Navalrai,
- (3) Lieut.-Colonel Sir Henry Gidney.
- (4) Lieut.-Colonel M. A. Rahman,
- (5) Dr. R. D. Dalal, and
- (6) Mr. H. M. Abdullah.

STATEMENT LAID ON THE TABLE.

HOME DEPARTMENT DECLARATION OF EXEMPTION.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I lay on the table a copy of the Home Department Declaration of Exemption, No. 1/1/41-Political-E, dated the 5th March, 1941.

Government of India, Home Department Declaration of Exemption, No. 1/1/41-Political (E), dated New Delhi, the 5th March, 1941.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to Mr. Kazuo Suto, an official attached to the Japanese Consulate General at Calcutta, so long as he holds a post in that Consulate-General.

(Sd.) H. J. FRAMPTON,
Deputy Secretary to the Government of India.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan). Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Merchant Shipping Act, 1928.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS.

The Honourable Sir Andrew Olow (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads' dealt with in the Department of Communications, during the year 1941-42."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads' dealt with in the Department of Communications, during the year 1941-42."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I think, so far as this Advisory Committee is concerned, this includes all departments other than "Roads", viz., Posts and Telegraphs, and perhaps Broadcasting. Although this appears to be a very important Committee, I have come to know that this Committee does not sit throughout the year. I was once a member of the Postal Committee, and, with very great effort, I succeeded to be a member of the same, but that Committee never sat either during the Session or outside the Session. What is the use of having these Committees merely on record and moving motions for their election? Is there any necessity? A few members may be called in and consulted. There is no proper agenda for the Committee. No voice is given to any member to give notice of anything to be included in the agenda. Then, what for are these Committees elected year after year and thus the time of the House is wasted? Sir, I oppose the election of this Committee.

Sardar Sant Singh (West Punjab: Sikh): I would ask the Honourable Member to give us the benefit of his views why the Committees are not called, and why are they elected at all?

The Honourable Sir Andrew Olow: It is not true that these Committees are not called. This Committee meets every Session of the Assembly. We had a meeting of this Committee only a few days ago, and are having another meeting of this Committee next week to see something of the Delhi rural broadcasting system.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): How many meetings were held till now?

The Honourable Sir Andrew Olow: One during each Session. This current year, there will probably be three.

(1290)

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads' dealt with in the Department of Communications, during the year 1941-42."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members for the Standing Committee for the Department of Communications, the Notice Office will be open to receive nominations upto 12 Noon on Friday, the 14th March, 1941, and that the election, if necessary, will take place on Monday, the 17th March, 1941. The election, which will be held in the Assistant Secretary's room in the Council House between the hours of 10-30 A.M. and 1 P.M., will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN FINANCE BILL.

The Honourable Sir Jeremy Raisman (Finance Member). Sir, I move:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on matches leviable under the Matches (Excise Duty) Act, 1934, to vary the rate of the excise duty on mechanical lighters leviable under the Mechanical Lighters (Excise Duty) Act, 1934, to vary the rate of the duty on artificial silk yarn and thread leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged, be taken into consideration."

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

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on matches leviable under the Matches (Excise Duty) Act, 1934, to vary the rate of the excise duty on mechanical lighters leviable under the Mechanical Lighters (Excise Duty) Act, 1934, to vary the rate of the duty on artificial silk yarn and thread leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged, be taken into consideration."

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, it has always been decided by this House that when we vote the expenditure, we must vote the supplies: it is a necessary corollary that having passed the budget for expenditure, this House must vote the supplies to meet that expenditure. But one feels that the opinion must be expressed whether the new sources of income which have been brought before the House are advisable or not, although I would be the last person to say that the defence expenditure or the expenses to win the war, which are necessary, whatever they may rise to, should not be voted by this House. Even if the deficit had been more than Rs. 20.85 lakhs as it is at present, I would have given my vote in favour of meeting that expenditure. But we have to see one thing, whether the expenditure that is being made is really necessary or whether money is being squandered. I cannot be a judge of all the details of the expenditure.

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but we find one thing that some money is really being wasted in some Departments; and that I can judge by one thing, how much proceeds the Honourable Member had been able to get from the Excess Profits Tax. If the people have been allowed to make excess profits in such large quantities, that very fact shows that money has been going to these people somehow or other from the Government Departments, by giving contracts at such high rates that these people have been able to make such huge profits. A large proportion of these profits is, I think, due mostly to the activities of the war, and those who have been dealing with the Departments connected mostly with war activities have made more profits. That shows that the expenditure is not properly controlled: if the Government had controlled the giving of contracts on proper lines, they would not have had to pay with one hand and take it back with the other. Here, if you want money to spend to meet war requirements and production of materials at reasonable cost, we will certainly say: "Take it; we have no quarrel with you; but if you allow any Department to shut their eyes to the cost at which they purchase commodities for war requirements, then this House must draw the attention of Government to the fact that they are not properly using the money for which they receive the vote of this House." I do not want to be hard in these exceptional cases, because a large number of people have been employed who are given licence to spend. They are not people who can understand what prices are prevailing—they are practically novices in many matters and the Government have not been taking into confidence those people who can advise them better in regard to the price of particular commodities: the Government have been leaving it in the hands of those who are interested in those concerns. How can you expect a man to give you good advice in a matter in which he is personally interested and wants to make money out of it?

If I find that the barracks are built in New Delhi and houses are erected at enormous cost simply because the Government wanted that some buildings should be finished by a certain date—say within two or three months—and then you give the contracts at exorbitant prices and money is lavishly spent in other places in similar fashion, this House has got a right to say: "We do not like to be in your way in meeting your requirements, but we will object to your squandering money." I have seen in many places money spent in this way. I do not want to go into details and give examples of how in the Army Budget these people are spending money and purchasing even in districts where there are army headquarters and how contracts are given; but I would like that the Finance Department should exercise more vigilance and should adopt the principle that people with no experience should not be entrusted with the work; e.g., a man has been recently recruited as a military officer: he does not know what the prices would be and he is asked to give contracts and he gives them at any price he chooses. That has to be controlled in the districts. I do not mean to say that the Supply Department or the Stores Department is not exercising proper vigilance in the centre; but instances have come to my notice where money has been squandered. It may be right to say that the defence expenditure is non-votable: item by item it may not be votable, but I take it that everything is votable. You may not put to vote particular salaries, but

when you come before the House to ask for the money to meet that expenditure, it becomes votable. If this House does not give you the vote to get that money, then this House can go into the merits of each case and find out whether you have allowed this money to be spent properly or not. It is an anomaly, it is a fiction, to call it non-votable. Everything is votable in this House, and though this House may not be anxious to exercise its powers under these abnormal conditions, yet it will have to take the Government to task after the war. I do not want that your successors should be told by a future Government that they cannot hold themselves responsible for your present actions, because the negligence was due to somebody else; but the Government as a whole will not be justified in saying that the mistake was an error as it had been said when some fault was committed by a certain individual and no notice was taken of it. I should like the Honourable the Finance Member to make the position quite clear so that his successor may not disclaim all responsibility for any negligence of the present Government.

Now, Sir, one thing is quite obvious, and it is that the imports have decreased considerably, because India is not able to get goods from the outside world to the same extent which she used to do before the war . . .

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Exports also have decreased.

Sir Muhammad Yamin Khan: Yes, but if the imports have decreased to such an extent as the Honourable the Finance Member has disclosed, that clearly shows that the wealth of the country has also decreased, because the business of the people has decreased; people who were doing import business have lost their business altogether, and they are not getting any return on their capital which they used to get before, while their expenditure remains the same, and the importers who used to get their goods from outside are not so well off as they were two years ago. Though, in the first year, they may have made a lot of money on the stocks which they had held, later on when their stocks became exhausted, they had very little work to do; in fact there is very little stock left with them, and yet the Honourable the Finance Member proposes to put them on the same level as those who have been making a lot of money . . .

Sir Abdul Halim Ghuznavi: Who are making a lot of money?

Sir Muhammad Yamin Khan: My friend, Sir Abdul Halim Ghuznavi, says that the exports also have decreased. I am not quite sure how far that statement can be justified; perhaps he has more information with him which he will be able to place before the House, but what the Honourable the Finance Member in his speech said was that in exports probably we are 20 crores more than what we had done last year. Now, what advantage have our exports brought to this country? Sterling has accumulated, the prices for commodities have not been paid . . .

The Honourable Sir Jeremy Raisman: Does the Honourable Member know of any way of selling goods without receiving money in exchange?

Sir Muhammad Yamin Khan: We want money in exchange, but there are two ways of getting the money: either you clear off your debts, as you are proposing to do, to the extent of three crores. You may purchase

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the railway lines,—you have to pay money for those lines and you have not got money. That is one way. Another way is this. Trade and commerce is being carried on in this country,—I am only talking of the importers,—their business is at a standstill,—and though you have sold the goods, your sterling is accumulated in England, because you have not got the same facilities to give to the people who are carrying on the import business. You are stopping your business even with America. Formerly motor cars used to come from there in large numbers, and you have now fixed the quota of sale of cars. Even in Delhi what they used to sell in one month, they have now to sell in one year,—that is the quota you have fixed. If fifty Ford cars used to be sold in one month in Delhi, now you have fixed a quota for the whole year. You are controlling the business in this manner. Government may buy their requirements, but that does not help the importer, and his yield is decreasing every time, because he is making payments which he used to make before, or probably he is making larger payments than he used to make before.

Then, there is a class which is dealing with the Supply Department and purchasing materials in connection with war activities, and they have made enormous profits, in fact they have made much bigger profits than in previous years, and that is why you have brought in the Excess Profits Tax,—and I think that tax is fully justified, because if a man wants to make money from the public, why should he not pay a certain portion back to the State? I quite agree to your taking 66 2/3 per cent. out of their profits, profits which they made by unjustly raising the prices. But what about your levying income-tax on the poor importer? You are painting him with the same brush which is used for the man who has made this excess profit. Similarly, you are putting a man with a fixed salary in the same category. You have fixed Rs. 40,000 as the minimum limit for payment of Excess Profits Tax.—I don't object to it,—but what justification have you to ask a man with an income of Rs. 2,000 from salary, a clerk, an assistant or any subordinate with a fixed income, to pay a higher rate of income-tax? These people have fixed incomes with no additional income of any kind and yet you have increased the surcharge in their case from 25 per cent. to 38 1/3 per cent., and this is not at all justifiable. It does not matter in the least as to what you take from people who make excess profits, but it is hardly fair and just to make people with an income of Rs. 2,000 pay more, because they have to meet additional expenditure on account of the rise in the cost of foodstuffs, clothing and so on; they have to meet the education of their children; they have to purchase their cloth at a higher rate. Instead of Rs. 160 a month which he was getting, probably Rs. 15 or 20 will have to go as extra on account of the war conditions. Now you put another Rs. 20 as surcharge over him. That really means you are taxing a man who has to live on account of the social conditions from hand to mouth, and it is not a good proposal. I do not say that one should refuse to pay on account of the war conditions, but if a tax is brought, it should be a justifiable tax in the eyes of the public, it should not involve any hardship. But, here, in this case, everybody will tell you that it was not proper that you should levy surcharge without fixing any minimum limit. If it be Rs. 10,000 or 15,000, or something like that, that would have been justifiable, and if you had brought down the limit of Rs. 40,000 in the case of the excess profits duty to Rs. 20,000, that would have brought you the

same that you would be getting from the poorer classes of people. My Honourable friend would have got from the richer class of people and they would have paid the tax without the least difficulty. My proposal is that the limit of Rs. 40,000 should be brought down to Rs. 20,000 and the minimum limit for the surcharge should have been increased to something over Rs. 10,000, or whatever he may fix, and that would give him the same sum of money without losing the balance.

As regards match duty, the Honourable Member said that he had to take into account the lowest coin which is in circulation as regards matches. On the 28th February, when he introduced the Finance Bill and announced the doubling of the excise duty on matches, the effect in New Delhi was that the price of a match box went up from 1½ pice to 4 pice. I sent my servant next morning to find out from the shopkeepers what the prices were. I wanted to ascertain how the people took it. I noted that nobody in New Delhi was willing to sell a match box for less than four pice, instead of 1½ pice which was the price formerly.

Sir Abdul Halim Ghuznavi: What is the price now?

Sir Muhammad Yamin Khan: Later on, in Delhi the price has settled down to two pice per box, that is, 25 per cent. it has gone up.

The Honourable Sir Jeremy Raisman: I will supply the Honourable Member at 1½ pice, in very large quantities.

Sir Muhammad Yamin Khan: The Finance Member can supply me by getting them from the factories. I am talking of the place from where we purchase, and from where the Honourable Member's household purchase it.

The Honourable Sir Jeremy Raisman: I get it for 1½ pice.

Sir Muhammad Yamin Khan: If my Honourable friend goes to the retail shopkeeper, he would not get it for less than two pice in Delhi. In New Delhi, of course, it is not one price everywhere, it is different in different shops.

Sir Abdul Halim Ghuznavi: The price differs according to the number of sticks the box contains.

Sir Muhammad Yamin Khan: On the 1st March people made a lot of profit on the stock which they had on that day. If the Honourable Member proposes to levy any new taxation or increase the existing taxation, before announcing it here, he should take into confidence all the Governments who can enforce under the Defence of India Act Rules control of prices. Then, the Provincial Governments will be ready next morning to enforce the prices and see that the people do not charge beyond a certain limit. If the Honourable Member had taken into his confidence the Chief Commissioner of Delhi and the other Local Governments, he would have ensured that the people holding stocks had not benefited unduly at the expense of the consumer. His tax comes to very little, probably not even one pie, per match box, but people have charged three times as much, and that should be stopped. That can only be stopped by the method I have

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suggested, that is, they must take into confidence the local administrations who are in a position to enforce the law and not allow exploitation by retail shopkeepers as opposed to the consumers.

Another tax which is not desirable is that on the tyres and tubes. It is a new industry. It has been only for the last two or three years in this country and it has been competing with big concerns in America.

The Honourable Sir Jeremy Raisman: Does the Honourable Member realise that it is the same concern—the manufacturer in India?

Sir Muhammad Yamin Khan: Not exactly the same. Here in India the Dunlop Manufacturing Company has got two-thirds Indian capital. Indians are holding shares in this concern. . . .

Sir Abdul Halim Ghuznavi: No.

Sir Muhammad Yamin Khan: While in America it may be carrying on in the same name, American firms are absolutely different.

Sir Abdul Halim Ghuznavi: No, Sir.

Sir Muhammad Yamin Khan: The plant here is not so big as to give them the same turnover in Bengal as in America. The prices in India are fixed on the basis of Indian wealth and capacity. A large number of owners of motor cars can afford to pay a little higher price, but still the prices prevailing in India are lower than those in any other country as far as tubes and tyres are concerned. You have got to take into account the wealth and capacity of the consumers. If the Honourable Member increases the duty by ten per cent., the necessary result will be that he will have to increase the import duty by ten per cent.

The Honourable Sir Jeremy Raisman: It does not follow.

Sir Muhammad Yamin Khan: I take it that it does not follow. Then it means that my Honourable friend places the Indian manufacturer at a disadvantage as compared with the conditions before. This industry which has only just come up cannot produce so many tyres and tubes, they cannot sell so many tyres and tubes as the American firms do in their own country as well as outside their country. Here we have got a small concern which cannot even supply the needs of this country. . . .

Sir Abdul Halim Ghuznavi: Who says that?

Sir Muhammad Yamin Khan: They cannot produce even for the requirements of the country up till this time. So a company and a concern which is so new ought to have been left untouched for some time. I know my Honourable friend will say that they are making money and that he is leaving them a large margin of profit even after taking ten per cent. but that ten per cent. they are not making on tyres and tubes. If the Honourable Member had taken their accounts into consideration, he would have found that they are making their profits on some other articles. But as far as the tyres and tubes are concerned, they are not making such large

profits. You may say that the same factory is making the different articles. They may be losing on one thing and profiting on the other. If the Honourable Member had said that he wants to put the tax on other goods as well, which they are making, that would have been all right but suppose the Defence Department or the Supply Department stop placing orders for other goods, then their profits will at once collapse and there will be no margin left for them to make any profit on. This is an industry which has come recently to compete with the world market. After the war you will find that German, American and British firms will be sending things at a much cheaper rate to this country. There is another side to this question too. The price of petrol has gone up very high. It stood at Rs. 1/6 in Delhi. It now stands at 1/14/6, that is more than eight annas per gallon. That means that the lorry owner who carries mostly these poorer classes of people from one place to another have to pay more for their tubes and tyres. On top of this they have to pay more for their petrol and they will not be able to compete.

An Honourable Member: Compete with whom?

Sir Muhammad Yamin Khan: With the Railways. The price of the spare parts has gone up and they cannot replace their motor parts easily and they will not be able to carry on their business properly. So you are hitting the lorry owner, who is carrying the poor people from village to village and from one small town to another, on all sides. I understand the rise in the price of petrol. During the war, it is required for war purposes. I would like to go in a *chhakra* or bullock cart, instead of using my car, if I can save the petrol for war purposes. The war needs must come first. I will have to limit my use of petrol under such circumstances and I can understand the rise in prices. The price of motor spare parts will have to go up too, because they come from countries which have not got the facilities to send them. Now, you are here raising the price of rubber tyres and tubes and that means you are making them expensive and you are not getting very much revenue. It is only 35 lakhs. If the revenue had been in crores, I would not mind.

I should have thought that the Honourable Member would have brought a tax on an article which may be in larger use and will not hit the man who is bound to use that article, but who uses it as a luxury. You cannot do without a match but you can do without smoking cigarettes. Why has not the Honourable Member put a tax on cigarettes? Why not an excise duty on cigarettes? Cigarette is a thing which everybody is not bound to use. A man may use it for the sake of his luxury. A match has to be used even by the poorest man. You cannot stop it. He has to burn his fire. Instead of putting a tax on matches and tyres and tubes, if the Honourable Member had put a tax on cigarettes, he would not have caused hardship. He may have stopped some people smoking hundred cigarettes a day. There are some people who take pride in this fact, that they light the first cigarette in the morning and they go on lighting other cigarettes from the first. They use only one match for lighting the first cigarette in the morning. Such smokers will probably have to use three or four matches in the course of the day. That will not be a hardship. The Honourable Member should realise that the cigarettes are smoked not by the poorer classes but by the people who can afford to spend money and not resort to the cheaper *hukka*.

An Honourable Member: What about *pān*?

Sir Muhammad Yamin Khan: *Pān* is an agricultural thing. It is not manufactured in a factory.

An Honourable Member: What about tobacco?

Sir Muhammad Yamin Khan: Then, Sir, I come to sugar. Last year, we warned the Honourable Member that his policy about sugar is not right. The results have proved that his policy is not right. What is the price of *gur* today? It is selling at 20 seers a rupee. Dr. Sir Ziauddin tells me that it is selling at 24 seers a rupee. Now, compare that with the prices of sugar. Refined sugar is selling at four seers a rupee. What a marvellous difference? People could not afford to give up the manufacture of *rab*. They had to give up the manufacture of raw sugar. They thought that the tax you levy would not bring the money and they ran away to manufacturing *gur*. *Gur* was manufactured in such large quantities that it is selling at 24 seers a rupee. I have never seen the prices of *gur* so low as this. If the price goes beyond ten seers, then the cultivator can get nothing out of it. He loses on what he has invested in his crops. The *gur* prices must be at eight seers or ten seers a rupee. That is the limit, and then the cultivator can grow the sugarcane crop with a little margin of profit to himself. . . .

The Honourable Sir Jeremy Raisman: How does the Central excise reduce the price of *gur*? The objection I have heard is that it increases it?

Sir Muhammad Yamin Khan: The Honourable Member did not listen to me; I said the Honourable Member fixed a duty on the raw sugar and *rab* and the net result of that was that the people, instead of manufacturing the *rab* which they used to do and to refine it into raw sugar, started manufacturing *gur* in large quantities. . . .

The Honourable Sir Jeremy Raisman: I did not fix a duty on any such thing; I fixed a duty on the finished manufacture,—refined sugar.

Sir Muhammad Yamin Khan: I do not know whether the Honourable Member has seen the manufacturing processes of sugar. . . .

The Honourable Sir Jeremy Raisman: I understand the processes.

Sir Muhammad Yamin Khan: When you fix a duty on raw sugar. . .

An Honourable Member: Finished product.

Sir Muhammad Yamin Khan: . . . and that is manufactured out of *rab* not out of *gur*, you cannot manufacture sugar out of *gur*.

An Honourable Member: You can manufacture.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): You can.

Sir Muhammad Yamin Khan: That is a very expensive process, but it is not done, people do not do it in practice; the sugar they manufacture is out of *rab*. The *rab* they place in a jar with a little hole at the bottom and they place it at a higher thing and all the molasses come out and the sugar remains there; therefore, that is a cottage industry; that is the only process, but if you place *gur* in *Bhelies*, in lumps, that would remain still the *gur*; so the processes must be very expensive processes, and to manufacture sugar out of *gur*, which nobody does. . . .

The Honourable Sir Jeremy Raisman: It is done on a large scale in the Punjab.

Sir Muhammad Yamin Khan: It may be in the Punjab but that is not a sugar-producing Province; the sugar-producing Provinces are only two, as the Honourable Member has rightly mentioned in his speech—the United Provinces and Bihar; and the United Provinces is now selling *gur* at a price which I want to bring to the notice of the House, *viz.*, that at prices at which the agriculturists cannot get even a single penny for his labour during the whole year; that is the condition and poverty which has come into the country in all the villages; they cannot put up their prices; a lot of people were induced to come and cultivate the sugarcane crops instead of wheat crops; people gave up their wheat-growing, they gave up growing any other commodity except sugar because it looked to be a very profitable business, and after they had gone in there, they found at the end of the year that the crops ready on their cultivation cannot bring them even the amount which they have spent; there is no question of their labour which they have expended throughout the year in the fields. The policy of the Government is responsible for bringing the poverty into the villages; I know it as a Zamindar that in the places where we used to have the cultivation of the sugarcane, we used to get all our collections made in the first month, by the beginning of February everything was paid up, and every cultivator who cultivated the sugarcane was supposed to be a rich man in the village and he paid up all his debts at once, but now he is the poorest man, you cannot get a single penny out of him because, whatever he has sold is hardly sufficient to meet the price of his seed—not manure even—and they have lived for the whole year on the debts which they got from the *Bania*, and they are indebted now; this is the policy of the Government and the Government is responsible; you have to feel the pulse of the country—not I. . .

The Honourable Sir Jeremy Raisman: How does the Honourable Member connect that with the Central excise?

Sir Muhammad Yamin Khan: Otherwise, why did not the Honourable Member explain in his speech this point? He said in his speech that they had to give one rupee per maund as a loan to the Local Governments in order to help them to clear off their stocks. What is this due to? The House expected that the Honourable Member should have investigated what were the causes of the present state of things, of the circumstances of this kind now prevailing in the country?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I thought that was very well-known throughout the country and to the Honourable Member in particular?

Sir Muhammad Yamin Khan: This is what I am saying, that this wrong policy of yours is responsible for this; this House told you that you are embarking on a wrong policy and the result of that policy is there, and we told you that that would bring no good to you but would bring calamity in future, and here we are; that is what I have been saying, that when the Honourable Member goes away, somebody will say, "we are not responsible—that this had been the wrong policy of the previous Finance Member.....".

The Honourable Sir Jeremy Raisman: Which policy?

Sir Muhammad Yamin Khan: For any wrong policy of his predecessor, we must hold him responsible for that; here, Sir, we find that whatever you have done, whatever you are doing.....

The Honourable Sir Jeremy Raisman: Is wrong!

Sir Muhammad Yamin Khan:is not right—you cannot justify that.....

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: What is the position of the other Provinces with regard to the production of sugar—Madras, Bombay, etc?

Sir Muhammad Yamin Khan: The Honourable Member knows more about Madras and Bombay than I can; I know nothing about them; I live in the United Provinces and I am concerned with that Province, which is the largest sugar-growing Province; and, of course, some people may have benefited in the Provinces where they grow the sugarcane in a smaller quantity.....

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Benefited by the policy of the Honourable the Finance Member?

Sir Muhammad Yamin Khan: If five people benefit and twenty people lose, then can the Honourable Member say that it has benefited the country? If we find that a handful of people in Madras have gained by the policy of the Honourable Member but that one hundred people have lost in the United Provinces by the policy of the Honourable Member, then which is the right thing?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The point is that it is not the policy of the Finance Member but some extraneous circumstances peculiar to those Provinces that has resulted in that.

Sir Muhammad Yamin Khan: The Honourable Member ought to have taken into consideration the effects of this policy upon the people who are mostly concerned with the industry and not upon the people who are remotely concerned with this particular industry or only so to a very limited extent; he should have ignored their interest but he should have taken the interests of those who are going to be greatly affected—adversely or beneficially—by the policy which he is pursuing, into special consideration. Here we have got the result which the Honourable Member himself had to admit in his speech—that the two Provinces which are the chief

sugar-growing provinces had been so adversely affected in the last year that they had to find some relief for that. Well, that is his admission, and what is it due to? That ought to have been explained fully by the Finance Member—who is consulting everybody and not only laymen like myself, interested only in a small environment; we see only the causes prevailing in the environment we are concerned with, but he has to give an explanation to this House on whatever he has gathered from the different Governments and to explain all these causes, especially when he found that this House was not supporting him in his policy within the last two or three years and had been criticising him and saying that his policy would lead to disaster in the country in this respect. That is what I mean to convey.

Now, I have made it perfectly clear that I and probably every other Member of the House will not like to say 'No' to any expenditure which is required to meet the necessities of the war. We would whole-heartedly vote for that expenditure, whatever may be its amount. What we want is that our country should be kept far away from the miseries of the war and in order to achieve that object we will be quite happy to pay even a larger amount in the shape of taxes. Thanks God we are not witnessing the agonies which are being felt by the European countries where there are raids every night and where their property and lives are being destroyed. But what we are concerned with in this country is whether the Government are discharging their duties towards the people or not? We have got our grievances against the Government and the Muslim League Party has come to the decision that the Government have not been meeting the demands of that Party. As the Government have not met their demands, they are not satisfied with the policy that has been carried on by the Government or by the people who control the policy of the Government of India. What we find now is that people who want to take full share in defending their country and who want to come out openly to extend their help are not being given proper facilities to give their co-operation. There may be some Parties who may, on account of their conscience, object to taking part in the war. I have no quarrel with them and I have nothing to say against them except this that they are most unjustifiable people and I do not agree with their principles. But there are other people who do want to help you in the successful prosecution of the war and who do want to save their country from the miseries of the war but they are not being given a chance to do so. No effort is being made to make them war-spirited and they are not in the war themselves. They are asked to give a little help only as onlookers. The Government of India may say that they have no hand in the matter, but they are the advisers and they can advise the Governor General and through him the Secretary of State that he should change his policy. Their policy ought to have been to give to the people of the country a larger share in the prosecution of the war and in the administration of their country and to shoulder the responsibility of making their country safe. This is being denied at present on account of certain conditions which have been the result of the wrong policy which they had been pursuing from the very beginning. Their policy was wrong from the very beginning and it was bound to lead to the circumstances which are now prevailing in the country. People who could foresee predicted the result of all these endeavours that had been going on in 1939 and 1940. They said that all these efforts will fizzle out and nothing will happen because of the prevailing conditions in the country. I think it is the wrong policy of Government to try to win over

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a Party which is not willing to co-operate with them. My Party cannot agree with this policy of the Government that they should go on trying to take back those who are not willing to co-operate with them and lose the co-operation of those who are ready to co-operate with them. The Congress has declared that it is not going to render any help to the Government and yet the Government is hoping that some miracle may happen when the Congress will join hands with them and then they will make Indians responsible for the administration of their country. This is a very far-fetched idea. If that is the attitude of the Government, then we on this side of the House can say that they are pursuing a wrong policy and we cannot agree to support that policy. Our attitude is that after the declaration of His Excellency the Governor General that he will take into his Executive Council those who are willing to co-operate with him, it is very impolitic not to act up to it and it is calculated to destroy the confidence of those who still have confidence in the Government and who still believe in the sincerity of Government.

There was a time when the Germans said that treaties were mere scraps of paper. It was criticised in this House and in other places that the words of the Germans should not be believed. The words of Hitler are not to be believed. Should we place our high administrators in the same category? Should we say the same thing about them? You should not behave in such a way that people will say that you have brought yourself down to the same level as the Germans. Therefore, Sir, anything which is made public on the high authority of the highest people in the country, any declaration made by the highest power in the land should be abided by and no time should be spent or wasted in looking for co-operation from people whose co-operation you will never get.

Sir, on account of this policy which I have referred to, and not on account of the merits of the Finance Bill, but on account of political reasons and on account of the Government ignoring our demands consistently and persistently and not trying to meet the wishes of the people who are ready to co-operate, on account of these reasons, the Muslim League Party has decided to oppose the consideration of this Bill by way of protest. In order to lay a definite protest on record and in order to bring to the notice of those who are still unaware of the feelings of the people and who want still to endorse the policy of the Government in trying to please those people who will never be pleased and ignoring those who are ready to give full co-operation, it has been decided, Sir, that we should oppose the consideration of this Bill and I, therefore, oppose the consideration of this Bill.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Do you desire your opposition to be successful?

Sir Muhammad Yamin Khan: No: we are not going to be successful. That I know.

Mr. J. Ramsay Scott (United Provinces: European): Sir, the Finance Bill is usually an opportunity to wander over a wide area and a wide range of subjects, and, Sir, I propose to do both.

Firstly, I would deal with the sugar position about which I had to say much last year. I would at the outset like to acknowledge my appreciation of all the Finance, Commerce, and Education, Health and Lands

Members and their Departments have done to examine and alleviate the position. I would also thank the Honourable the Finance Member for finding the money—a loan of one and a half crores in these hard times. But I would like to ask the Honourable the Commerce Member to take us into confidence and tell us what he is doing to help to control the industry on an all-India basis. I would like to see him call an Advisory Council, an official one of all provinces and the Indian States to see what is the maximum amount of agreement that can be obtained for the control of the industry. I feel sure that much can be done by negotiation at a conference where all have an equal say and where the United Provinces and Bihar would not have a preponderance of voting power. I would like to say, in the words of His Excellency the Viceroy, to all interested in sugar that this is no time for internal differences or disputes, but let us give our minds and hearts to be of service to the common weal.

I would now like to get on to the artificial silk yarn duty. Some few years ago we came to a general agreement on the rate of duties both revenue and protective on all textiles, piece goods and yarns, and I would point out that the Honourable the Finance Member has upset this equilibrium by an increase in the revenue duty on artificial silk yarn alone. I would like to have seen a counter-balancing duty on art. silk piece goods. It is true that an industry has grown up in this country in the weaving of imported yarns and it is both a mill and cottage industry. It has grown up under the uncertain protection of revenue duties, but I feel that these industries should be looked after and not penalised especially as there is no raw material in India itself. I hope the Honourable the Finance Member will give the matter his consideration and bring in an amendment at a later stage to put this inequality right.

I have often asked for the safeguarding of Industries Act to be put on the Statute-book and I hope the Honourable the Commerce Member will take this up, for I know from his deeds and actions he has the safeguarding of India's industries as much at heart as I and other Members of all parties of this House have.

I am very glad to see my Honourable friend, the Honourable Member for Communications come back, and I hope he has been successful in chasing his lost black sheep in the other place, namely, the Ticketless Traveller's Bill. Sir, in the spring of 1937 after a stay in the beautiful island of Corfu in the Adriatic, I took boat for Yugoslavia and called in at Santi Quaranti in Albania, a town of about 8,000 inhabitants of whom 70 per cent. are Muhammadans. All along this coast, there is only a narrow strip of shore between the blue sea and the green mountains and the minarets of two or three mosques stood out well against this background. Valona and Durazzo were next reached both of which towns have only about 10,000 inhabitants. All the three towns are on an old Roman road, the *via Aegnatia*. Two thousand years ago Durazzo was the stepping off point and this Roman road enabled Rome to conquer and colonise the near east. Of all the pomp and grandeur of Rome, she is best remembered today for her wonderful roads. In England many of our main roads today are constructed on the foundations of old Roman roads. In India the most famous builders of roads were the Moghul Emperors and some of our roads today are superimposed on those of their making. Today, however, the Moghuls are best remembered by their tombs and gardens in India and Kashmere. The point I come to and the question I am going to ask the Government is: "Are the roads in India today

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worthy of a mighty Government, a credit to the Indian States and the provinces and suitable to the needs of the mighty Indian Empire of 400 millions of inhabitants?"

Sir, on the 27th February, 1936, Mr. F. E. (Now Sir Fredrick) James moved a cut motion on behalf of the European Group on the Railway Budget for the creation of a Ministry or Department of Communications and to discuss road-rail competition and the necessity of a policy of co-ordination. Sir Frederick suggested that as a remedy to unfair competition, a proper regulation of road transport was required and that Provincial Governments should take effective measures to see that the regulations were properly carried out. Sir Frederick went on to give in detail the regulations we suggested. If I may give one or two of these suggestions, they were:

- (1) Standardisation of types of vehicles and regular inspection of buses;
- (2) Compulsory passenger and third party insurance;
- (3) Uniform driving tests, regular medical inspection;
- (4) Punishments for over-crowding and over-loading;
- (5) Limitations for hours of work;
- (6) Publication of fares and time tables.

We asked for co-ordination, that is, in the true sense of the word, equality of all systems of communications.

In his reply, Sir Muhammad Zafrullah Khan said that if Road Transport were regulated in the manner just described the railways would have no complaint that motor transport was competing with them on an unfair basis. Now, Sir, the Department of Communications has been set up and this House has passed the Motor Vehicles Act and Provincial Governments have and are taking effective steps to see that regulations are properly carried out. I, therefore, maintain that all action necessary to remove unfair competition has been taken so that the railways no longer have cause for complaint and that road and rail competition is on fair terms, and I would ask the Member for Communications to assure us that he is co-ordinating these two systems in a like manner and that he has the power to do so. The Honourable Member is, I might say, holding the babies. Road and rail transport are Siamese twins; a peculiarity of Siamese twins is that if one dies so does the other, and I might even suggest that if he gives one a dose of medicine, he should treat the other in the same way. We ask for no favouritism to either transport system, but equality of treatment. Both forms of transport are equally necessary for the development of India and they should be complementary. Sir, it is the bounden duty of the Member who has the honour to hold the portfolio to resist the pressure of the most vociferous and stronger twin, stronger only because it has a more numerous, more powerful representation at Government headquarters. I need not inform the Finance Member that although this year he has received a wonderful return from the Railway Twin, there have been years when he has received nothing, while the Road twin brings in a steady revenue year in and year out. It may not be so spectacular unless it is presented as a whole as it is made up of so many bits and pieces which enter into the life and development of the countryside and the provinces, although the proceeds mainly come to the centre. Various figures have been given me, but I believe the roads

brought to the centre Rs. 12 crores of revenue in various forms of taxation, such as excise, customs on such articles as petrol, motor cars, tyres, tubes, paints, varnishes, etc.

Now, Sir, I would like to deal with long distance traffic. We are experiencing a shortage of wagons on the Great Indian Peninsula Railway, the North-Western Railway and the East Indian Railway and there is a shortage of engine power on the Great Indian Peninsula Railway, and yet we find that there is a desire to restrict long distance traffic by road. This I consider a dog-in-the-manger policy and this is where I suggest that a properly co-ordinated policy should exist for the full utilisation to the best possible advantage of both systems of transport for the full development of India's resources and for bringing her produce to the markets of India and to the markets of the Empire.

I would like to draw the Honourable Member's attention to the change of policy in the United Kingdom since the outbreak of war. The Regional Transport Commissioners have issued the following communiqué:

"It has been decided by the Minister of Transport as a matter of policy that there should be a diversion of suitable traffic to road, canal transport or coastal shipping in order to relieve this congestion.

The Railway Executive Committee have, therefore, instructed their railway representatives to impose restrictions on certain traffic which will now have to be carried by road.

As a result of these instructions, applications will doubtless be made to sub-district managers for additional supplementary grants of fuel. In such cases, when a sub-district manager is satisfied either that a restriction has been imposed by the railways or that there is likely to be undue delay or difficulty in the carriage of essential goods by rail, the application for supplementary fuel should be granted.

I appreciate that these instructions which have been received appear to be a complete change from the policy which has hitherto been adopted, and that the change will probably lead to a large increase in the amount of supplementary fuel which may have to be supplied, in-as-much as long-distance haulage by road may now have to be allowed to a far greater extent than before. I appreciate also that this change may cut across the structure which has been built up by sub-district managers for dealing with applications for supplementary fuel. I feel sure, however, that all sub-district managers will understand the circumstances which give rise to this change of policy, and will readily agree that the policy of our war organisation must be sufficiently fluid to be adapted to the changing circumstances."

Here the communiqué ends. This policy should be borne in mind by the Communications Department, and although such a necessity may not as yet have arisen, it may do so in the near future and I would not like to see anything done now which will circumscribe Road Transport facilities and long distance traffic and I would here again repeat the words that I said on the sugar apple:

"Let us frankly recognise that this is no time for internal difference or dispute; let us rather put away these things and give our minds and hearts to the service of the common weal."

Sir, I have many other grievances, some large and some small; but I have not the time, nor do I consider it the proper opportunity and place to ventilate them here, for I feel sure that if I get a reply from the Honourable Member as to the general policy of his Department no doubt many of these grievances will be put right or disappear. Another opportunity to go into the matter in more detail perhaps, with the Provinces, might be at an Advisory Transport Council meeting.

Before leaving this subject, I would like to stress the need for co-operation with the Provinces and States to obtain an agreement on the

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standard of maintenance for the upkeep of our main roads. The Central Government will no doubt realise that unless roads are properly maintained, new road building programmes will have to include large reconstruction schemes. As an example, I will quote my own province where in a scheme costing Rs. 125 lakhs, the plan covered 1,128 miles of roads no less than 992 miles had to be reconstructed and only 135 miles were really new roads. We have 3,500 miles of metalled roads in the Province and another 1,500 miles now require reconstruction and before that programme can be finished the remaining 1,000 miles also will require reconstructing. I would, therefore, ask Government to get reports of the position from each Province and would say that I consider the question of the utmost and immediate importance, for we may be faced with the position that our war effort is paralysed by a breakdown or interruption of our slender railway communications.

In finishing, I would ask the Honourable Member if he can give me an undertaking that road maintenance and new road construction programmes will be discussed at the next meeting of the Transport Advisory Council.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, Mr. Ramsay Scott said a good deal about babies in his speech. He seems to be inclined to leave one or two at my doorstep. He asked for an assurance that I was co-ordinating the road and rail system, and that I had the power to do so. Well, I should have thought the House was aware of the answer—that I have not the power to do so.

An Honourable Member: Take it.

The Honourable Sir Andrew Clow: Owing to the constitutional position there is no authority that has co-ordinating control over road and rail. The Motor Vehicles Act as introduced might have gone a considerable distance in that direction, but the House will remember it was modified considerably in the Assembly and has left the Central Government with very little power in that respect. For example, whereas, formerly, the Railways were represented in some authorities controlling transport, they are now not represented there at all. The only thing that the Member in charge of the Railways can do is to encourage application for the restriction of long distance transport.

Mr. Ramsay Scott alluded to long distance traffic and noted, I think with regret, the appearance of a desire to restrict long distance traffic. That desire appeared and was voiced in this Assembly two or three years ago, and is embodied in the Act itself. He alluded to the fact, which is a fact, that at present our traffic is at levels which we find difficult to carry in some parts of the country, particularly on the Great Indian Peninsula. That is a relevant consideration, and I am quite sure that if that condition should in time become permanent, not only would no Provincial Government look at an application for any restriction on the road traffic, but it would be merely futile on our part to consider putting one forward. We have not as yet shown any very keen desire to do so. We have not made a single application to any Provincial Government under that section, and I can assure the Honourable Member that before we do so, we

shall certainly take into consideration the point which he mentioned. We should not seek to play a dog-in-the-manger policy or ask for more than we can carry efficiently in the public interest. I recognise in this respect that the advent of the war has changed circumstances, and that if the present conditions continue, we may find that both those road carriers and the Railways have as much as they can manage.

Then Mr. Ramsay Scott alluded to certain Siamese twins. I have always understood that one of the characteristics of Siamese twins is that one impedes the locomotion of the other, and that they have common parents. That is not the case here. The responsibility for roads is vested almost entirely in Provincial Governments. There are three methods by which we can help, or hinder as some might say. We have the Road Fund over which this House maintains control. We have this power given to us to send in applications under section 43, which we are not using at the moment, and we have finally what I think may prove a more fruitful course, the method of co-operation, which Mr. Ramsay Scott has suggested. We have recently been making an experiment in co-operation on the North Western Railway by co-operating in road traffic companies to provide an efficient road service in which we are interested and which our Railways are adjusted to suit, and that is a hopeful line for the future. It is a line which, if pursued, might enable both the Railways and the Roads to eliminate the most dangerous form of competition,—that type of competition which means cutting down fares and rates to a level which for the road user at least involves serious danger. I do not think that the analogy cited from England was very relevant at present, because the conditions on our Railways are not the same as those on the Railways in England where the enemy is constantly trying to interfere. But I would repeat that we recognise that the war is bringing new problems for us both, and it is far from the desire of the Government of India to curtail any reasonable facilities for the public either on the roads or on the rails.

Mr. Ramsay Scott alluded in conclusion to the question of road maintenance. That is not a subject for which I can accept responsibility. The Road Fund was intended primarily for new development, and we have tried our very best to limit the grants to new works. We have perhaps in moments of weakness and during the stress of the financial blizzard of some years ago given small doles to assist provinces for maintenance, but I am not sure myself that that is a sound policy. We hope to discuss the whole question before the Transport Advisory Council, and we shall seek the co-operation of the Standing Committee of this House for Roads in trying to arrive at some settled policy in the matter.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I suggest, Sir, that the Government Members may speak at a later stage of the debate, because other Members also would like to speak on the subject of Roads and Communications, and they will not have any chance of knowing the Government's point of view.

The Honourable Sir Andrew Clow: I understood, Sir, that you preferred that Government Members should speak throughout the debate.

Mr. President (The Honourable Sir Abdur Rahim): Yes that has been the practice.

Sir F. E. James (Madras: European): May I ask one question, Sir? There was recently circulated to Provincial Governments a memorandum with the signature of Mr. Mitchell. There has been some misapprehension as to the authority behind that memorandum—whether in fact it expresses the view of the Government of India or the view of Mr. Mitchell himself. I wonder if the Honourable Member is in a position to make a statement about that.

The Honourable Sir Andrew Olow: It represented initially Mr. Mitchell's views, but certain comments on it appeared publicly which I can only describe in my own view as misleading, and I have in reply to a representation made to me by the Indian Roads and Transport Development Association, Bombay, indicated that my own views coincide with Mr. Mitchell's.

Sir Abdul Halim Ghuznavi: Sir, we Indian businessmen do not object to raising funds for conducting the defence of the country, but we object to the methods which are adopted in raising them. Sir, this year we are having a Defence Budget for 84 crores, and we have to make up our mind in voting this amount based on the information or material placed before us in this 7-page pamphlet. What does it contain? Nothing whatsoever, except bald figures. There is no explanation given there, no explanatory note is attached to this memorandum to enable us to come to a conclusion whether these 84 crores are legitimately required for the conduct of defence or not. Sir, you will remember that when you were the Leader of the Independent Party, what a huge explanatory pamphlet we used to get in respect of the defence expenditure.

The Honourable Sir Jeremy Raisman: Is the Honourable Member aware that Parliament voted £3,000 millions on less than five pages?
1 P.M.

Sir Abdul Halim Ghuznavi: Is the Honourable Member aware that the Member in charge of Finance in Britain is responsible to the Parliament, and here my Honourable friend is not responsible to this House. That is the difference. If the Honourable Member were responsible to this House, I would accept a five-page memorandum of unexplained figures. But when he is not, he must give me sufficient material to come to a conclusion whether these Rs. 84 crores are really required. That is the difficulty. The Honourable the Finance Member is not responsible. If a popular Minister had been here, most of our difficulties would have disappeared. Though my Honourable friend laughs, I will come to that point later on, and show that that would not be so with a popular ministry.

Sir, the war is going on, and as far as I can see, it won't be a short war. If that be so, this Rs. 84 crores which is required this year may be doubled next year. Then what would be the position? We, therefore, want an assurance, firstly, that the Government would enter into only such commitments as are justifiable from the Indian point of view and for Indian defence, secondly, to take the Indian public into their confidence regarding the manner in which the total expenditure on defence is proportionately shared between the Government of India on the one hand and His Majesty's Government on the other, and thirdly, to satisfy the Indian public opinion that the expenditure debited to India is incurred primarily to

safeguard India's interests. These three assurances we want, and then we want that the Finance Member should bear in mind that at any rate the non-recurring part of the defence expenditure should to a reasonable extent be met by borrowing rather than by imposing any further burdens on the already heavily taxed industry and trade of this country.

Dr. Sir Ziauddin Ahmad: What is the non-recurring part?

Sir Abdul Halim Ghuznavi: I am sorry that I was not present when my Honourable friend, Mr. Chapman-Mortimer, spoke on the budget the other day. I do not remember whether my Honourable friend was present last year when the first Excess Profits Tax Bill was introduced.

Mr. T. Chapman-Mortimer (Bengal: European): Yes.

Sir Abdul Halim Ghuznavi: Very well, then he has not followed what I said on the floor of this House. My Honourable friend is stated to have said, I find from the newspapers, that the capitalists were making substantial profits, that at the end of the war they might not make any profits at all or might make very serious losses. Therefore, he said it is the right time now to fleece them. That is his first proposal. As regards the suggestion that the deficit should be met by loans, Mr. Chapman-Mortimer is reported to have said that that would merely postpone the evil day, that it would help the rich now and make the masses, the poor pay interest on the loans ultimately. His colossal ignorance is responsible for the statement which he has made.

The Honourable Sir Jeremy Raisman: What is wrong with it? Please explain.

Sir Abdul Halim Ghuznavi: I shall show what is wrong with my Honourable friend and what is not wrong with Sir William Meyer when he introduced his budget in 1915. Why should I not follow Sir William Meyer, and why should I follow the Finance Member now? Sir William Meyer had given his reasons for preferring loan to taxation and I want my Honourable friend to follow Sir William Meyer. In introducing his war budget in 1915, he dealt with the difficulties which he experienced after the scare caused by Emden in Madras waters and said that there was a tremendous withdrawal of postal deposits, and demand for payment against currency notes for which money had to be found. This added to the troubles he already had to find money for the defence. Such troubles do not exist now. My Honourable friend has not to find money for the currency notes that Sir William Meyer had to, nor for the withdrawal of the postal deposits from one end of India to the other. My Honourable friend has not to find the money which Sir William had to find not for war purposes, but to assist those who were then in trouble, for which I refer my Honourable friend to his speech. And what did he say? In those circumstances in which my Honourable friend is not situated today, he did not resort to extra taxation, because he said it was not a sound policy and he had given his complete reasons for that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can stop now. The Chair has got to announce changes in the

[Mr. President.]

dates of nomination for the election of the Standing Committee. The Chair read out to the House this morning that the nominations will be received up to 12 Noon on Friday, the 14th March. Instead of that, nominations will be received up to 12 Noon on Saturday, the 15th March, and the election, if necessary, will be held on Tuesday, the 18th March, and not Monday the 17th March.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): May I make a submission to the Chair? Last evening an announcement was made changing the dates of the sittings of this Assembly this week end. Originally 12th and 13th March were free days and there were no sittings of the Assembly on those days. Yesterday it was changed. 13th has been fixed for a sitting and 14th has been made a holiday and 15th is an Assembly sitting day. My point is that the 13th March which has now been fixed as a meeting day is a very important day from the point of view of Hindus. It is a full moon day and a lunar eclipse day.

Mr. President (The Honourable Sir Abdur Rahim): Which is the day observed in Delhi according to the Chief Commissioner's announcement? The Chair understands it is the 14th, and not the 13th.

Pandit Lakshmi Kanta Maitra: Hindus from all parts of India observe the 13th as an all-important day. It is the full moon day and lunar eclipse day.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it, the Chief Commissioner consults the leaders of the Hindus in fixing the dates?

The Honourable Sir Muhammad Zafrullah Khan: The Chief Commissioner says that he has been pressed by the Leaders of the Hindu community in Delhi to observe the 14th as a closed holiday, and they were supported and fortified by all the astrologers who were consulted—who said that the 14th was the proper day. That was why 14th was declared a holiday, and the 13th made a working day.

Pandit Lakshmi Kanta Maitra: I do not know which particular kind of astrologers were consulted. Any ordinary calendar which guides the day to day observance of the Hindus will tell you that the lunar eclipse is on the 13th, and not the 14th. Whether a communication from the Chief Commissioner or the Home Department can change an eclipse, I cannot say. We will see it later on. We have to be guided by the calendars that are in vogue in this country, and all calendars without exception—I mean Hindu calendars—lay down that the 13th is the lunar eclipse day, and it is the full moon day, and for the Hindus that is the most important day. What I suggest is that the 13th may be cancelled and there should be a sitting on the 14th. The original arrangement was quite all right and should not have been disturbed.

Mr. President (The Honourable Sir Abdur Rahim): Then, there should be no meeting on the 13th. What about the 14th?

Pandit Lakshmi Kanta Maitra: I am only concerned with the 13th. I am not pressing for the 14th.

Mr. President (The Honourable Sir Abdur Rahim): As the House knows, the practice has always been for the Assembly to observe the holidays which are fixed locally by the Chief Commissioner for the Delhi Province, and that practice has been consistently followed, but in this case, if the House generally agrees, including, of course, the Government Benches, the Chair is willing, in the circumstances, to accept the suggestion that has been made by Pandit Maitra, but if there is no general agreement, the Chair must follow the usual practice.

The Honourable Sir Muhammad Zafrullah Khan: Do I understand that we should not sit on the 12th and 13th, but sit on the 14th?

Dr. Sir Ziauddin Ahmad: The old arrangement should continue.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know if that will suit the Members generally, including the Government Benches.

The Honourable Sir Muhammad Zafrullah Khan: The 14th has been declared a closed holiday in the office of the Assembly and in other offices. On behalf of Government, I have no objection to reverting to the original arrangement, provided the House realises that it will be sitting on a closed holiday.

Mr. President (The Honourable Sir Abdur Rahim): If that will suit the House generally, 13th will be a holiday, and the House will sit on the 14th.

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.

Sir Abdul Halim Gauznavi: Continuing my speech, I will now refer to the speech which Sir William Meyer made in 1915 in connection with the then War Budget. He said:

"The first method of adding to our resources which would naturally suggest itself—one indeed which we have very seriously considered—is to follow the lead of the mother country."

The mother country did raise the money by taxation, and he said that it was natural that we had to consider whether we should also follow the lead of the mother country. But he said:

"Those who have followed my remarks on the revenue position will, however, already have had their anxiety relieved. We do not propose on this occasion to raise any money by increased taxation. We should not hesitate to do so to meet the deficiency in the revenue which promises to be of a more or less abiding character."

That is the point that I want to raise here. If the money that is required now for conducting the war, if it was of an abiding character, that is of a permanent character, which it is not—he made that distinction—it would be proper to raise the money by taxation, if the revenue deficit is of an abiding or permanent character. Now, if the war ends tomorrow, you don't want the money that you want now?

The Honourable Sir Jeremy Raisman: How do you know?

Sir Abdul Halim Ghuznavi: My Honourable friend says, "How do I know". If you want this money to conduct the war, and if the war ends tomorrow, then you will not require that money to conduct the war; but if you are taking that money on the pretext of this war but for other purposes, then of course, the conclusion will be otherwise.

Dr. Sir Ziauddin Ahmad: The major premiss may be wrong, but the logic is correct.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): They will give you a rebate.

Sir Abdul Halim Ghuznavi: Sir William Meyer explained to the Council with reference to the war which was on that "the present circumstances were altogether peculiar," and he said, "we have come to this conclusion that we ought not to add to the existing taxation unless it is absolutely necessary". He further said, "we hold that this necessity has not arisen, since the deficit of the current and the coming year are, as already stated, entirely the product of special and temporary circumstances . . ."

The Honourable Sir Jeremy Raisman: Does the Honourable Member know the amount of the deficit that was being discussed—it was two crores?

Sir Abdul Halim Ghuznavi: But you taxed us for three crores, and the Honourable Member in charge who was then presenting his Budget was wanting two crores; you wanted taxation straightaway for a matter of three crores but he did not do that for the sake of two crores, and he continuously, right up to the end of the war, financed that by loan; that is my point; the reason was that it was not a deficit of an abiding or permanent character, and he says, "it was not entirely the product of an abiding or permanent character but of special and temporary circumstances." Supposing tomorrow the war comes to an end; by that time you would have fleeced the industries to the vanishing point. Why not meet the deficit by a loan? Then my Honourable friend, Mr. Chapman-Mortimer, who is still having his luncheon . . .

The Honourable Sir Jeremy Raisman: Loss of appetite.

Sir Abdul Halim Ghuznavi: says, "why postpone the evil day by borrowing?" Sir, we are not postponing the evil day by borrowing; we are only spreading that amount over a number of years, and also we make the next generation to share this burden, as the defence of India is not only for us but also for the future generation who also wants India to be defended.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): You want to extend the chain of slavery to your successors?

Sir Abdul Halim Ghuznavi: This is not a chain of slavery; this is the amount that is necessary for the defence of the country, and my Honourable friend, Sir Muhammad Yamin Khan, has said that on behalf of your

Party. We provide for the interest, we provide the sinking fund for the ultimate repayment of that loan, it does not come from the pocket of the poor, as Mr. Chapman-Mortimer said it did. It comes from the pocket of the rich.

The Honourable Sir Jeremy Raisman: Oh!

Sir Abdul Halim Ghuznavi: My Honourable friend says, "Oh?"

The Honourable Sir Jeremy Raisman: I can't say less.

Sir Abdul Halim Ghuznavi: Who pays the greater tax? The rich man.

Mr. Amarendra Nath Chhattopadhyaya (Burdwan Division: Non-Muhammadan Rural): The poor; where do the rich man get his money from?

Sir Abdul Halim Ghuznavi: Let us then all go to Russia! Next year, my friend may come with a demand for 160 crores for the war,—the war is spreading—how is he going to meet that? He has taxed us to the utmost capacity, but he would not say, "no, I have not"; every time he points out, "look at what England is paying. Cent per cent excess profits tax." What is the use of telling us that every day? Look at the English industries which are centuries old and are well established. They can afford to pay not only 100 per cent. whereas we cannot. They can afford to pay everything but we cannot. Even in Great Britain, where most of the industries have a standing of almost a century, the financial press is unanimous in urging upon the Government to modify their excess profits tax with a view to enable the British industries to build up strong reserves. In England they are saying that either you enable the businesses to build up these reserves to meet the difficulties of the post-war slump or you provide for the higher cost of replacement of their equipment in the post-war years. Contrast that with India. Indian industries are not well organised. That is an admitted fact. My Honourable friend will not deny it. Indian industries hardly possess adequate reserves even for peace times. In the United Kingdom His Majesty's Government are making plans ahead for the new industries which started during the war. They are trying to bring about an easy transfer of the industries from the war-time occupation to a peace-time occupation, or, in the alternative, they are allowing special rates of profits to the industries in question with a view to enable them to meet the difficulties of the post-war slump. What is being done in India for the industries that are being started? Has any plan been made by the Government so that after the war they will be transferred from wartime occupation to peace time occupation? Has any announcement been made by the Government of India of their plan to meet postwar slump? Members know what happened in 1918. Every business collapsed and all the industries that had been started had short shrift. Most of them went into liquidation. Just see the Capital of 1917 and see the number of industries that were started during the war, and compare it with the Capital of 1920. All the industries that were started then vanished away. What are they doing now? The same fate awaits them after the end of this war.

Mr. T. Chapman-Mortimer: No.

Sir Abdul Halim Ghuznavi: Do you dispute that there will be no slump after the war?

Mr. T. Chapman-Mortimer: No.

Sir Abdul Halim Ghuznavi: You do not dispute that. Then, what will happen to these industries? By means of the excess profits tax you have taken the maximum amount they could keep for themselves as a reserve. After the slump, how are they going to live? There is another aspect of this excess profits tax. As my Honourable friend, Sir Muhammad Yamin Khan, said, there is a surcharge on the income-tax. This is a very short-sighted policy. Do you know what it will mean? This increase would seriously prejudice the prospect of Indian commercial interests. That is apparent. The commercial interests are unable to bear the extra taxation. Such an increase will hamper efficiency. That is another difficulty in the development of the industries and it will prevent the building up of strong reserves necessary to meet the post-war slump and provide higher cost of replacement. It is admitted that the displacement will be of a higher cost than the existing prices. Where are you going to find the money from to replace the machinery after the war? Therefore, I will conclude this portion of my speech by saying that in the opinion of the Indian business community there is a danger in this excessive taxation. They apprehend that if this policy continues, industries will be ruined. The new industries will not be developed and the existing industries will not be able to stand the stock of the slump that will surely come after the war.

Now, Sir, my Honourable friend has raised the duty on artificial silk yarn from three annas to five annas per pound. The commercial business men do not oppose it, if you want it for the purpose of revenue. If you want that amount, have it by all means. But at the same time bear in mind the fact that there is an artificial silk fabric which is imported into this country. Raise the duty on that as well, otherwise the Indian industry will collapse. I have had some telegrams and letters from the Association which deals in these artificial silks. The telegram says:

"Silk and Artisilk Association further submits that additional import duty on imported rayon piecegoods uncontrolled by quota is nothing but bare justice demanded by nascent industry. Small revenue gain should not strangle the industry, otherwise hope of industrialisation is a misnomer."

Then, they fully explained the matter in their letter.

"Further to my letter of the 5th March, 1941, I beg to invite your attention to the proviso in the British Finance Act of 1932 reiterated on page 365 of the Law Reports, 1932, the Public General Acts."

They quote this provision which appears there:

"Provided that the Committee shall not submit, and the Treasury shall not approve, any such scheme, unless satisfied that, having regard to all the circumstances including the interest of any producers in the United Kingdom of material of the kind specified in the scheme, it is in the national interest that drawback should be allowed as provided by the scheme."

They go on to say:

"Tetin you will be pleased to find that in all national economic considerations, however, urgent and exigent may be the needs of revenue of the State, the producers'

interest as also the general economic benefit of the country cannot be overlooked by the State. Economic defence should always precede military defence to create a pool to provide the sinews of war for the latter."

My point is this. There is no objection to the raising of the duty on artificial silk yarns. In order to protect the Indian industry, you must raise similar duty on imported artificial silk fabrics.

Dr. Sir Ziauddin Ahmad: What about cottage industries?

Sir Abdul Halim Ghuznavi: I am talking about artificial silk industry.

Dr. Sir Ziauddin Ahmad: It is the raw material for cottage industries.

Sir Abdul Halim Ghuznavi: That he has already raised.

Dr. Sir Ziauddin Ahmad: But not on import duty.

Sir Abdul Halim Ghuznavi: The cottage industry is to buy this imported yarn to make artificial silk fabrics.

Now, Sir, the Honourable the Finance Member referred to merchant shipping in his speech. When was that ship-building started and where? I know of one instance in which an Indian company wanted to have ship-building in Calcutta, but such is the constitution of the Calcutta Port Trust that out of nineteen members, 15 are Europeans and they objected to ship-building being carried on in Calcutta.

Mr. T. Chapman-Mortimer: Not on this ground.

Sir Abdul Halim Ghuznavi: My Honourable friend says, not on this ground. The only ground is that the fifteen Europeans decided that an Indian Company should not be allowed to have ship-building yard in Calcutta. Whatever the ground, the fact is they disallowed this proposal and the Chairman also concurred with them. Therefore, the ship-building industry had to go to the neighbouring Province of Madras and it had to be started in Vizagapatam.

Mr. T. Chapman-Mortimer: So much the better for the Indian company.

Sir Abdul Halim Ghuznavi: So much the better according to my Honourable friend, but according to us, we in Bengal would have been benefited by such a big industry in Bengal, for not having which my Honourable friends are responsible. It has gone to another province. Calcutta would have been the richer if that industry had been started in Bengal. Thousands of unemployed young men would have been absorbed in this industry. But thanks to our friends of the European community, they would not have this ship-building yard in Calcutta, and so the Indian company had to go to another province to do it.

Sir, there is a very amusing article in the *Amrita Bazar Patrika* of which, with your permission, I should like to read just a few lines. The heading is "Which Ship-building":

"There is, we understand, in the elaborate and expensive organization of the Supply Department an officer described as a 'Deputy Director of Ship-building in the Directorate General of Munitions Production' at Esplanade, Calcutta. And we

understand he is not an Indian. We do not know whether there is any Director above him or only the Deputy deputies in directing ship-building in this country. But what we wonder is where and what is the ship-building he directs. The post reminds us very much of the Swiss Minister of the Navy."

—This refers to the story which I shall narrate. When before the war a German taunted a Swiss for having a Minister of Navy, the Swiss retorted, "after all, there is still a Minister of Justice in the Reich!"—

"We are aware. . . . that ships of the so-called Indian Navy are built in the United Kingdom and even in Australia and even in tiny Hong-Kong."

They are not built in India. But the Government of India consider that the surest safeguard against precipitate action is complete inaction. When Pandit Hirday Nath Kunzru brought forward a Resolution in the Council of State about the construction of aircraft:

"the invariable reply that we receive from the Government whenever we ask for action is that inaction is the better policy, because it allows the thing to be done quickly."

The Honourable Sir Jeremy Raisman: Will the Honourable Member indicate where he is quoting his speech from?

Sir Abdul Halim Ghuznavi: I am quoting from the speeches made in the Council of State and reproduced in the *Amrita Bazar Patrika*.

Dr. Sir Ziauddin Ahmad: Is that the continuation of your story?

Sir Abdul Halim Ghuznavi: Now, Sir, my Honourable friend, the Finance Member, told us in his speech about the aircraft factory in India and that we shall have one aeroplane in 1941. At least one aeroplane in 1941. This is what he said, the other day.

The Honourable Sir Jeremy Raisman: No, Sir. I did not say so, the other day.

Sir Abdul Halim Ghuznavi: I will read what you exactly said the other day, and then you will see whether I am wrong.

The Honourable Sir Jeremy Raisman: If the Honourable Member did not quote so much, he would not be liable to go wrong so often.

Sir Abdul Halim Ghuznavi: I am now reading from the Honourable the Finance Member's speech. If I am always wrong, then let me be right by reading his speech, and then I will not be wrong.

"The scheme for establishing aeroplane manufacture in India has reached a new stage, and there is now little doubt that the year 1941 will witness the appearance of the first aeroplane to be produced in India."

For the delay in establishing the factory I do not blame the Government of India. A factory of that kind cannot be started in any country unless the Government places a certain number of orders. Here the then Commander-in-Chief would not look at the offer. For three years, to my knowledge, Mr. Walchand Hirachand continuously persisted in begging Government to order at least 50 aeroplanes in a year and he would start a factory. That was long before the war, but it was

completely turned down. Now, when it is found to be absolutely necessary, they have got the necessary permission. And when I said in my speech in the Budget debate that sympathy and support was all that is needed and not the money, my Honourable friend, the Finance Member, said that sympathy would not make aeroplanes. I still say that all we wanted was your support and your order to start with and not your money. Place that order with sympathy

The Honourable Sir Jeremy Raisman: Without money?

Sir Abdul Halim Ghuznavi: I said money was not needed for the capital to start it with. Government say that they have paid in advance and that is the great support they have given to the industry. But that support was not needed. Mr. Walchand Hirachand had the requisite capital; he wanted your order which had been refused for the past three years, and now the Government gave him money in advance for the orders they placed.

The Honourable Sir Jeremy Raisman: The money can be returned if not needed.

Sir Abdul Halim Ghuznavi: That is their sympathy.

The Honourable Sir Jeremy Raisman: Sir, I should like to know exactly what the Honourable Member is saying. He said he did not want money; he wanted sympathy. On its being pointed out that along with the order he obtained the money he now says that the suggestion that the money should be returned shows lack of sympathy. What does he mean?

Sir Abdul Halim Ghuznavi: My friend knows what I mean and what I meant. Still it is difficult to convince one who will not be convinced. What I have been saying all the time was that so far as the capital was concerned it was there. But every new business turning out specialised things such as aircraft must be assured of support from prospective buyers, who in this case were the Government. But far from encouraging Mr. Walchand Hirachand with promise of orders, the Military Department refused to place any order or have anything to do with it. That was the attitude I was complaining of. For want of it—this active sympathy,—the factory could not be started three years ago.

Sir, about the doubling of the duty on matches with regard to which my friend, Sir Yamin Khan, said he had to buy a box of matches for one anna, he did not mention how many sticks the box contained. The price of a match box varies according to the number of sticks contained in it. I may say that when this duty was first imposed in 1934 by Sir George Schuster, the then Finance Member, I was on the Select Committee. He wanted to impose this double duty then and there. On examining the books of the Western India Match Manufacturing Company, we found that even with the double duty they could sell these matches at the price fixed by Sir George Schuster. But they then appealed to him to postpone doubling that duty for two years.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Is that on record?

Sir Abdul Halim Ghuznavi: Yes, in this sense that Sir George Schuster said so on the floor of this House: "I have put this duty now, but my successor will have to double it."

An Honourable Member: And no rise in prices?

Sir Abdul Halim Ghuznavi: No, because they were making huge profits, and only the margin of profit would be reduced. My point is that the present Finance Member has done exactly what his predecessor wanted to do then. So there will be no grievance so far as the companies are concerned except that they can say now that the price of articles required for the making of matches has gone up. Otherwise, as the Finance Member said, the price has not risen as my friend, Sir Yamin Khan, said, and a box of matches is still available for a pice and a half.

Sir, so far as the economic resources and industrial development of the country are concerned, defence expenditure in India has not reacted as favourably, as in the Dominions, not only because the difference in the constitutional position *vis-a-vis* the United Kingdom but also the absence of a long-range comprehensive and positive industrial policy on the part of Government, specially in regard to the vital and key industries.

I will now come to a very important matter, the revision of the Port Trust Act of Calcutta. It is a very serious matter. (Interruption.) My point is that the Government should undertake to amend that hundred year old Act—half a century at any rate. What is the position in Calcutta? I will only discuss the Port of Calcutta, although my submission will be the same as regards the Port Acts of Karachi, Bombay and Chittagong—Madras has already been undertaken. In Calcutta, there are 19 Port Commissioners. 15 of them are Europeans and four Indians, elected to represent industry. The position in Calcutta is this: Of 19 Port Commissioners, 13 are Europeans and four are Indians; and one Indian happens to be the General Manager of the Eastern Bengal Railway

The Honourable Sir Jeremy Raisman: What about the others, the Europeans who happen to hold similar posts? They might equally be held by Indians.

Dr. P. N. Banerjea: They are always held by Europeans and will continue to be held by Europeans.

Sir Abdul Halim Ghuznavi: I said that there were five Indians. Let us take it as six. These 14 will become 13—I give you that benefit. But that does not affect the strength of my argument.

The Honourable Sir Jeremy Raisman: How many are *ex-officio*?

Sir Abdul Halim Ghuznavi: I shall give the details. I have given the figures before. Out of the 19 members, six are Europeans of the Bengal Chamber of Commerce, four are from the Indian Chambers and nine are *ex-officio* Europeans,—*minus* the Eastern Bengal Railway Manager it comes to eight.

Dr. P. N. Banerjea: I introduced a Bill in the Bengal Council and then these Port Trusts were removed to the Central Legislature from the Bengal Council!

Sir Abdul Halim Ghuznavi: The total value of the import and export trade passing through Calcutta is about 130 crores. Of this figure, 38 crores are handled by the Indian Chamber of Commerce, 26 are handled by the Muslim Chamber of Commerce. But you have to bear in mind one other thing

An Honourable Member: What about the rest?

Sir Abdul Halim Ghuznavi: The rest also belongs to us, as I shall show. And even then you are not entitled to the number six. The position is this; I am an importer—an Indian. According to customs figures, they appear in the name of an Indian merchant or a Muslim merchant as the case may be. But the balance is not in the name of the Indian, though three-fourths of it, if not the whole, is really Indian, but it appears in the name of a European—I will explain how. Ralli Brothers is an importer—we Muslims are largely importers

Maulana Zafar Ali Khan: He exports the bones of India.

Sir Abdul Halim Ghuznavi: Take Anderson and Wright: they are all European firms. I will take, say, Ralli Brothers as an instance. I tell them I want one crore of rupees worth of piece-goods. Lancashire merchants will not deal with me direct. That is the position of India. Ralli Brothers charge one per cent. commission to these merchants in Lancashire, and all the goods intended for me or the Indian merchants are registered in the customs in the name of Ralli Brothers who deals not even with one piece of the piece goods he imports: it is all imported on behalf of Indians—Muslims and Hindu merchants, but the customs records show Ralli Brothers as importers of those goods. Ralli Brothers never touch a single piece. The moment the goods arrive the necessary Bill of Lading is transferred to me on payment, and I clear the whole thing on my account; but the register will indicate it is Ralli Brothers. My figures could be swollen but the difficulty is that the names of these European merchants appear in the customs office as importers though they do not deal in it and they have imported on my account. I am the actual importer and they simply pass it on. Therefore, my submission is this, that these Ports Acts which are half a century old should be revised.

Then, Sir, may I remind my friends on my right that throughout the Round Table Conferences and Joint Select Committees they were insisting on safeguarding their interests, and they were protesting against any kind of discrimination against themselves? May I point out to them here in connection with the Port Trust of Calcutta that out of 19 members on it, four are Indians, and the rest are Europeans. What is this except discrimination? You want that you should not be discriminated against, whereas this is a clear case of discrimination so far as Government are concerned. Sir, I suggest that that Act should be knocked on the head, and the sooner it is done away with, the better.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Bring in an amending Bill.

Dr. P. N. Banerjee: Not in this House.

Sir Abdul Halim Ghuznavi: Perfectly right.

Then, Sir, the Railways have granted dearness allowance to their inferior servants. The Government of India also should grant similar allowances to their servants. Why should dearness allowance be granted only to railway servants? If they are entitled to dearness allowance, why not grant

Sir F. E. James: to M. L. A's. (Laughter).

Sir Abdul Halim Ghuznavi: Not to M.L.A's., but to poorer servants of the Government of India. The Provinces are giving dearness allowance to their inferior servants, and so why should not the postal peons and other Post Office employees be given the same kind of dearness allowance

Dr. P. N. Banerjee: They will be given.

Sir Abdul Halim Ghuznavi: But have they provided for it?

Some Honourable Members: Yes.

Sir Abdul Halim Ghuznavi: If that is so, then I have nothing to say.

Then, Sir, I come next to the problem of unexportable surplus.

The Honourable Sir Jeremy Raisman: What about the unexportable deficit?

Sir Abdul Halim Ghuznavi: Sir, the policy which I want the Government of India to adopt, a policy which has been adopted in the countries of North and South America, where British finances have been employed in Government purchases, is emphasised in the address of Mr. M. A. Ispahani the retiring President of the Muslim Chamber of Commerce on the 28th February last. This is what he said:

"Another method of dealing with the problem of unexportable surplus is that the Government are arranging financial help for the surplus produce of the land which cannot be exported at present to foreign countries. If the Government decided to adopt this policy, it would not be anything new which they would be doing. It is a policy which has been adopted in other countries who have made arrangements for the purpose of surplus crops. We can cite the example of countries in North and South America where British finances have been employed for Government purchases. India is a unit of the British Empire, and as is generally known, she represents the weakest economic link in the British Empire. It is, therefore, essential that the Indian cultivator should receive financial protection during the war. The Government of India should introduce a scheme for the purchase of the present unexportable stock which they should hold till such time that the war is over and export markets are again thrown open."

Dr. Sir Ziauddin Ahmad: You mean both perishable and non-perishable?

Sir Abdul Halim Ghuznavi: For three years goods like Jute are not perishable. Now, Sir, it is a fact which cannot be denied that British finances have been employed in countries of North and South America

for Government purchases, and so I ask, is it not high time that Government in this country also did something on those lines? The price of agricultural products has gone down tremendously. What are the Government doing for the poor agriculturist? If they cannot do anything to help the agriculturist in these hard times, at least they ought to purchase from him the unexportable surplus. After all whose fault is it that he is not able to export his stuff? The ban has been placed by the Government for two purposes—one is that the goods should not reach the enemy country, and the other is there is no shipping. His Majesty's Government wants all the shipping available for conducting the war, and the result is that the poor agriculturist cannot export, which means that the poor cultivator has to suffer. Look at the prices prevailing today. Just examine the index prices a year ago, and you will see that something has to be done in the direction I have indicated.

Now, Sir, another point is this. The Conference Liners Agreement should be suspended during the war. Honourable Members may desire me to explain the matter a little more fully. This is a technical matter. The Liners have an agreement among themselves, and that binds a shipper to ship only through these Liners in order to get the rebate at the end of the year. That agreement precludes me from shipping through other agencies which are not members of the liners nor to charter a steamer and ship my own goods. Immediately they penalise me by not giving me that rebate, which is a huge amount, if I do my shipping through other agencies. Now, about this matter, this is what Mr. Ispahani in his address in the Annual Meeting of the Muslim Chamber of Commerce stated:

"The Committee have been at pains to impress upon the Government the urgent need of finding a solution to such problems which affect directly the movement of goods such as rebates and conference line agreements. I am inclined to the view that the rebate allowed by steamer companies and the regulations of the conference lines which prevent chartering of vessels for merchant cargo should be done away with so long as the existing abnormal conditions prevail. Further, it is the considered view of the Chamber that the Government should abolish conference lines agreements and the system of rebates for at least the duration of the war, because in the changed conditions of international trade, they are a hindrance in the way of free movement of goods."

Sir, merchants all over India, I mean exporters all over India are finding it difficult to maintain their offices. They cannot dispense with their old and experienced servants, but the trade has come to a standstill. There is no export. You have banged the door against export lest the goods should reach the enemy countries. You yourself will not buy the unexportable produce and protect India's interests, nor will you allow us to export wherever it is possible to do so, nor can we export anything because there is no shipping. If I charter a ship, the next moment the Liners' Conference will take away all the benefits that I have got for the last year's shipments, and they will not grant me a rebate.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Is it a Government body?

Sir Abdul Halim Ghuznavi: Yes. Government can certainly do anything they like under the Defence of India Act.

Qazi Muhammad Ahmad Kazmi: It has been made under the Defence of India Act?

Sir Abdul Halim Ghuznavi: No. This is a Liners' Conference, it consists of private companies. This is a very vicious system and our friends the Europeans have combined together to keep the trade from going out of their hands.

An Honourable Member: Monopoly. Penal clause.

Sir Abdul Halim Ghuznavi: We want that Government should suspend the Liners' Conference for the duration of the war and allow us freedom to export if we can by arranging other boats. Other countries' boats are available, but we cannot engage those boats because we shall be penalised, because what we have earned during the last year will not be paid to us in the shape of rebate.

Maulana Zafar Ali Khan: Have you got sufficient ships?

Sir Abdul Halim Ghuznavi: Sufficient ships we have not got, but there are Liners, such as the Norway Line, which we can get, but we cannot charter because we know we shall be stabbed in the back by these Conference Lines. (Interruption.) What will happen to the commission that we have earned? That will be taken away.

Sir, I will take a few minutes about the unpreparedness of India and war propaganda about which Mr. Griffiths spoke the other day. Sir, I entirely agree with my Honourable friend, Mr. Griffiths. There has been no propaganda worth the name to educate the people of India, to tell them the truth, to explain to them that in the winning of the war lies their safety, and if they did not assist with their might to win the war, what would be their fate. What is the propaganda that the Government of India are doing in the provinces? In Bengal I am the Chairman of the War Committee for collection of defence loans. I am hampered. We are not Government servants, but it is our duty to help as much as we can in the war effort and a committee of business men meet every Friday evening and with utmost desperation that neither the Government of India nor the Bengal Government feel any responsibility in the matter. His Excellency the Governor does his best, but what about the civilians? They are not amenable either to reason or persuasion. They will put an obstacle at every step. That was my experience as the Chairman. In the Asiatic Review published in July last year, my Honourable friend, Sir Frederick James, wrote—and I entirely agree with him:

"Criticism has been heard from Indian and European quarters alike of the lack of leadership in the country with regard to the equipment of India's own defence. There is a growing tendency for political leaders to regard this as the most urgent necessity. Constitutional discussions can wait, but there is an almost desperate anxiety on the part of every community to take an increasing share in the organisation of India's internal defence. Those who are in power in this country and the United Kingdom would be well advised to recognise and encourage this tendency."

What was the position in 1939 which my Honourable friend has described? India was absolutely unprepared. What would have happened if in 1939 Japan had attacked India?

Qazi Muhammad Ahmad Kazmi: It did not attack.

Sir Abdul Halim Ghuznavi: That is only a stroke of luck. What did the Government do. . .

Qazi Muhammad Ahmad Kazmi: It has not attacked even now.

Dr. P. N. Banerjea: Likely to attack.

Sir Abdul Halim Ghuznavi: . . . to organise India's defence? Even now, what is this farce of black-out in Calcutta and Bombay?

Dr. P. N. Banerjea: An absolute farce. I entirely agree.

Sir Abdul Halim Ghuznavi: What is this farce? What is this training? You had better be ready here and now with your shelters—not only black-out. Black-out won't help, where are the shelters? Shelters should have been constructed. We should have been ready with the shelters. Nothing. Anti-aircraft—only two in Calcutta so far as the public are aware.

Sardar Sant Singh (West Punjab: Sikh): I can assure you that Lyallpur has not got even one.

Sir Abdul Halim Ghuznavi: So far as we from Bengal are concerned, I have begged, and appealed to the late Commander-in-Chief that Bengalis,—let the Muslim League say what they like, let the Congress say what they like,—Indians as a whole stand by the British Empire. Sir, the Bengalis want to fight shoulder to shoulder with their European comrades but no support was forthcoming from the late Commander-in-Chief excepting that he wanted one unit of 110 Bengalis where we got applications in thousands. This is Bengal's Heavy Coastal Battery. Later on, 900 Bengalis as 16th (Bengalis have been recruited and embodied. I say, Sir, that there is no Indian worth the name who is not prepared to support Government to win the war and he considers no sacrifice too great; but you must also remember to treat him as an equal. Give him that freedom which you have given to the Dominions. Trust him. Train him. Take him into confidence and show him what Government are doing and what Government want him to do. Treat him as your equal and you will find India would stand to a man by the side of the Empire.

Maulana Zafar Ali Khan: If they don't, what will you do?

Sir Abdul Halim Ghuznavi: That question has not arisen yet. I welcome His Excellency the Commander-in-Chief's declaration that he was devising ways and means for closer co-operation between the legislature and the Defence Department. If such an organisation is worked in the right spirit, it will remove much of the misunderstanding of the situation. Coming from Bengal as I do, I welcome the further announcement that the existing basis of army recruitment, namely, the class composition of the Indian Army would be reviewed in due course and that no class or area would be excluded from consideration for recruitment in the formation of new units. The way will now be open to the Bengalis to show their military prowess and efficiency in all arms of warfare. Bengali boys have already made their mark in the Indian Air Force and will do so in the Indian Navy also; His Excellency has already spoken well of the Bengali Coastal Battery Boys: Bengalis will justify the confidence placed in them.

[Sir Abdul Halim Ghuznavi.]

Sir, as I have stated just now, India to a man stands behind the Empire but let us examine the position. I will read only a few lines from the speech of the Maharaja of Darbhanga made in the Council of State. He said: "It is true that taxation is mounting up and donations to war funds are coming in"

Mr. Deputy President (Mr. Akhil Chandra Datta): May I tell the Honourable Member that this was not allowed by the Honourable the President?

Sir Abdul Halim Ghuznavi: Very well, Sir. The Maharaja of Darbhanga, in the course of his speech, said that there are able men in India who want to co-operate, apart from the Muslim League and the Congress. But what is the reply of the Government? Nothing doing. What is the message of His Excellency the Governor General? The message is "You, naughty children, decide among yourselves", and nothing else. Is that, Sir, the correct attitude? The official thinks that the war efforts of the non-officials and others who give their time and energy have no value. They take it as a matter of course that I should give my time as in duty bound. Co-operation is a plant of slow growth. It is available, but not in the way wanted. Government have to take the people in their confidence, treat them as having equal rights, Government officials have to get rid of their spirit of Superiority complex and you will find that Indians from one end of India to the other would respond.

Sardar Sant Singh: I have listened with great interest to the speech of my Honourable friend, Sir Abdul Halim Ghuznavi. On one point I want to support him whole-heartedly, and that is the point of taking steps to Indianise the Port Trust completely. I really have been unable to understand why there should be Europeans at all on these bodies.

An Honourable Member on the European Group Benches: Why not?

Sardar Sant Singh: I am just giving you the reasons. I hope you will tolerate it. We in India either import or export goods. What we import, Indians consume. What we export, we produce. Where does the European come at all in this picture? In what proportion? If you consume, you consume because you live in India, as India's guests. No more, and no less. While primarily we are interested in the import and export trade of India, there is no reason why Europeans should be on these bodies at all. May I ask my friends: If India exports a good deal of raw material to Great Britain, will they tolerate Indians being on the Port Trusts of Great Britain? No. Is there any country where foreigners are on the Port Trusts? None. Why should there be any exception in India at all. I think Government should not treat this question with indifference any longer and they should consider the question on its merits and as such I would strongly support the viewpoint of Sir Abdul Halim Ghuznavi on this point.

Coming to a few points which I want to touch upon in the discussions on the Finance Bill, I will begin by quoting from the speech of the Honourable the Home Member, what he said yesterday about the working of the Defence of India Act.

Dr. P.N. Banerjee: He made a very humorous speech which we all enjoyed.

Sardar Sant Singh: From the serious he came to the humorous, and so long as he was humorous, he was very interesting. But so far as the portion for serious attention was concerned, I agree to differ from him a good deal. In reply to my question which I tried to put to him, he would not give way, but then he went on saying:

"I am able to assure the House that in administering the Defence of India Act, in so far as it depends upon the Central Government, we have a full sense of our responsibilities. I must repeat that no assurance has ever been given that the rules would *not* be used against any form of activity which was designed to impede the successful prosecution of the war."

So far as I have been able to interpret the meaning of the few sentences which he spoke, they practically mean that all activities—whether impeding the successful prosecution of the war or otherwise—can be dealt with under the Defence of India Act. Am I right in interpreting him, am I right in interpreting this portion of his speech yesterday?

The Honourable Sir Reginald Maxwell (Home Member): Will the Honourable Member kindly explain exactly what the point is which he wants to be elucidated?

Sardar Sant Singh: How I am to interpret the words that "all activities, whether they impede or they do not impede the successful prosecution of the war, can be dealt with under the Defence of India Act". Am I right in interpreting it as I have done?

The Honourable Sir Reginald Maxwell: The Honourable Member has only to look at the Act. I quoted certain sections. I quoted the preamble, and I also quoted the section 2 which defined the purposes for which the rules could be framed.

Sardar Sant Singh: I am afraid my Honourable friend has not heard the sentence which he used yesterday in his speech.

An Honourable Member: The Honourable Member cannot quote his speech of yesterday.

Sardar Sant Singh: The Honourable Member said—I repeat once more—that no assurance has ever been given that the rules would *not* be used against any form of activity which was designed to impede the successful prosecution of the war.

The Honourable Sir Reginald Maxwell: That was a negative statement. I said that no assurance has been given that the rules would *not* be used in a certain way. That is a fact.

Sardar Sant Singh: I wish he had made a positive statement instead of a negative statement; that would have helped us a good deal. My complaint has all along been that the Defence of India Act is practically replacing the ordinary penal laws of the country; my complaint is that when we assented to the enactment of this Law, we were not given to understand

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this. And if I did not understand it correctly, then I think my position is justified by the subsequent events. My grievance has been during the discussion and passage of the Defence of India Act that this Act would be used for activities which are not intended to be within the four corners of that Act. I quoted from the Hunter Committee's Report of the working of the old Defence of Realm Act, its predecessor in the last war; I quoted to show that even the cases of adultery, cheating and such matters would be and were dealt with under that Act, I think the trend of the discussion was that such cases would not be dealt with under the Defence of India Act. But today I find that that Act is being used for purposes other than those for which it was passed in this House. I think my Honourable colleagues on the European Benches will agree with me that they have a respect for the rule of law, as great a respect as I have. I wish the Government of India had similar respect for the rule of law in this country. We are at one that the country should be governed by laws which are civilized, which are humane and which are administered in a spirit of humanity and civilization. I do not think there can be any difference of opinion on this point. I then pointed out and I had good reason to point out—because I was myself a victim of the Defence of the Realm Act during the last war, that the Act would be abused. Today I find the same story being repeated under the Defence of India Act. Do you know, Sir, what harm you are doing to yourself in sticking to that excuse? Three things are quite clear and certain. The first is that, practically, you have repealed the whole of the penal laws of the country by the enactment of this Act.

Sir F. E. James: What was the sentence passed upon you?

Sardar Sant Singh: I had four years' sentence—but I was acquitted honourably on appeal before a regular court.

Sir F. E. James: Were you granted bail?

Sardar Sant Singh: Yes. The Punjab Government ultimately withdrew the case against me. I want clarification on three points. First of all, is it the position of the Government that the ordinary penal laws of India have been suspended during the period of the war?

The Honourable Sir Reginald Maxwell: No.

Sardar Sant Singh: If not, then what does he mean when he says that all activities, whether they impede the successful prosecution of the war or not . . .

The Honourable Sir Reginald Maxwell: On a point of explanation, Sir, I never made any such statement.

Sardar Sant Singh: I am quoting from your statement which is before me,— what you said yesterday. . . .

The Honourable Sir Reginald Maxwell: Will the Honourable Member read out again what I said and try to think out its meaning?

Sardar Sant Singh: That is why I asked him whether he agreed with my interpretation, the one that I am placing on his speech, and he said that it was a negative statement, so you agreed with my interpretation.

The Honourable Sir Reginald Maxwell: No, no.

The Honourable Sir Muhammad Zafrullah Khan: No, no.

Sardar Sant Singh: I will be happy to see that he did not mean that.

The Honourable Sir Muhammad Zafrullah Khan: The sentence means exactly what it says. Do try to read it again.

Sardar Sant Singh: I am not in the happy position of being in the confidence of the Executive Government.

The Honourable Sir Muhammad Zafrullah Khan: There is no question of confidence. The sentence that the Honourable Member has read out from the Honourable the Home Member's speech is perfectly plain. He has paid no attention to it, and he is misconstruing it.

Sardar Sant Singh: Will you please construe it?

The Honourable Sir Muhammad Zafrullah Khan: It is perfectly clear; will you read it out again; the House will understand, if you do not.

Sardar Sant Singh: I want the same thing to be said from the Government Benches. I will read it again; I want to see if there is a different meaning. I will read it again. He said:

"I am able to assure the House that in administering the Defence of India Act, so far as it depends upon the Central Government (*mind these words*), we have a full sense of our responsibility."

I will concede so much to some degree. Then, he went on to say:

"I must repeat that no assurance has ever been given that the Rules will not be used against any form of activity which was designed to impede the successful prosecution of the war."

The Honourable Sir Muhammad Zafrullah Khan: This means that the rules will be used against every form of activity that is designed to impede the successful prosecution of the war.

4 P.M.

Sardar Sant Singh: The words used are "will not be used". I will be glad if my interpretation is wrong, and I will accept the interpretation of the Government because this is what I wanted the Government to commit themselves to. I am glad that it bears the interpretation that only those acts will fall within the Defence of India Act and the Rules framed thereunder which impede the successful prosecution of the war.

The Honourable Sir Muhammad Zafrullah Khan: Or offend against any other object of the Act.

Sardar Sant Singh: Now the word 'or' comes in. The other object of the Act is the maintenance of order and security in the country. That, too, is qualified by the purpose of the legislation.

The Honourable Sir Muhammad Zafrullah Khan: What is the use of asking me? The whole thing is laid down in the Act as the Home Member explained.

Sardar Sant Singh: That is exactly where we differ. The position now is this. It is conceded by the Government of India that the Act will be used for purposes directly or to some extent indirectly connected with the prosecution of the war. If it is so, may I ask the Honourable Member.

The Honourable Sir Muhammad Zafrullah Khan: About Sargodha?

Sardar Sant Singh: Sargodha is not forgotten. Sargodha has a grievance, because an injury has been done to the religion of the Sikh community as a whole. I will remind the Honourable the Leader of the House that when ordinary offence was committed upon the *Idgah*, a great hue and cry was raised in this House. Why do you prevent me from ventilating the grievances of my community? Is it because I am alone in this House?

The Honourable Sir Muhammad Zafrullah Khan: I am not trying to stop the Honourable Member from discussing anything which is relevant to the matter.

Sardar Sant Singh: This is quite relevant. I will accept order from the Chair. Surely, it will be conceded that religious processions, particularly those processions which are customarily taken out on religious occasions every year from all towns, do not fall within the provisions of these rules. I am sure, the Government will not allow the use of this measure even by the Provincial Governments for curbing those who are their political opponents or whom they want to oust from their political power in the province. Now, Sir, my two points are these. Firstly, as regards the religious procession which has nothing to do with politics. I have said it so often in this House that at Sargodha the anniversary of Guru Gobind Singh was not allowed to be celebrated. The procession was interfered with and at this time 31 persons are under arrest for having attended the procession under the Defence of India Rules. How do they justify that the use of the Defence of India Rules is permissible in the case of religious processions? Will the Honourable Member tell us whether he had abdicated his position as a person in charge of law and order at the Centre and as a person who was responsible for enacting this measure and allowed a Provincial Government to play fast and loose with this measure so that they may use it against any form of activity? The second point is that even today a communique has been issued by the Government of the Punjab practically in response to the challenge held out by the Sikh community that they will take direct action against the Unionist Government on account of certain grievances which the Sikh community has against that Government. The Sikh community gave a notice to the Unionist Government and the reply is that a communique is issued by means of which all processions are barred under the Defence of India Rules. Does he mean to say that the political activity is to be curbed by the use of these

Defence of India Rules? Does he mean to say that a political power cannot be replaced by a minority belonging to another school of thought simply because the Defence of India Act will be used to curb their activity to change this form? I wish the Honourable Member to take into account this question very seriously. It is not a matter which we can allow to go on without taking strong exception to it on the floor of the House.

Dr. Sir Ziauddin Ahmad: Address your constituency also.

Sardar Sant Singh: I am glad my constituency is hearing me now.

Then, Sir, I propose to take the House in my confidence by telling them what mischief is being done under this Defence of India Act. Probably, the House is not aware or has not read the speech delivered at Loyalpore in an open Darbar by no less a person than Sir Douglas Young, the Chief Justice of the High Court of Lahore. He held a Darbar. Forgetting completely that he was the Chief Justice of the Lahore High Court, he publicly gave expression to his views which clearly denoted that he was influenced by the political issues of the day. Well, it may be permissible for any individual to hold any opinion he likes. But as the head of the Judicial Department he should not have dealt with this issue, because he is called upon to decide those very cases. That speech has called forth a severe comment from the *Hindustan Times* and several other papers. So far, the matter could have been allowed to go without much comment, but what happened later on is a different story. I wish the European Members will kindly listen to it with a good deal of interest. As the administrative head of the High Court, Sir Douglas Young did issue orders that the Defence of India Rules cases should not be heard by Indian Judges.

The Honourable Sir Muhammad Zafrullah Khan: That is wrong.

Sardar Sant Singh: Please listen to me calmly. Not only did he issue orders, but appeals were sent to European Judges alone from October, 1940. The verbal order was issued in October. On 9th December, he issued an order in writing to the Registrar. I must say to the credit of the Indian Judges, Mussalmans, Hindus and Indian Christians, that they resisted this order with all their might. A good deal of correspondence passed between the Chief Justice and the Indian Judges on this point, and the result is, though I am not definite, that the matter is going up probably to His Majesty the King-Emperor.

The Honourable Sir Muhammad Zafrullah Khan: Nonsense:

Sardar Sant Singh: My friend says "nonsense". I will pay his railway fare and ask him to go and make inquiries on the spot, and he will find that I am saying much less than what has happened there.

Dr. P. N. Banerjee: He travels without ticket: why should he pay?

Sardar Sant Singh: If my friend wants to be further enlightened, I may tell him that at this time the relations between the Chief Justice and the Indian Judges are very much strained, and the Indian Judges do not wish him in the morning when they meet each other. There is a complete boycott between the two sections. My friend said "nonsense", but I never thought that he could be so ignorant of the Punjab affairs as he poses to be at this time.

The Honourable Sir Muhammad Zafrullah Khan: I have no secret means of information such as the Honourable Member seems to possess.

Sardar Sant Singh: I am surprised that with all the machinery of the Government of India at his disposal, with the whole of the Intelligence Department at his disposal which he can utilise, if he cannot utilise them, well, Sir, he will refer to his neighbour to find this out. His neighbour is all powerful in India and he can give us good stories. I can give him a humorous story of what happened under the Defence of India Act.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will give us the source of his information, then we will be able to judge.

Sardar Sant Singh: Well, I see, I should give him the source of my information. I shall take my Honourable friend to the High Court Bar at Lahore, and by asking him to listen to everybody, he will be supplied with all the information. Everybody will tell him. It is a matter of common knowledge, and it is a public matter known to everybody.

The Honourable Sir Muhammad Zafrullah Khan: Hearsay is no evidence.

Sardar Sant Singh: I take full responsibility for what I am saying, and I can assure my Honourable friend that I am disclosing much less than what has happened there.

Sir H. P. Mody (Bombay Millowners Association: Indian Commerce): Give out the whole thing.

Sardar Sant Singh: It is a disgraceful state of affairs in India that the Chief Justice of a High Court should take sides under the Defence of India Act and should meddle in politics. (Interruption.) My Honourable friend seems to take it so lightly. The Defence of India Act is no ordinary measure. Because some people occupy the unique position in which they cannot be touched, they think that the public at large are similarly safe under the Defence of India Act. They are quite wrong in thinking so. My Honourable friends on the Treasury Benches must realise that they are here for the purpose of maintaining peace and order, they cannot be the disturbers of peace, because being disturbers of peace, they cannot be touched. If the same thing has been done by any ordinary man, he would have found himself locked up behind the Deoli camp,—the paradise of the Honourable the Home Member. For much less offences people have been put in the Deoli camp jail. But because Sir Douglas Young happens to be the Chief Justice of the Lahore High Court, that is why he is immune from all consequences of his acts. I do not know why the Defence of India Act should not be applied in his case. The Defence of India Act is meant for the maintenance of peace and order in the country, it is meant to safeguard the security of India. Is not the peace, is not the security and tranquility of India jeopardised by such acts as those of the Chief Justice of the Lahore High Court? This sort of reasoning which my Honourable friends on the Treasury Benches adopt will not do. On the 9th December, 1940, the Chief Justice wrote to the Registrar of the High Court. I am not concealing the date.

Sir F. E. James: Did you see the letter?

Sardar Sant Singh: No, I am sorry.

Sir F. E. James: Did you at least see a copy?

Sardar Sant Singh: Then, Sir, my Honourable friend in the speech of his yesterday used rather a language which I never expected from him, and that was the Honourable the Home Member. He was continuing his speech. He said:

"That is all I need say on this particular point, except this that in so far as we have used powers under the Defence of India Act and rules against movements of this kind or against any other movement commonly described as political, we have touched only the war aspects of the activities of these agitators. The Defence of India rules have not been used from the beginning, and I defy any Honourable Member to give me an instance to the contrary. These rules have not been used to suppress any legitimate form of political agitation."

Well, Sir, I think I have furnished two instances, one is that of Sargodha in which connection a communique was issued by the Punjab Government and the second one is what happened in the Lahore High Court. That is the reply to my Honourable friend's challenge.

The Honourable Sir Reginald Maxwell: How can any one of these instances be described as suppression of legitimate political activities?

Sardar Sant Singh: Does my Honourable friend suggest that the suppression of religious activities or religious functions is not the suppression of legitimate activities? If his answer is that it is not, then I bow to his interpretation. I have become wiser then. Then your challenge remains unanswered.

The Honourable Sir Reginald Maxwell: Thank you.

Sardar Sant Singh: My reply is, you are suppressing ordinary religious legitimate activities, and if this is not accepting your challenge, then I wish there should be other matters. What about the notice to the Shiromani Gurdwara Prabandhak Committee when they told the Government that they will defy them on account of certain grievances which they felt against the Unionist Government?

The Honourable Sir Reginald Maxwell: Religious or political grievances?

Sardar Sant Singh: Political grievances. Will not that communique constitute a suppression of legitimate political activities of a community, a minority community, a strong, virile minority community of the Punjab?

Dr. Sir Ziauddin Ahmad: It is not.

Sardar Sant Singh: Then I think my Honourable friend lacks imagination, the Government of India absolutely lack imagination and their vision is blurred, and their administrators are not fit to govern this country.

I will now make a suggestion, and I hope the suggestion will be accepted by the Government of India in their own interest. We are passing through critical times of war. Things do not seem to go very smooth. By

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our very presence here in this House, we are all agreed that we must assist in your war efforts, however small it may be. It will stimulate our war efforts if the working of the Defence of India Act is examined by an impartial tribunal consisting of a few Honourable Members of this House, even with a majority of Government Members, under the chairmanship of a European I.C.S. If this course is adopted, I will go so far as to say that even under such stringent circumstances, my position will be vindicated. I will accept the verdict even of those who are interested against me.

The Honourable Sir Muhammad Zafrullah Khan: Who are they?

Sardar Sant Singh: I will accept as Chairman any gentleman. Even my Honourable friend, Sir Muhammad Zafrullah Khan, might examine the working of the Defence of India Act. If he makes a report after enquiry, I shall accept his verdict.

The Honourable Sir Muhammad Zafrullah Khan: But I am not interested against you.

Sardar Sant Singh: I know that you are not. But you are interested in the proper working of the Defence of India Act. Personally, I have great respect for the Honourable Sir Muhammad Zafrullah Khan Sahib. I have always shown that respect which is due to his high exalted position, to his keen intelligence. I have never denied his ability. But I am talking about the political issue. With all the emphasis at my command, I will say that the House should appoint a Committee to enquire into the working of the Defence of India Act and the rules made thereunder both in the provinces and in the Centre, and if the Committee finds on enquiry and comes to the conclusion that the rules have not been worked in the spirit in which they were intended, then in that case, the Government of India should undertake legislation to take away the powers from the Provincial Governments, whether those Provincial Governments are Congress Governments, whether they be the Muslim League Government or whether they be a Unionist Government, as in the Punjab. (Interruption.) There is nothing disagreeable to us. We want to raise this point.

Dr. P. N. Banerjee: A very fair proposal.

Sardar Sant Singh: I hope the Government will accept my proposal.

Dr. Sir Ziauddin Ahmad: Are not Sikhs included in the Unionist Government of the Punjab?

Sardar Sant Singh: They are.

Dr. Sir Ziauddin Ahmad: Then, why are you condemning the Unionist Government?

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

Sardar Sant Singh: I am condemning the policy which the Unionist Government in the Punjab is pursuing. I am not condemning any community. I am condemning the Government.

Now, Sir, I come to the debate that took place about the appointment of a Defence Committee, a Committee for the Defence Department. I must say, Sir, that I am not satisfied with the position taken up by the Government. Even conceding that today to a great extent the Defence Department supplies sufficient information about their activities, even conceding that whenever we make a suggestion it receives their very best consideration or that whenever we ask for information it is given to us, it is still no substitute for what we demand. We demand some sort of control over the policy of the Defence Department.

An Honourable Member: Full control.

Sardar Sant Singh: Full control will come with the solution of the constitutional question. I know that the constitutional question cannot be permitted to remain unsolved for any length of time. I will deal with this question presently, but at present I am repeating what I said yesterday that the appointment of an Advisory Committee in the Defence Department should not be tagged to the question of the settlement of the constitutional deadlock. On that point I do not want to detain the House long but I will only say that the mere giving of information or even holding out a promise to show some of our friends the magnificent work which is being done by the Indian Army abroad will not help. The main principle against which we are contending is that the Defence Department is not trusting us. They say they trust us but actually they do not do so. My contention is that the appointment of an Advisory Committee for the Defence Department will be a proof of change of heart and change of policy in placing their trust and confidence in the elected representatives of the people in this House. That is the principle which I want the Defence Department should admit by the appointment of this committee and that is why I am insisting upon it. There may be difficulties in the procedure and there may be difficulties in getting such a committee chosen by election but this can be got over by making a small beginning and taking leaders of parties as such on that Advisory Committee and taking the more important interests on that committee. They should not continue to be inactive in regard to this matter.

There is one point on which I have been touching year in and year out, on this occasion, during the last eight years and that relates to the Communal Award. This pernicious principle is found in the Government of India Act. At the time of its announcement some of the leading Sikhs, including myself, vowed that we shall never willingly submit to this Communal Award, and we still continue to take that position. Many years have passed and the time has now come when a new constitution will have to be considered, whether during the war or after it. I do not want that our point of view should go by default and we should be thought of as having submitted to it or accepted it as final. I do not want to go into the merits or demerits of the controversy. I only perform a duty by bringing to the notice of the country through this House and through you, Sir, that the Sikh community has not accepted the Communal Award and would like it to be amended when the next constitutional advance takes place.

The Honourable Sir Muhammad Zafrullah Khan: I thought the Honourable Member was elected by a constituency which was formed on the basis of the Communal Award.

Sardar Sant Singh: That does not mean acceptance of the Award, and that is what I am trying to press upon the House.

Then, I want to say a few words upon the census that has taken place. Some of my friends will be interested to hear

Maulana Zafar Ali Khan: Before proceeding to the census, will the Honourable Member give us an assurance that the Sikhs will accept joint electorate in the Punjab?

Sardar Sant Singh: We will give that assurance when you meet us equally.

Maulana Zafar Ali Khan: They will not accept it.

Sardar Sant Singh: We will discuss this subject when the proper time comes for discussing it.

About the census, it was given out here on the floor of this House that one community has suffered on account of the misdeeds of the other community. I can assure Honourable Members that there is no such thing as one community suffering at the hands of the other. As a matter of fact, misdeeds have been committed by all communities including my own. I will give them some facts from Lyallpur where I happen to be the Superintendent of the Census Operations. The position was that we expected and we had reason to expect that the population of Lyallpur was 58,000. However, in the provisional census it came to 63,000, and, a few days later, when the actual census was taken, it went up to 77,040. When I asked, how it happened, I was told stories which I will relate for the benefit of all, and specially for the Census Commissioner. What happened was this: that the communities began to enumerate, and each man tried to show as large a number as possible, till one man beat the record, and he said: "I have got one hundred men as my guests, because a marriage party has come." There was no marriage party, and he was living in a house which had only two or three rooms, and there could hardly be more than ten persons there! As regards my Muslims friends (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members should not go on interrupting like this.

Sardar Sant Singh: As regards my Muslim friends, they had a very good formula; they said, every Muslim has got four wives, and four children from each wife; so the Muslim population went up. So far as the Sikhs are concerned, they said: "All right; you are living with us, working with us, earning wages from us; you must state that you are a Sikh." So the enumeration went on, and, ultimately, it resulted in a 14,000 increase in a week's time. That means something like 20 per cent. increase in a fortnight. That is the value of the census enumeration this year. It is very regrettable

Sir H. P. Mody: This is very unfair to Parsis!

Sardar Sant Singh: If the Parsis are unintelligent enough not to increase their population, they have only themselves to blame. I just wanted to convey an impression about the particular town I know, so that there should be no communal jealousy or communal bitterness about the operations of this census business. We can safely think that where there have been clever men they have used their cleverness to the fullest advantage of their community and we need not trouble further about them.

I want to mention two more points: one is about the political deadlock that we are facing today. I want to make a few observations about it. One is that the attitude of the Government that so long as the communities do not come to an understanding between themselves there can be no advancement, and, secondly, that the initiative towards the settlement of constitutional questions has always been taken by the Government and now they leave it to the communities themselves to take the initiative. Thirdly, the insistence of the Government that the offer made by His Excellency the Viceroy on the 8th August, 1940, still stands open. These are the three positions taken up by the Government in the settlement of this issue. My submission is that the Government are wrong in taking up that position. First of all, I shall deal with the question of settlement amongst the communities themselves. That is a position which is logically unsound because so long as the power remains with the Government, so long as the Government retain the power of distributing good offices to one community and encouraging others to expect that the communities will reach a solution is a difficult matter. There must be entire change of heart between the communities themselves and unless they should become absolutely independent of the Government in all matters, political, social and others, they cannot settle anything between themselves. After all, the general method of settling disputes is by the vote of those who meet together. In this there are difficulties and the difficulties will be pointed out by our friends of the Muslim League. No doubt I am not ignoring those difficulties; but at the same time I cannot congratulate the Government that they should take advantage of those difficulties and refuse to move in the matter.

The second point about the offer of the 8th August, 1940, being open—take it or leave it—is again now supplemented by another declaration of the Secretary of State and that was whether any party comes in or does not come in, the expansion of the Executive Council will proceed. Why has that been silenced though the offer remains open?

An Honourable Member: Because of the war.

Sardar Sant Singh: But the offer was made during the war and this was said by the Secretary of State during the war. May I suggest that in the absence of certain parties not coming in, it is still the duty of the Government in their own interest, not so much in the interests of India as in the interests of the Government themselves, to proceed with what they think to be the right position? If the Congress and the Muslim League do not come in, well, certain other persons of progressive views are willing to come in

Dr. P. N. Banerjee: Non-party men.

Sardar Sant Singh: I will not call them non-party men: they may have strong inclinations or tendencies towards one or the other; but, certainly, there can be no want of such men who possess the confidence of the people as well as the spirit of coming in and running the Government. (Interruption.) I do not want to enter into any controversy over it and I will not give way. I am not entering into any controversy at all—I am making general remarks in a spirit of helpful criticism and I am opening up no controversies. We may differ on many points and we have a right to differ from each other if we hold honest opinions about it. I will not deny that right, but I will not open up a controversy at all on this point. I will only say that the Government's duty is not to sit still. There has never been a Government of India where only two non-official Indians have been in the Executive Council of the Government. This is the smallest number that ever was in the Government of India—of non-official Members. There are three Indians, no doubt, but the third is an I.C.S., an official and there are only two non-official Indians. That is not a happy state of affairs and I will ask the Government of India to reconsider their position and not to stick to that position of "take it or leave it". It does no credit to the statesmanship of those who occupy positions of power in the Government of India. Last of all I should like to address a few words to the Honourable the Finance Member . . .

An Honourable Member: He has just come back.

Sardar Sant Singh: I was waiting for him, before I alluded to this subject, I mean, the working of the Income-tax Act. I think I may remind him that during the passage of the new Income-tax Act and the Excess Profits Tax Act he gave us abundant assurances that it would be worked with sympathy and that no coercive measures would be used against anybody until all the other measures had been exhausted. Sir, a case has come to my notice from Bombay. I think my friend, Sir Homi Mody, would be in a better position to throw light on it,—an individual has been assessed to pay 25 lakhs of rupees. I think he is the one individual in India who has been assessed to such a high figure, and within eight days of the assessment order, coercive measures have been taken, and all his bank balances have been attached. I do not know the full facts of the case . . .

The Honourable Sir Jeremy Raisman: I do.

Sardar Sant Singh: You may know the facts, but I only want to bring to your notice the way in which the Act is being worked. When this story was related to me this morning, I did not like it, and I thought it was my duty to bring it to the notice of the Honourable Member, because such coercive measures, unless they are fully justified, should not be allowed. I may assure my friend that in my part of the country I have no such complaint to make against any Income-tax Officer, nor has there ever been a case brought to my notice from Lyallpur where coercive measures have been adopted. But the Bombay case appeared to me to be a hard case which was recited to me in the Notice Office and I thought it was my duty to bring it to the notice of the Honourable the Finance Member.

Then, Sir, the last point which I wish to touch on is in respect of the Department of my friend, the Communications Member. It is about my old complaint about the working of Rule 15 of the Post office and Telegraph Rules. I am a very bad man because I stick to what I think is a grievance and I try to ventilate it until I get redress. My experience of the working of rule 15 in the Sargodha affair has been very bitter. If things are allowed to proceed in the manner in which the Sargodha Magistrate acted, by issuing a general ukase to the telegraph clerk that no message relating to a particular incident should be allowed to be telegraphed outside, it gives a complete control over the Telegraph communication in the hands of the District Magistrate. The rule, if rightly interpreted, will mean that the initiative must first proceed from the telegraph clerk. If he considers that the news which he is transmitting is of an alarming or objectionable character, he has to refer the matter to the District Magistrate. But I cannot understand why the initiative should have been from District Magistrate when telegrams of a particular type are to be sent. If his previous consent is always required before telegrams of a particular type are transmitted, then I think it defeats the very object for which the rule is framed. The Honourable the Communications Member will do well to send for the correspondence that passed on this matter and then form his own opinion. I think he will agree with me that in principle the Telegraph Department cannot allow itself to be subjected to such orders of a District Magistrate, who is a petty local official influenced by local politics. These people cannot see beyond their nose; they cannot understand what the reactions will be to their orders in the country. The Telegraph Department is not a matter concerning the Provincial Governments; it is a Central subject, and as such it is the duty of the Central Government to see that the telegraph rules are not abused so monstrously as they have been done at Sargodha. It is one thing to hold a different opinion. I have read that telegram before the House. To me it did not look to be of an alarming nature. I know what kind of reply my friend will try to give me. He will take shelter by saying that the matter was sent to the *Tribune* as well. But the *Tribune* people should have been warned about the press laws; it is one of the most responsible papers in the country. My whole point is that certain definite instructions should be issued to the telegraph authorities, because this sort of censorship was never contemplated by the Defence of India rules, and the telegraph authorities should be told not to apply those rules to such cases.

Dr. R. D. Dalal (Nominated Non-Official): Mr. President, the defence expenditure owing to the conditions of modern warfare is bound to be on a great scale. Public opinion in India is more deeply concerned with the results accruing from expenditure on defence than with the burdens which such expenditure involves. The Army in India is still under an establishment which experts consider too low for its manifold responsibilities. The Honourable the Finance Member has launched loans to finance the defence expenditure, and he appeals to a patriotic public, which has already shown its mettle by a flow of voluntary subscriptions. It is quite essential that these loans should carry only a low rate of interest, and acceptance of that rate is the sacrifice which will be expected from the lenders. Three per cent should be regarded as the maximum rate of interest to be paid on Government loans, but every half per cent saved is a

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considerable contribution to war effort. The quotations of Government securities show a yield of over four per cent on long-dated loans. It would be destructive to borrow at such a rate. There is no object in offering higher rates of interest for loans than will be appropriate when the emergency is over; and in no circumstances loans carrying a rate of interest in excess of three per cent should be offered. The rate of interest on Defence loans, namely, three per cent, reflects both the high level of India's credit and the patriotism of the investing public. There has been a good response to the Government appeal for Government loan free of interest. Many public-spirited citizens and institutions have not waited to be asked, and have shown their readiness and patriotism to make sacrifices for the common cause. In times of emergency some taxation is absolutely necessary. It is conventional sometimes to talk about the wisdom of meeting the defence expenditure almost entirely out of taxation without borrowing, but such a thing is impossible. It makes all the difference in the world to each individual personally whether the excess of his income over his consumption is taken from him by tax or by loan. To him personally Government stock is an addition to his wealth, to his security and to his comfort in facing the future. The advantages of a borrowing policy coupled with the avoidance of crushing taxation are obvious. The main principles of loan policy in times of emergency are two. The first principle is that loans must be raised after the expenditure has been incurred, and not before. The savings come into existence *pari passu* with the expenditure and are not likely to be available for subscriptions to a loan until some time after. The second principle is that the forms of the loans should be mainly dictated by the preferences of the public. If the public prefer short-dated loans, nothing can be gained and much will be lost in terms of interest and in the disturbance to the financial fabric by attempting to force long-dated loans on them.

Now, Sir, I pass to an important point, which greatly exercises public opinion in India. Sir, heavy expenditure has to be incurred in connection with the management of Indian detention camps. In addition, allowances have to be granted to the families of political detenus. I submit that this expenditure can be considerably reduced if the political deadlock be ended. So, with your permission, I propose to discuss very briefly the subject of political deadlock in India and to make suggestions with a view to resolve it.

Sir, political deadlock in India persists because the Congress, the Muslim League, and the Indian States are at variance with one another in their respective proposals for a solution. The Congress insists that India's constitution should be framed by a Constituent Assembly. The Congress policy has taken the form of a demand for independence, which will give the people of India the right to frame their own constitution by means of a Constituent Assembly. The All-India Muslim League insists on the recognition of the Muslim community as a separate nation, and, thus, in effect, demands the partition of India. The Indian States insist that their peculiar treaty rights should be safeguarded. The action of the Congress leaders has aroused grave misgivings in many quarters. It has unquestionably aroused the apprehensions of the Muslims, whose leaders believe that full satisfaction of the desires of the Congress would mean Hindu domination in India, and they strongly resent the claim advanced by Mr. Gandhi that the Indian National Congress represents all India,

even including Indian States. Other minorities also reject Congress leadership. The Indian States have announced their refusal to be bound by the decisions of the Congress. But, Sir, there is one great issue on which the different political parties in India are agreed both with one another and with the Suzerain Power. All India sees Hitlerism clearly as the enemy of Indian as of European civilisation, and all India is at one in the determination to exclude this evil system from Asia and to uproot it from the world. It is generally recognised that if Europe succumbs to the doctrine of Hitlerism, India would have to abandon her own aspirations for political freedom. It is a tragedy that at the moment when India has a unique opportunity of fighting Hitlerism, which Indians have so consistently condemned, the leaders of the largest political party should be going to jail. Civil disobedience is coercion, and coercion can never be non-violent, because it does violence to public liberty. The trouble is that compromise is at present completely lacking among the different political parties in India. There can be no compromise and no agreement if each party insists on its own point of view being accepted before sitting down and saying, "Now, come, let us all reason together." What the country wants today is not the triumph of this party or that party, but the triumph of common sense. The leaders of the Working Committee of the Congress hope to extract political profit from the present situation. It is a great pity that the attitude of the Congress obscures the facts that Indian opinion as a whole has been solidly with Great Britain, and is wholly hostile to the aggressive German methods and aims, and that India has shown a magnificent loyalty to the common cause. The Government of India have received generous offers of help and co-operation from the Indian Princes and from the Premiers of the Muslim provinces of Bengal, the Punjab, and Sind. The British Government have recognised this loyalty in that Indians resident in England have been given exactly the same facilities for enlistment in all fighting services as are extended to volunteers from the Dominions; and this evidence of British gratitude and goodwill is widely welcomed and deeply appreciated everywhere in India.

The British Government are unanimous as to the principle of granting self-government to Indians under a constitution of their own devising. The translation of this principle into practice depends upon agreement between the Indians themselves. Since 1918 the whole policy of the British Government has been to prepare the country for self-government by a succession of stages, and at the same time to secure constitutional guarantees for the numerous Indian minorities. That progress in this direction has been slow is due to Indian disunion; but the British Government emphasise their determination to continue the progressive policy which they have followed consistently for 20 years in close consultation with representative Indian leaders. His Excellency Lord Linlithgow has shown that the objective of the British Government's policy has been defined in the preamble of the India Act of 1919 as the progressive realisation of responsible government in British India, and that this definition has been most authoritatively interpreted several times during the last ten years as the attainment of Dominion Status. Constitutional experts are all agreed that Dominion Status cannot be conferred upon a people, but it exists automatically when certain required conditions are present. When the various political elements are agreed as to the kind of constitution under which they are prepared to live and if the minorities are satisfied as to the conditions under which they are expected to live.

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in the future, then the country will have secured Dominion Status for the simple reason that the British Government will have neither the power nor the desire to reject or resist the demand. Further, the British Government are ready at the end of the war to regard the scheme of the Act of 1935 as open to modifications in the light of Indian views. In the meanwhile, in order to secure the association of public opinion in India with the prosecution of the war Government suggested to form a Consultative Committee, over which the Viceroy would preside, from the representatives of all large political parties of British India and the Indian States

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech the next day.

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th March, 1941.

LEGISLATIVE ASSEMBLY

Friday, 14th March, 1941.

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

APPOINTMENT OF MR. ALEXANDER SHAW, FILM ADVISOR TO THE GOVERNMENT OF INDIA.

319. *Mr. Lalchand Navarai: (a) Will the Honourable the Home Member be pleased to state whether the attention of Government has been drawn to the criticisms in the press, regarding the appointment of Mr. Alexander Shaw, Film Advisor to the Government of India?

(b) Was the post of the Film Advisor advertised in India or England and if so, in which papers, and how many applications were received?

(c) If the reply to the above be in the negative, did Government try to find out whether suitable Indian candidates were available for the post, and are Government aware that there are several Indians available who have got foreign training and who have put service in the Indian film industry for the past several years?

(d) Has Mr. Alexander Shaw any experience of the Indian film industry? If not, what considerations or special qualifications made Government to select a candidate?

(e) If the reply to part (d) be in the affirmative, will Government state how long Mr. Shaw has previously stayed in India and what pictures he has produced?

(f) Are Government aware of Mr. Shaw's experience with the British Ministry of Information after the outbreak of war, and were Government aware of a report of a Sub-Committee set up by the Select Committee on National Expenditure by the British Government in respect of film propaganda work carried out in the United Kingdom?

(g) What is the period of the contract and the salary of Mr. Alexander Shaw, and what was the salary he was receiving in his previous job before he came to this country?

The Honourable Sir Reginald Maxwell: (a) Yes, but the report which the Honourable Member appears to have read is wrong in saying that Mr. Shaw has been engaged as "Film Adviser to the Government of India". He has been engaged as a technical expert in the production of documentary films.

(b) No.

(c) Yes. Government fully satisfied themselves that for the particular purpose required Mr. Shaw was by far the best man available.

(d) No. He was selected in view of his special experience in making documentary films for the General Post Office, Empire Marketing Board, Colonial Office, Ministry of Information, etc.

(e) Does not arise.

(f) The answer to the first part of the question is in the affirmative. Government have seen the report referred to; it related to a period before Mr. Shaw worked for the Ministry of Information.

(g) One year from October 22, 1940. Salary £1,000 per annum which is met by a contribution from His Majesty's Government, *plus* an allowance of Rs. 700 p.m. while employed in India. He was receiving the same salary in England and an allowance of £10 per week.

Mr. Lalchand Navalrai: How much does he get now?

The Honourable Sir Reginald Maxwell: I have just answered that question. £1,000 per annum *plus* Rs. 700 from India.

Mr. Lalchand Navalrai: May I know which other Indian experts in documentary films were called, and were their claims considered? Will the Honourable Member give the names of any?

The Honourable Sir Reginald Maxwell: As I said in answer to the question, there are no Indian experts in this particular branch of film production. It is a new thing in India.

Mr. Govind V. Deshmukh: Are these documentary films more concerned with war propaganda or other than war propaganda?

The Honourable Sir Reginald Maxwell: Not specially or particularly war propaganda. They are for purposes of giving objective information about the countries of the Empire dealt with.

Mr. Govind V. Deshmukh: Was not this Film Advisory Board started with the primary object of helping war propaganda and showing war films so that the people may be educated?

The Honourable Sir Reginald Maxwell: Not only war propaganda, because dissemination of correct information and means of making one part of the Empire interested in another and giving correct information about other parts of the Empire—all those things help the war but their primary object is the dissemination of correct information.

Mr. Govind V. Deshmukh: Have any war films been produced by this Film Advisory Board?

The Honourable Sir Reginald Maxwell: That is not the particular object of Mr. Shaw's visit. He will be dealing with Indian subjects.

Mr. Govind V. Deshmukh: Has this Film Advisory Board not produced any war films at all—no films dealing with war subjects?

The Honourable Sir Reginald Maxwell: As I explained in answer to part (a), we are not talking about the Film Advisory Board. We are talking about the technical expert on certain kinds of films.

Pandit Lakshmi Kanta Maitra: What is the tenure of office of this Board?

The Honourable Sir Reginald Maxwell: As I said in answer to part (b), one year from October 22, 1940.

Mr. Govind V. Deshmukh: No war films are produced? Is the Honourable Member definite about it?

The Honourable Sir Reginald Maxwell: I do not understand what the Honourable Member means by war films. There is no war going on in India.

Mr. Govind V. Deshmukh: The war has come to India.

WORKING OF THE 60-YEAR SUPERANNUATION PENSION RULE.

320. *Pandit Lakshmi Kanta Maitra: (a) With reference to the following pronouncement made by the Honourable the Finance Member on the 18th February, 1941, in reply to supplementary questions to question No. 91, on the subject of retirement of ministerial officers:

"The position is that the ordinary rules which apply to persons in Government service before the 1st April, 1938, allow ministerial officers to be kept in service up to the age of 60, if they are efficient;"

"The conditions of service of these officers, at the time the new rule was made, included a provision that if they were efficient, they will go on to the age of 60; and that could not be changed *without affecting their conditions of service detrimentally*;" and

"A Government servant who was in service on the date in question and who is perfectly efficient is *entitled* to be kept on till the age of 60."

will the Honourable the Home Member please state if these provisions and instructions are followed by heads of offices in actual practice?

(b) Is it not a fact that in some Departments of the Government of India six months before a man attains 55 years of age, it is obligatory on him to apply for an extension? If so, why? Is it also not a fact that people are, as a rule, made to retire at 55 save and except in a few solitary cases where extensions for very short periods only are allowed?

(c) Is the Honourable Member prepared to enquire, of the different Departments at the headquarters of the Government of India, and lay on the table a statement showing, under different Departments, the names of persons of the ministerial staff who were made to retire before they attained 60 years of age during the period.—April to February,—of the official year 1940-41:

(1) in the ordinary course, and

(2) specifically on the ground of inefficiency?

(d) If the provisions as enunciated by the Honourable the Finance Member have so long been disregarded by departmental heads, is he prepared to issue a circular to them explaining in some detail the correct interpretation of the provisions in connection with the retirement of members of the ministerial staff so as to obviate injustice and hardship?

(e) Is the Honourable Member also prepared to issue directions that all orders contrary to the letter and spirit of the correct directions of the Government of India in this behalf should be withdrawn in the case of those not yet actually retired?

The Honourable Sir Jeremy Raisman: (a) I should in the first place like to point out that rules which have been carefully formulated and embodied in precise instructions cannot be suitably interpreted by the process of supplementary question and answer on the floor of the House. Having now studied this subject at more leisure and with great care, I find that the statement made by me on the 18th February, 1941, in reply to supplementary questions to question No. 91 and on the 7th March, 1941, to supplementary questions to question No. 263 is not strictly on all fours with the actual rules. The correct position is that, while persons recruited on or after 1st April, 1938, or who were not in permanent service on that date cannot be retained in Government service after the age of 55 years except on recorded public grounds, persons in permanent service on that date can be considered for such retention after attaining 55 years and up to the age of 60 years provided they continue to be efficient.

(b), (d) and (e). I have no reason to believe that the procedure followed in Departments is otherwise than in accordance with the rules.

(c) Yes.

Dr. Sir Ziauddin Ahmad: One thing was not clear to me in the reply to these things—whether extension after the age of 55 is given in exceptional cases on account of the efficiency of the work, or do they get it as a matter of course, if they happen to be efficient?

The Honourable Sir Jeremy Raisman: Having already once given a slightly different complexion to this matter than it ought to have borne, I must be very careful in answering supplementary questions. The rules say that ordinarily persons in permanent service on that date, old Government servants, can be considered for such retention. That implies that there is discretion to Government. That was the point which escaped my attention in dealing with the supplementary questions. In addition to the criterion of efficiency, there is a discretion with Government to retain those people or not. If they are not efficient, then they must go at the age of 55, even old staff, but even if they are efficient, the rule says "ordinarily" and that means that Government still has a discretion not to retain them to the age of 60.

Dr. Sir Ziauddin Ahmad: Their extension can be considered?

The Honourable Sir Jeremy Raisman: That is the position.

Mr. Lalchand Navaraj: Is consideration given by the head of the Department, or is the case also sent to the Public Service Commission?

The Honourable Sir Jeremy Raisman: No, Sir. It would be quite impossible to send these routine cases to the Public Service Commission. They are dealt with by the head of the Department.

Lieut.-Colonel Sir Henry Gidney: The Honourable Member referred to 'recorded public grounds'. May I know who records it, who assesses it, and who decides it. I want to know this, in view of the fact that the Honourable Member did not give it correctly last time?

The Honourable Sir Jeremy Raisman: This is a very delicate and difficult matter to put in precise terms. By 'recorded public grounds' I understand that the head of the Department, if he retains a man after the age of 55—that is new Government servants—must write down on the record the reasons for which he did so and those reasons must be related to the public interest and have nothing to do with the private welfare of the individual.

WORKING OF THE DEFENCE OF INDIA ACT AND RULES.

321. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state what measures have been taken by Government to implement the assurance given to the Legislative Assembly by the Honourable the Leader of the House on their behalf at the time when the present Defence of India Act was being passed, and which was to the effect "We are sure that those liberties will be in hands which will not abuse them and which will cherish and guard them"?

(b) What steps have Government taken to keep themselves in touch with the actual working of the Government of India Act and Rules made thereunder, in various Provinces, specially in those in which the Legislatures have been suspended?

(c) Are Government aware that in various places these rules are being utilised for the harassment of innocent political workers and persons who are suspected to have political inclinations?

(d) Is it or is it not a fact that Maulana Ghulam Ghaus, Dictator of the All-India Majlis Ahrar was arrested in Charsadda with fourteen others under the Defence of India Rules, and that seven of those followers were sentenced to imprisonment till the rising of the court and six for six months' imprisonment and a fine of Rs. 100 each except one who was fined Rs. 300 and Maulana Ghulam Ghaus was sentenced to one year's rigorous imprisonment on 17th February, 1941?

(e) Is it or is it not a fact that the seven persons who were sentenced to imprisonment till the rising of the court were taken at 9 P.M. in a lorry by the police across the river Kabul and in that dark night were left in a jungle with only a shirt on their bodies, and they had to make their way through that dangerous and impassable jungle and to walk ten miles in that dark and cold night before they reached Peshawar at 1-30 A.M. during the night?

(f) If the answer to part (e) be in the affirmative, what is the reason for such callous treatment?

(g) Is it or is it not a fact that Maulana Ghulam Ghaus and his companions were transferred from Peshawar Jail to Dera Ismail Jail with handcuffs and heavy fetters on? If so, why?

The Honourable Sir Reginald Maxwell: (a) and (b). I would refer the Honourable Member to the answer given by the Honourable the Leader of the House to parts (b) and (c) of starred question No. 216 on the 21st November, 1940.

(c) No.

(d) to (g). I am aware that Maulvi Ghulam Ghaus called a number of Ahrars from Peshawar City to Charsadda on the 14th February where they were made to march in military formation wearing quasi-military uniform. Thirteen of the band, and later Ghulam Ghaus himself, were arrested and tried for offences under the Defence of India Rules. I understand that they were convicted by the Courts. I am unable to give further details of their treatment as the administration of the criminal law and the rules regarding the custody of prisoners are primarily the concern of the Provincial Government.

Qazi Muhammad Ahmad Kazmi: May I ask if the Honourable Member made any investigation or inquiry about the treatment and the allegations made in this behalf?

The Honourable Sir Reginald Maxwell: I have informed the Honourable Member that these are matters which concern the Provincial Government alone. If any person feels aggrieved by his conviction, he has his ordinary remedy by way of appeal, or, if he considers that his treatment is illegal, he has his ordinary remedies at law; they are not matters which concern the Central Government.

Mr. Muhammad Nauman: May I know—with reference to the answer to part (b) of the question—whether the rules made in the Provinces have received the sanction or approval of the Honourable Member? Is it incumbent on those Provinces to send a copy of the rules here?

The Honourable Sir Reginald Maxwell: The Government of India receive copies of all important notifications and executive orders issued by the Provinces and they are thus able to keep in touch regularly with the general use made of the Defence of India Rules.

Mr. Muhammad Nauman: Are the rules uniform, or there are different rules in different Provinces?

The Honourable Sir Reginald Maxwell: There is only one body of Defence of India Rules.

Mr. N. M. Joshi: May I ask—in view of the fact that the reply to parts (a) and (b) refers this House to some answer given in November which is not before us now—if the Honourable Member will kindly read that reply again?

The Honourable Sir Reginald Maxwell: I have no objection to reading it, with your permission, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The whole of the reply?

The Honourable Sir Reginald Maxwell: The reply to parts (b) and (c) of question No. 216 on the 21st November, 1940.

Mr. N. M. Joshi: He referred us to some November proceedings in reply; I would like to hear the reply then given.

The Honourable Sir Reginald Maxwell:

"(a) and (b). I would refer the Honourable Member to the answer given by the Honourable the Leader of the House to parts (b) and (c) of starred question No. 216 on the 21st November, 1940."

On that occasion the reply given was in the following words:

"(b) and (c). The Government of India receive information of important orders made by Provincial Administrations, and they also receive certain reports bearing *inter alia* on the use made of the Act. They have indicated in correspondence on various matters their views of the uses to which the Act can properly be put; they have not, however, thought it necessary to issue any general directions on the point, since sections 2 and 15 of the Act itself, and many of the Rules themselves, give a sufficiently clear indication of the scope of the powers conferred thereunder."

Mr. N. M. Joshi: In view of the fact that large numbers of persons are detained in jail for indefinite periods, will the Government of India state whether they have any machinery by which these cases are reviewed from time to time?

The Honourable Sir Reginald Maxwell: It does not require any special machinery. Any Provincial Government or the Central Government using these powers can review such cases at any time.

Mr. N. M. Joshi: Do I understand that it is left to the Provincial Governments or to the Central Government to review a particular case when they think best, or whether after a year or after six months they review such cases?

The Honourable Sir Reginald Maxwell: There is no definite period fixed, with regard to an order of detention, for the review of cases. Obviously, that would not be apposite, because it is open to the Central Government or a Provincial Government to review a case a very short time after the detention order is passed—and supposing that it had been laid down that any person was to be detained for one year he would not be eligible for consideration earlier.

Pandit Lakshmi Kanta Maitra: Do I understand the Honourable Member to say that the Provincial Governments make rules under the Defence of India Act without reference to the Government of India and without their approval? Are they competent to do that?

The Honourable Sir Reginald Maxwell: I made no such statement.

Pandit Lakshmi Kanta Maitra: Do I understand that even this body of rules framed by the Provincial Governments has not been passed on to the Honourable Member for approval or that the Honourable Member has not called for them so as to introduce a sort of uniformity for the purpose of giving effect to the Defence of India Act.

The Honourable Sir Reginald Maxwell: I think the Honourable Member is under a misapprehension. I said that there is one body of Defence of India Rules which are administered throughout India. What I said, and what was said also on a previous occasion, was that we receive reports of notifications issued by the Provinces under those rules and of all important executive instructions issued under those rules. These are matters of actual, detailed application of the rules and not of framing fresh rules.

Mr. N. M. Joshi: May I ask whether the Government of India will consider the desirability of reviewing the cases of those people detained in jail, at stated periods, say every six months or a year?

The Honourable Sir Reginald Maxwell: If we think that it will serve any useful purpose, we shall certainly consider it at any time when the question may arise. Consideration has already been given to the point and I think that some Provincial Governments have been reviewing the cases of their detenus and releasing some of them.

Qazi Muhammad Ahmad Kazmi: In view of the undertaking given to this House, does not the Government think it proper, with regard to the administration of these rules by those persons in whose hands these rules have been placed for administration, to make an inquiry and satisfy itself and satisfy the House that they have been correctly used by such authorities?

The Honourable Sir Reginald Maxwell: That is difficult to answer within the limits of an ordinary reply; the Honourable Member wishes to raise the whole question of control.

Qazi Muhammad Ahmad Kazmi: I could not follow the answer?

Mr. President (The Honourable Sir Abdur Rahim): What was the answer—will the Honourable Member kindly repeat?

The Honourable Sir Reginald Maxwell: I said it is impossible to answer such a supplementary question within the limits of an ordinary reply. The Honourable Member is attempting to raise a discussion on the whole subject of the control over Provincial Governments in connection with the Defence of India Rules.

Qazi Muhammad Ahmad Kazmi: My simple question is—does the Government consider itself justified not to make an inquiry when allegations are made and to satisfy itself with the reply that they have been handed over to the Provincial Governments?

The Honourable Sir Reginald Maxwell: If the matter is a matter of provincial administration, then it would not be proper for the Central Government to interfere.

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

ARREST OF KHAN WAHABUDDIN AND OTHERS.

322. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Home Member please state whether he is aware that on the 19th February, 1941, Khan Wahabuddin, Naib Salar of Ahrar Volunteers, with three or

four others was arrested, in connection with anti-war satyagraha; and that the three companions were taken in a lorry by the police from Charsadda to a place near village Tangi, and at midnight when it was heavily raining, the lorry was stopped on the bank of a rivulet and they were ordered to get down and on their refusal they were pushed down from the lorry into the water, and left there?

(b) Is it or is it not a fact that Khan Wahabuddin who had offered anti-war satyagraha is not being dealt with under the Defence of India Rules but under section 109, Criminal Procedure Code?

The Honourable Sir Reginald Maxwell: (a) and (b). I understand that the leader of one of two parties of Ahrars which visited Charsadda recently with the object of courting arrest was arrested under section 109 of the Criminal Procedure Code. I have no information, however, as to the details. These are entirely the concern of the Provincial Government.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member made any inquiry after the receipt of this question, or he is only just saying what he might have read somewhere?

The Honourable Sir Reginald Maxwell: I am giving the Honourable Member the information which is available with me; I cannot undertake to make special inquiries in every individual case raised by the Honourable Member.

Qazi Muhammad Ahmad Kazmi: Does the Honourable Member get regular reports and is his reply based on any of these reports, or is it the result of his sending the question to the Provincial Governments and this is only the reply received by him?

The Honourable Sir Reginald Maxwell: I get certain regular reports; and if a question of this kind is asked for information which I receive in the ordinary course, then I do my best to give it to the Honourable Member. I cannot undertake, as I said before, to call for special information from the Provinces in matters of provincial administration.

Qazi Muhammad Ahmad Kazmi: I am really asking about this specific question and not a hypothetical question. I ask when the Honourable Member receives a question of this kind, whether he sent my question to the Provincial Government, the whole of it, and whether this is only the reply he has received, or his reply is based on the reports that he has received.

The Honourable Sir Reginald Maxwell: I am sorry I am unable to give the Honourable Member details of any reference between the Central Government and Provincial Governments. This is a matter of official correspondence.

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

ARREST AND CONVICTION OF AHRAR SATYAGRAHIS.

323. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Home Member please state whether he has seen the comment of the

Hindustan Times on the arrest and conviction of Ahrar Satyagrahis published in its issue of 8th February, 1941, on page 6, which is to the effect,

"Ahrar Satyagrahis, also, we see, are given heavier sentences than Congress Satyagrahis. If this is a tribute to the higher patriotism of the Ahrars we would not grudge them the honour."

(b) Is it or is it not a fact that Ahrar Satyagrahis have been mostly awarded sentences ranging between two to three years, in addition to heavy fines in some cases in Delhi, while such is not the case with others? If so, what is the reason for it?

(c) Is it or is it not a fact that Ahrars alone have been selected for restrictive orders and about fourteen such orders have been served in Delhi? If not, how many belonging to other parties have been so served?

(d) Is it or is it not a fact that these restrictive orders restrict the movements of the victim to one or at the most two wards of the Municipality of Delhi, and require him to attend the police station four times a day i.e., 8 A.M., 12 NOON, 4 P.M., and 8 P.M., which entails a walk of eight miles and more a day for those who are served with such orders?

(e) Is it or is it not a fact that in one case a person between whose shop and Jama Masjid only a road intervenes cannot go to say his prayers in the said mosque, as it happens to be situated in a different ward from the one in which he is allowed to move?

(f) Is it or is it not a fact that one of the persons who has been served with such an order is a person about 70 years of age, both of whose eyes have been operated upon for cataract and who is, due to this defect, incapable of even walking at night?

(g) Is it or is it not a fact that one such person applied to the Chief Commissioner for permission to say his *Id* prayers in the Idgah, on the occasion of the last *Id-ul-Zuha* but was not allowed to do so? If so, why?

(h) Are Government aware that the persons served with such orders are badly handicapped in the daily vocations of their life, and two of such persons being tried of such life have after notice to the authorities requesting them to withdraw the notice, broken it and have been convicted and sent to jail?

(i) In view of the great hardship to which the persons served with restrictive orders are subjected, have Government considered the advisability of withdrawing such orders?

The Honourable Sir Reginald Maxwell: (a) I am prepared to accept the Honourable Member's statement.

(b) Up to date twenty Ahrars convicted in Delhi in connection with the civil disobedience movement have been given sentences of two years' imprisonment or more. In a few cases fines have also been imposed, but the fines have not been heavy. The largest fine was Rs. 200. It is not correct that persons connected with other political parties have not received similar sentences. Actually five Congressmen convicted in Delhi in connection with the civil disobedience movement have received sentences of two years or more. The sentence is of course determined by the magistrate at his discretion, having regard to the nature of the offence and other relevant

circumstances, and I must repudiate the insinuation that there is any differentiation based on the community or political party to which the individual belongs.

(c) It is correct that orders of restriction to local areas in the city have been passed against fourteen Ahrars, and that orders of this type have not so far been made against members of any other party.

(d) The maximum distance which any of the persons concerned has to go is half a mile; in most cases the distance is less than a quarter of a mile. Subject to this qualification the terms of the orders are substantially as described.

(e) Yes, but there are in the area to which the person is restricted at least five mosques in which Juma prayers are offered.

(f) One of the persons restricted is about sixty or seventy years of age, it is understood that some time ago he underwent an eye operation. There is, however, no reason to think that he is physically unfit to walk to the police station.

(g) It is correct that one person applied for exemption at the time of the *Id* and that this was refused.

(h) The orders were carefully framed so as to interfere as little as possible with the ordinary avocations of the persons concerned. Altogether five persons have been sentenced for breach of the orders. In one case the infringement was little more than technical and the accused was sentenced until the rising of the court only. None of the five had previously petitioned for the withdrawal of the notice.

(i) It has never been the intention that the restrictive orders should remain in force permanently and Government will be ready at any time to modify or rescind them if satisfactory assurances are given that the persons concerned are no longer disposed to engage in dangerous activities. Two of the orders have indeed already been so rescinded.

Qazi Muhammad Ahmad Kazmi: How do Government know that they were doing anything which was prejudicial to the war before serving any notice? Was any charge served on them? I am asking this with reference to part (i) of the question. The Government have said that if they give an assurance that they will not carry on the agitation against the war, then they will consider the withdrawal of these orders. My question is: how can the innocent people who have not been convicted and who have not been called upon to show any cause be called upon to give an assurance?

The Honourable Sir Reginald Maxwell: Sir, I do not follow the Honourable Member's argument.

Qazi Muhammad Ahmad Kazmi: With reference to part (e) of the question, the Honourable Member said that the distance is about half a mile or a quarter of a mile

The Honourable Sir Reginald Maxwell: That was in answer to part (d).

Qazi Muhammad Ahmad Kazmi: I am asking about part (e). Has the Honourable Member got any idea of the distance of Juma mosques from the Faiz Bazaar police station?

The Honourable Sir Reginald Maxwell: I have no idea.

Qazi Muhammad Ahmad Kazmi: May I know, then, who gave him this information which he considers to be correct?

The Honourable Sir Reginald Maxwell: It is obtained from official sources on which I entirely rely.

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

HANDCUFFING OF CERTAIN POLITICAL PRISONERS WHILE ON TRANSIT FROM DELHI JAIL.

324. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state whether it is a fact that 'C' class political prisoners convicted of anti-war satyagraha and other similar non-violent offences, on their transfer from Delhi Jail to other places, are handcuffed, and heavy fetters are put on their legs?

(b) If the answer to part (a) be in the affirmative, have Government considered the advisability of withdrawing such orders?

The Honourable Sir Reginald Maxwell: (a) and (b). The Delhi District Jail is administered as a unit of the Punjab prison system and the rules in the Punjab Jails Manual are applicable. Until recently, these required that every convicted criminal prisoner on transfer to another jail should be handcuffed and (unless he was certified to be unfit, owing to age or infirmity) fettered. Under orders issued in 1932 exceptions could be made in the case of prisoners of A or B class, if the authorities were satisfied that there was no likelihood of an attempt at escape or rescue; but in the case of C class convicts, subject to the provision mentioned, the rule was absolute.

Some 15 days ago fresh instructions were issued by the Punjab Government to the effect that Satyagrahi prisoners whether of A class, B class or C class should not be fettered on transfer from one jail to another unless the Superintendent of Police who had ordered the arrest of a prisoner or who had the responsibility for his safe custody during transfer issued specific orders requiring him to be fettered. The new instructions have been applied to prisoners on transfer to and from the Delhi District Jail as well as to jails in the Punjab.

Maulana Zafar Ali Khan: With regard to part (a) of the question, in view of the fact that "C" class political prisoners are not likely to run away from the grip of law, would it not be advisable to remove the regulation enjoining the fettering of their legs at least?

The Honourable Sir Reginald Maxwell: I have already said that the regulation is relaxed in the case of "C" class Satyagrahi prisoners.

PROSECUTIONS OF IMDAD SABRI AND OTHERS BY THE DELHI POLICE.

325. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state whether it is or it is not a fact that about seven cases had been started by the Police in 1940 in Delhi in respect of

possession and distribution of literature prejudicial to the prosecution of war and out of these cases one was withdrawn and in the remaining six the accused were acquitted by courts?

(b) Has the judgment of Mr. A. Isar, Additional District Magistrate, dated the 17th February, 1941 in the case of Imdad Sabri, the last case of this type been brought to the notice of Government?

(c) Is it or is it not a fact that the case against Imdad Sabri was that on the night of the 27th April, 1940, Deputy Superintendent of Police, Criminal Investigation Department, Delhi raided his house at 12-30 A.M. and discovered from his possession a trunk containing undesirable literature?

(d) Is it or is it not a fact that the Deputy Superintendent of Police, Criminal Investigation Department, in his statement before the court said that after the door of the house was opened "Imdad Sabri came out dressed, he was informed that the Police wants to search the house.....he searched me, Inspector.....a trunk Ex. P. A. was placed on Takhat.....in the trunk pamphlets.....were found" and the finding of the Magistrate in this respect was "What had happened in my opinion was that the police after recovery of the posters in the house of the accused's mother brought out the property and were waiting there sitting on cots when the accused after the breaking up of the conference at about 12-30—1 O'clock returned to his house and was arrested"?

(e) Is it or is it not a fact that the Magistrate found "that the house where the posters were found does not belong to him (Imdad Sabri), that it has not been shown that he lived there before that night, and it is very doubtful whether he was present in the house at all when the police raided it?"

(f) If the answer to parts (d) and (e) be in the affirmative, have Government considered the advisability of stopping the harassment and false accusations of political workers by the police of Delhi.

The Honourable Sir Reginald Maxwell: (a) Substantially, this is correct.

(b) Government have seen a copy of the judgment.

(c)—(e). Yes.

(f) Government do not accept the assumption underlying the last part of the question.

Qazi Muhammad Ahmad Kazmi: May I ask if any steps have been taken against the officer who got this wrong *chalan*?

The Honourable Sir Reginald Maxwell: No.

Qazi Muhammad Ahmad Kazmi: Do Government not consider it advisable to take some steps against their own people who are held by courts to be liars?

The Honourable Sir Reginald Maxwell: If every acquittal by a court were followed by proceedings against the police officers concerned, we should be kept busy.

Qazi Muhammad Ahmad Kazmi: Will Government be prepared to give an opportunity to the people who were harassed by their officers to bring suits against them for damages in civil courts or to lodge complaints against them?

The Honourable Sir Reginald Maxwell: It is open to any person who considers himself aggrieved to make use of the opportunities afforded by the law.

MILITARY AND CLERICAL STAFF AT THE MILITARY HEADQUARTERS AND THE OTHER MILITARY OFFICES.

326. *Mr. H. M. Abdullah: (a) Will the Defence Secretary please state the strength of military and clerical staff at the Military Headquarters and the other Military Offices, (i) community-wise, and (ii) how many of them are zamindars and how many non-zamindars?

(b) Is it a fact that the staff at the Military Headquarters and other military offices is mostly from Hindus and non-agriculturists?

(c) Are Government aware that the preponderance of Hindus and non-agriculturists in the staff of the Military Headquarters and other offices is a source of grievance to the Muslims and the agriculturists in the Punjab, Bengal and Sind?

(d) If the answer to parts (b) and (c) be in the affirmative, how do Government propose to rectify this inequality?

Mr. O. M. G. Ogilvie: (a) and (b). The information is not available without an expenditure of time and energy which would be incommensurate with the value of the information when obtained.

(c) No.

(d) Does not arise.

RECRUITING OFFICERS IN THE PUNJAB.

327. *Mr. H. M. Abdullah: (a) Will the Defence Secretary please state if it is a fact that most of the Recruiting Officers in the Punjab are Sikhs?

(b) Is he aware of the fact that in the last Great War the Recruiting Officers were selected from the community to which the recruits belonged?

(c) If the answer to part (b) be in the affirmative, do Government propose to adopt the same practice in the present war? If not, why not?

Mr. O. M. G. Ogilvie: (a) No, Sir.

(b) Yes. In the last Great War the recruiting organization was on a class basis.

(c) No. The present system of appointing Recruiting Officers in charge of specific areas is considered to be more satisfactory.

Mr. Muhammad Nauman: What is the present system of appointing recruiting officers?

Mr. O. M. G. Ogilvie: A recruiting officer is appointed in charge not of the recruitment of a particular class but in charge of a specific area, and demands from units for all classes which come from that area are dealt with by him.

Mr. Muhammad Nauman: Does he get any allowance or pay?

Mr. O. M. G. Ogilvie: He is paid.

Dr. Sir Ziauddin Ahmad: Do Government usually appoint Muslim recruiting officers to recruit from the area which is predominantly populated by the Muslims?

Mr. O. M. G. Ogilvie: No, Sir. The idea that an officer in the army is a Muslim or belongs to any other community never enters into the case at all. He is appointed purely as an officer.

Mr. Govind V. Deshmukh: Have there been any complaints by the Punjab Government regarding the method of recruitment?

Mr. O. M. G. Ogilvie: None that I know of.

CONCESSIONS TO MULE-BREEDERS IN SARGODHA DISTRICT, PUNJAB.

328. *Mr. H. M. Abdullah: (a) Will the Defence Secretary please state if it is a fact that recently great concessions had been given to the mule-breeders in the district of Sargodha, Punjab?

(b) If the reply to part (a) be in the affirmative, will Government please lay on the table a statement giving the details of these concessions?

(c) Is there any class of mule-breeders in the districts of Lyallpur, Sheikhpura, Montgomery and Gujranwala?

(d) If the answer to part (c) be in the affirmative, do Government propose to extend this concession to mule-breeders in the districts of Lyallpur, Sheikhpura, Montgomery and Gujranwala?

Mr. O. M. G. Ogilvie: (a) and (b). No great concessions have recently been given to mule breeders in the district of Sargodha. A reduction of 10 per cent. in the number of mares required to be maintained by grantees holding land on special mountain artillery mule breeding conditions in the Chenab and Shahpur areas was granted from 1933-34 up to 1939-40. This concession has now been withdrawn.

In addition, the Punjab Government reduced the malikana from 6 as. to 2 as. in the rupee of land revenue in respect of these breeders. This concession is still in force.

(c) Yes, bound and unbound mule breeders.

(d) No, Sir, as Government are satisfied that the conditions obtaining in the two cases are not similar.

MUSLIMS IN THE OPIUM DEPARTMENT.

329. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Finance Member please state:

(a) what is the reservation for Muslims in the Opium Department;

(b) how many vacancies of Assistant Opium Officers have been filled since 1934;

(c) how many Muslims have been recruited in these vacancies;

(d) how many vacancies now exist;

(e) whether Government propose to take a Muslim in one of these vacancies; if not, why not?

(f) whether it is a fact that the order of rotation prescribed by the Home Department has not been observed in this case in the past; and

(g) whether steps are being taken to ensure that it will be observed in future?

The Honourable Sir Jeremy Balamon: The information is being obtained and will be laid on the table of the House in due course.

EXTENSIONS OF SERVICE TO SUPERINTENDENTS.

330. *Mr. H. A. Sathar H. Essak Salt (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

(a) whether it has been decided that as a general rule Superintendents, like other ministerial officers, should be retained in service up to the age of sixty years;

(b) whether, in pursuance of this decision, extensions of service beyond the age of fifty-five years have been granted to any Superintendent;

(c) if so, to how many, and to which community they belong; and

(d) whether the only exception to this rule has been made in the case of a Muslim Superintendent who has been ordered to retire on attaining the age of fifty-five years?

The Honourable Sir Reginald Maxwell: (a) The Fundamental Rules provide that Superintendents, who are ministerial officers, may be required to retire at the age of 55 years but should ordinarily be retained in service, if they continue efficient, up to the age of 60 years. So far as ministerial servants who joined Government service before April 1, 1938, are concerned, there has been no recent change in those rules, the purpose of which is not to confer upon Government servants any right to be retained in service up to a particular age but to prescribe the age, namely 60, beyond which they may not ordinarily be retained in service.

(b), (c) and (d). The Honourable Member has not stated to what period of time his question refers, but information is being collected and will be laid on the table.

MASTER GENERAL OF ORDNANCE BRANCH POSTS EXEMPTED FROM COMMUNAL REPRESENTATION ORDERS.

331. *Mr. H. A. Sathar H. Essak Salt (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

(a) whether recruitment to any posts in the Master General of Ordnance Branch of the Army Headquarters has been exempted from the communal representation orders; and

(b) if so, to which posts, and why?

Mr. C. M. G. Ogilvie: (a) No.

(b) Does not arise.

VARIOUS COMMANDS STAFF EXEMPTED FROM COMMUNAL REPRESENTATION ORDERS DURING WAR.

332. *Mr. H. A. Sathar H. Issak Salt (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

(a) whether recruitment to the staff of the various Commands under the defence authorities has been exempted, during the period of the war, from the scope of the communal representation orders; and

(b) if so, why?

Mr. C. M. G. Ogilvie: (a) Yes, but this exemption applies to temporary staff only, and then only in exceptional circumstances.

(b) Temporary staff must in war-time be recruited at short notice, and therefore locally. It sometimes happens that fully qualified persons of the required communities are not available at short notice, and a strict observance of the communal representation orders would, in such cases, involve delay. Commands have, therefore, been given some latitude in this matter, but they have also been given strict instructions to recruit their temporary staff in accordance with these orders as far as they possibly can. The situation will be reviewed from time to time.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE HOME DEPARTMENT.

333. *Mr. H. A. Sathar H. Issak Salt (on behalf of Nawab Siddique Ali Khan): Will the Honourable the Home Member please state:

(a) how many temporary or officiating appointments (excluding those made by promotion) in the grades of Assistants, Stenographers and Clerks, have been made in the Home Department since the 1st July, 1939;

(b) how many of the persons appointed in such vacancies were Hindus, and what are their names;

(c) how many were Muslims;

(d) whether the orders regarding communal representation were followed in making these appointments; and

(e) if not, why not?

The Honourable Sir Reginald Maxwell: (a) Assistants 7, Clerks 41, Stenographers 5;

(b) Assistants 6, Clerks 29, Stenographers 4;

(c) Assistants 1, Clerks 11, Stenographers nil.

(d) and (e). Appointments in the clerical and stenographers' grades have been made in accordance with the communal representation rules. It is proposed to fill the next vacancy in the Assistants' grade by a Muslim, if a suitable candidate is available.

"SPEAKERS' NOTES BY MINISTRY OF INFORMATION" IN BRITAIN AND ALLEGED LIBEL ON INDIA.

334. *Dr. P. N. Banerjee: Will the Honourable the Home Member please state whether the attention of Government has been drawn to the news published in the *Hindustan Times* of the 18th February, 1941, under the heading "India being libelled" in which it is said that certain "Talking

points on India" were issued in Britain as speakers' notes by the Ministry of Information in connection with the British Empire Publicity campaign, in which phrases occur concerning Indian people's ignorance and religious superstitions and the "difficulty of fitting democracy into indigenous social systems" and further in which it is stated that the army is being recruited only from certain martial races and the difficulty is emphasised of getting Indian officers? If so, will Government be pleased to state what action has been taken in the matter? If none, are Government now prepared to consider the desirability of taking suitable action?

The Honourable Sir Reginald Maxwell: I have seen the Press report and the Honourable Member has no doubt seen the reply given by the Secretary of State to a question in Parliament on this subject. The publication in question has not been seen by the Government of India, but enquiries show that when it came to the notice of the India Office it was found to contain points of detail which were open to criticism. Steps have consequently been taken to have it withdrawn.

Dr. P. N. Banerjee: Did the Government of India move in this matter?

The Honourable Sir Reginald Maxwell: Yes, to the extent of making enquiries.

UNSTARRED QUESTION AND ANSWER.

SAFEGUARDING OF THE INTERESTS OF BRITISH SUBJECTS HAVING BUSINESS IN ENEMY COUNTRIES.

124. Sardar Sant Singh: (a) Will the Honourable the Home Member please state whether Government are spending any sum on the maintenance of the refugees of the nationals of other countries who were left stranded in India on account of occupation of their country by the Germans?

(b) Do Government accord special consideration to exceptional cases while enacting emergency by-laws or issuing ordinances?

(c) What steps the Government of India have taken to safeguard the interests of British subjects carrying on their business in Sudentland, Germany and Italy and other countries, whose business is at a standstill due to international situation?

(d) Are Government aware that one Mr. L. N. Khanna, who had extensive business in Gablons A/N. Sudentland, Germany, returned to India after the outbreak of hostilities in Europe and ever since that time he has not been able to find any occupation for him and that his wife and his daughter are still in Germany?

(e) What measures have Government taken, or propose to take, to provide Mr. L. N. Khanna with means of livelihood during the war and the repatriation of his wife and daughter?

(f) Will the Honourable Member please lay on the table a statement giving details of the German ladies and children repatriated since the outbreak of war?

The Honourable Sir Reginald Maxwell: (a) No.

(b) Certain emergency war legislation provides a power of exemption designed to meet special cases; but even in the absence of such provision it is generally open to Government to exercise a discretion in enforcing such legislation.

(c) This question should have been addressed to the Honourable Member for Commerce.

(d) and (e). The Honourable Member is referred to the reply which I gave to Bhai Parma Nand's starred question No. 165 on November the 19th, 1940. Since then information has been received that Mrs. Khanna and her daughter have been given permission to leave Germany. Every possible aid is being given to her through the good offices of the British Government and the United States Consular Authorities. The Government of India have no information about Mr. Khanna's means of livelihood in India.

(f) A statement showing particulars of German women and children who have been permitted to leave India since the outbreak of war is laid on the table of the House.

Statement showing particulars of German women and children who have been permitted to leave India since the outbreak of War.

Serial No.	Names of women.	No. of children, if any.	Date of departure.	Port of embarkation.	Name of ship.	Remarks.
1	2	3	4	5	6	7
1	Miss Anna Nussl	...	7-9-1939	Dhanush-kodi.	...	...
2	Hildegard Goldschmidt	...	20-9-1939	Bombay	S.S. "Stratheden".	...
3	Margret Leyser	...	20-9-1939	Do.	Do.	...
4	Edith Neuhardt	...	20-9-1939	Do.	Do.	...
5	Renate Sara Wachtel	...	20-9-1939	Do.	Do.	...
6	Edith Galewski	...	28-9-1939	Do.	S.S. "Varela".	...
7	Countess Donhoff	...	9-10-1939	Karachi	S.S. "Elysia".	...
8	Countess Silvina Donhoff	...	9-10-1939	Do.	Do.	...
9	Miss Brotscher	...	9-10-1939	Do.	Do.	...
10	Miss Soegtig	...	9-10-1939	Do.	Do.	...
11	Miss Buchmuller	...	9-10-1939	Do.	Do.	...
12	Sister O. Strobl	...	10-10-1939	Bombay	S.S. "Comte Bianca-mano".	...
13	I. Kahn	...	30-10-1939	Do.	S.S. "Comte Verde".	...
14	Miss Horten	...	6-11-1939	Do.	S.S. "Stratheden".	...
15	I. Engelmann	...	2-12-1939	Do.	S.S. "Comte Verde".	...
16	E. M. W. Hallmann	...	2-12-1939	Do.	Do.	...
17	K. Meincke	...	2-12-1939	Do.	Do.	...
18	A. Niemitz	...	2-12-1939	Do.	Do.	...
19	M. Hendricks	...	2-12-1939	Do.	Do.	...
20	E. Raechle	...	2-12-1939	Do.	Do.	...
21	Erna Gluecksmann	...	16-12-1939	Do.	S.S. "Tongo Maru".	...
22	Anna Brodow	...	17-12-1939	(Left for Afghanistan from Allahabad).	...	...
23	G. Blass	...	18-12-1939	Bombay	S. S. "Comte Rosso".	...
24	E. Dertsen	...	18-12-1939	Do.	Do.	...
25	I. Dellling	...	18-12-1939	Do.	Do.	...
26	Ilse Emma Hartung	...	18-12-1939	Do.	Do.	...
27	M. Messerschmidt	...	18-12-1939	Do.	Do.	...

Serial No.	Names of women.	No. of children, if any.	Date of departure.	Port of embarkation.	Name of ship.	Remarks.
1	2	3	4	5	6	7
28	Hedwig Mazar	...	18-12-1939	Bombay	S.S. "Conte Rosso".	
29	Susanna Mueller	...	18-12-1939	Do.	Do.	
30	Anny Helen Elisabeth Reiff	...	18-12-1939	Do.	Do.	
31	Nadeshda Schneider	...	18-12-1939	Do.	Do.	
32	Nelly Harriet Treibmann	...	18-12-1939	Do.	Do.	
33	E. Wessely and child	1	18-12-1939	Do.	Do.	
34	E. Bischoff and son	1	7-1-1940	Do.	S.S. "Conte Bianca-mano".	
35	I. Baumann	...	7-1-1940	Do.	Do.	
36	U. Dann	...	7-1-1940	Do.	Do.	
37	E. Dammann	...	7-1-1940	Do.	Do.	
38	H. M. Kirchner	...	7-1-1940	Do.	Do.	
39	J. Kopp and child	1	7-1-1940	Do.	Do.	
40	H. Matzke	...	7-1-1940	Do.	Do.	
41	M. Roemer and daughter	1	7-1-1940	Do.	Do.	
42	M. Schumacher and infant	1	7-1-1940	Do.	Do.	
43	E. Schott	...	7-1-1940	Do.	Do.	
44	E. M. Thomas	...	7-1-1940	Do.	Do.	
45	E. Vogel	...	7-1-1940	Do.	Do.	
46	J. Warko and child	1	7-1-1940	Do.	Do.	
47	M. Weingarten	...	7-1-1940	Do.	Do.	
48	F. Wilhelm	...	7-1-1940	Do.	Do.	
49	Miss L. Von Pott	...	7-1-1940	Do.	Do.	
50	Anna Elisabeth Buchholz	...	6-2-1940	Do.	S.S. "Conte Verde".	
51	Maria Bernhard and infant	1	6-2-1940	Do.	Do.	
52	E. A. Irmgard Burchard	...	6-2-1940	Do.	Do.	
53	Johanna Lang	...	6-2-1940	Do.	Do.	
54	Friederike Reim	...	6-2-1940	Do.	Do.	
55	Eva Maria Bonzmer	...	6-2-1940	Do.	Do.	
56	Elfriede Seuf	...	6-2-1940	Do.	Do.	
57	Ingeborg Von Engel	...	6-2-1940	Do.	Do.	
58	Minna Johanna Zimmerman	...	6-2-1940	Do.	Do.	
59	Helene Viktoria Heerle	...	6-2-1940	Do.	Do.	
60	Anna Johanna Studtucker	...	6-2-1940	Do.	Do.	
61	Frieda Tittel	...	6-2-1940	Do.	Do.	
62	Fanny Schneider	...	7-2-1940	Do.	S.S. "Conte Bianca-mano".	
63	Mrs. Mary Rose Schulze and child	1	21-2-1940	Do.	S.S. "Conte Rosso".	
64	Ilse Freye with two children	2	12-3-1940	Do.	S.S. "Conte Bianca-mano".	
65	Lotte Feucht with child and infant.	2	12-3-1940	Do.	Do.	
66	Anna Eleanore Schneider	...	12-3-1940	Do.	Do.	
67	Auguste Emilie Fritz	...	12-3-1940	Do.	Do.	

Serial No.	Names of women.	No. of children, if any.	Date of departure.	Port of embarkation.	Name of ship.	Remarks.
1	2	3	4	5	6	7
68	Frida Hermine Stueber	...	12-3-1940	Bombay	S.S. "Conte Bianca-mano".	
69	Ursula Schneider with infant	1	12-3-1940	Do.	Do.	
70	Maria Birkenbell with child and infant.	2	12-3-1940	Do.	Do.	
71	Mathilde Dietrich	...	12-3-1940	Do.	Do.	
72	Erika Staber with two children	2	12-3-1940	Do.	Do.	
73	Olga Duckstein with two children.	2	12-3-1940	Do.	Do.	
74	Therese Uehs	...	12-3-1940	Do.	Do.	
75	Charlotte Dorothea Steche	...	12-3-1940	Do.	Do.	
76	Susanna Zacharias and infant	1	12-3-1940	Do.	Do.	
77	Eva Buelle with child and infant.	2	12-3-1940	Do.	Do.	
78	Miss Hildegard Uber	...	26-3-1940	Do.	S.S. "Conte Rosso".	
79	Eleanor Frieda Ucke and infant Alexander.	1	26-3-1940	Do.	Do.	
80	Helene Lenz and son Kurt	1	26-3-1940	Do.	Do.	
81	Helga Komorzynski	...	26-3-1940	Do.	Do.	
82	Mathilde Daub with child and infant.	2	22-4-1940	Do.	S.S. "Conte Verde".	
83	Anne Marie Palma	...	22-4-1940	Do.	Do.	
84	Elise Haas with child and infant.	2	22-4-1940	Do.	Do.	
85	Hanny Bier with child	1	22-4-1940	Do.	Do.	
86	Gertrud Johanna Bader with two children.	2	22-4-1940	Do.	Do.	
87	Grete Lore Reichenbacher with infant.	1	22-4-1940	Do.	Do.	
88	Edith Benz with infant	1	22-4-1940	Do.	Do.	
89	Bertha Margarete Henriette Geerdes.	...	23-5-1940	Do.	Do.	
90	Luise Frolich	...	28-5-1940	Do.	S.S. "Conte Rosso".	
91	Margarete Heldmann	...	28-5-1940	Do.	Do.	
92	Rosemarie Helene Frida Anna Wagner with two children.	2	28-5-1940	Do.	Do.	
93	Helene Melzer with two children.	2	28-5-1940	Do.	Do.	
94	Hedwig Martha Freda Kallert.	...	28-5-1940	Do.	Do.	
95	Gerda Poschmann	...	28-5-1940	Do.	Do.	
96	Freida Jetti Fischer	...	5-6-1940	Do.	S.S. "Anyo Maru".	
97	Bertha Berliner	...	21-8-1940	Do.	S.S. "Ginyo Maru".	
98	Erna Ginsberg	...	26-12-1940	Do.	S.S. "Anyo Maru".	
99	Maria Scheck	...	26-12-1940	Do.	Do.	
100	Laura Gerstl	...	26-12-1940	Do.	Do.	
101	Lotte Alexandrowitz	...	28-1-1941	Do.	S.S. "Kasima Maru".	
102	Ruth Berger	...	28-1-1941	Do.	Do.	
103	Margot Ilse Sara Simon with two daughters.	2	10-2-1941	Do.	S.D. "Hakone Maru".	

SHORT NOTICE QUESTION AND ANSWER.

TREATMENT METED OUT TO MR. KRISHNA GOPAL GARG OF AJMER IN JAIL.

Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state whether it is a fact that Mr. Krishna Gopal Garg, a member of the Municipal Board, Ajmer, and a prominent citizen of that place, was, on his conviction, recommended by the trial Court to be placed in "A" class?

(b) Is it a fact that even while his appeal was pending in the Sessions Court, he was given solitary confinement?

(c) Is it a fact that on his return to jail, he was put on a grinding mill or some such labour, which is given to hardy criminals, as a result of which he had a fainting fit?

(d) Have Government considered the advisability of taking steps that such treatment should not be meted out to "A" class prisoners?

The Honourable Sir Reginald Maxwell: (a) The Court made such a recommendation, but the Chief Commissioner, who is the classifying authority, placed him in class "C" on the ground that he had no permanent source of income and had been included in that class on a previous occasion.

(b) He was for some time segregated from the other prisoners as he was fomenting trouble among them. He is not at present segregated nor was he ever given "solitary confinement" in the technical sense of that term.

(c) He was employed on grinding for a few days but is reported to have had an epileptic fit on February 8th, as a result of which he was kept in hospital until February 19th. He has since been employed on light labour.

(d) Does not arise.

Mr. Govind V. Deshmukh: Is it suggested that the Magistrate did not make enquiries concerning the status of the person who is convicted before awarding any class such as "A" or "B" or "C"?

The Honourable Sir Reginald Maxwell: It is for the Magistrate to make the recommendation about classification. It is only a recommendation, but the actual classification is an executive act.

Qazi Muhammad Ahmad Kazmi: Is it not a fact that the Magistrates do make enquiries from the police officers who challan a man about the status of the man in private life and that only after such enquiries that the Magistrates make their recommendations about the classification of the prisoners?

The Honourable Sir Reginald Maxwell: I have already said that the Magistrates make recommendations.

Sir H. P. Mody: May I know whether the awarding of a particular classification for a prisoner depends upon the social status and position of the man or upon the fact that he enjoys or does not enjoy a particular income?

The Honourable Sir Reginald Maxwell: The classification is according to the status and the previous mode of living of the man.

Sir H. P. Mody: What is the meaning of the argument employed by the Honourable the Home Member that as the prisoner was found to have no "permanent source of income", he was put in "C" class in defiance of the recommendation of the Magistrate?

The Honourable Sir Reginald Maxwell: If the man had no regular means of livelihood, he was not likely to have lived a life of luxury and so he was properly placed in "C" class.

Qazi Muhammad Ahmad Kazmi: Have the Government any information that he was put on a grinding mill in jail?

The Honourable Sir Reginald Maxwell: The task to which he was put was that ordinarily given to "C" class prisoners.

Mr. Govind V. Deshmukh: Was it not a fact that a person who was unaccustomed to this sort of heavy work was put on a grinding mill and it was in consequence thereof, he had to be sent to the hospital?

The Honourable Sir Reginald Maxwell: He was sent to the hospital because he had epileptic fit and it was later discovered that he had a family history of insanity.

Lieut.-Colonel Sir Henry Gidney: Was the prisoner suffering from an epileptic or apoplectic fit?

(No answer.)

Qazi Muhammad Ahmad Kazmi: Are Government aware that Mr. Krishna Gopal Garg was a very popular figure in Ajmer amongst all classes and are Government also aware that continuous meetings of protests are being held in Ajmer as to why this gentleman has been treated in such a manner in the jail?

The Honourable Sir Reginald Maxwell: I do not think that question arises.

Mr. Govind V. Deshmukh: The Honourable Member's reply contained a reference to insanity. May I know if that is a fact why this gentleman was not sent to a mental hospital instead of to the ordinary hospital?

Sir H. P. Mody: May I know whether, when Government Members retire, they are supposed to have a permanent source of income?

The Honourable Sir Reginald Maxwell: I can answer the first question put by Mr. Deshmukh: that is, my information is that he had no peripheral neuritis, but he was mentally unbalanced.

Qazi Muhammad Ahmad Kazmi: What action does the Honourable Member propose to take if the information he has got from the officials in Ajmer is proved to be false, as it is bound to be false?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Secretary will now read the Message received from the Council of State.

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 11th March, 1941, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meetings held on the 25th February, the 28th February, the 3rd and the 5th March, 1941, namely:

- (1) A Bill further to amend the Petroleum Act, 1934;
- (2) A Bill to extend certain Acts to Berar;
- (3) A Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles; and
- (4) A Bill further to amend the Indian Railways Act, 1890."

THE EXCESS PROFITS TAX (AMENDMENT) BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move for leave to introduce a Bill further to amend the Excess Profits Tax Act, 1940.

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

"That leave be granted to introduce a Bill further to amend the Excess Profits Tax Act, 1940."

The motion was adopted.

The Honourable Sir Jeremy Raisman: Sir, I introduce the Bill.

THE INDIAN FINANCE BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Indian Finance Bill.

Dr. Dalal.

Dr. R. D. Dalal (Nominated Non-Official): Sir, on Tuesday evening before the House adjourned I was explaining that in order to secure the association of public opinion in India with the prosecution of the war, Government suggested to form a consultative committee, over which the Viceroy would preside, from representatives of all large political parties of British India and the Indian States. Frequent meetings of such a consultative committee representing many divergent interests must naturally promote the cause of co-operation and thus bridge the gulf of communal bitterness, which is the chief obstacle to Indian constitutional progress. But the working committee of the Congress rejected this offer, and withdrew its ministries from 8 out of 11 self-governing Provinces. His Excellency Lord Linlithgow has ascertained the views of representatives of all the elements that form the Indian political mosaic. The British Government cannot bind themselves to concede to the Congress

what would amount to a monopoly of the representation of Indian political opinion. That would constitute a grave injustice to other important Indian interests, and that would be constitutionally improper. The demand of the Congress that the British Government should stand aside and allow them the sole voice in framing the destinies of India is altogether inadmissible. At the same time the All-India Muslim League no more represents Muslim India than the Congress represents India as a whole. The demands of the All-India Muslim League are also unacceptable. Their acceptance would perpetuate Indian divisions, and would destroy the promising scheme of an All-India Federation. The claims of the Indian Princes cannot be ignored. The Indian States have to be considered in any scheme designed to make India a political and constitutional entity. The British Government only desire that Indian recognition should be given to those special reservations such as Defence and External Affairs, which must remain largely a British concern for some time to come. The British Government cannot possibly accede to the Congress view that they should have no hand whatever in the framing of the final constitution of India, and that this should be left wholly to an Indian constituent assembly. But the history of constituent assemblies does not encourage the opinion that any assembly of the kind is fitted to frame a constitution of India. The mere convening of a constituent assembly could only prove the extent of Indian political disunity. It is a natural and reasonable desire that an Indian constitution should receive an *imprimatur* from Indians themselves. But a free constitution should come into operation by consent, and should provide for government by consent. The success or failure of such a constitution will depend upon a proper appreciation of the lessons of history. In Canada, Australia, South Africa, and even in the United States of America the procedure of constitution-making was the work of only a few practical administrators; while in France, Germany and Russia large popular assemblies took upon themselves the task of drafting constitutions, but they only lived to see their work eventually dissolve. So the proper function of a representative popular assembly is not to do the statesmen's work of drafting the instrument of Government, but to judge of that work when done and to give or withhold the general assent. Therefore the first aim of the actual constitution-makers is to make that general assent possible, and this is pre-eminently the goal of British statesmanship.

Personally I have not the least doubt that the British Government are only too anxious to transfer real power and real authority to Indian political leaders. But the national emergency should transcend all party differences, and the rivals—the Congress and the Muslim League—should agree to a scheme of provisional solution of the Indian constitutional problem by the inclusion of eminent Indians in the Viceroy's Executive Council, by the setting up of responsible all-party Governments in the non-co-operating provinces, and by entrusting the task of framing a constitution of India to a body of practical administrators, who would submit a scheme calculated to enlist the largest possible measure of popular support. Otherwise how can the British Government help to resolve the deadlock? The removal of the difficulties, which have circumscribed constitutional advance, calls for the exercise of tolerance and compromise. His Excellency Lord Linlithgow is ever ready to offer help, guidance, and collaboration. The objective of the British Government's policy has been clearly stated—the purpose now is to open the

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way to its attainment. Suspicions must be allayed; conflicting groups must be encouraged to beget trust towards each other; the majority community can afford, by reason of its numerical supremacy, to be magnanimous to the minorities; the minorities should be able to obtain justice; above all, the realities of Indian conditions should not be ignored, because they justify the British connection. I firmly believe that the removal of the British connection would see India reverting to the chaos which prevailed when British traders first reached the shores of this country. Successful collaboration all round is the surest way for achieving that all-India unity in which British India and the Indian States will associate themselves for the good of their common country.

Mr. J. D. Boyle (Bombay: European): Mr. President, after the thesis of the present political considerations which have been placed before us, perhaps the House will excuse me if I confine myself to a few practical observations on the proposals contained in this Bill.

First of all, I should like to deal very briefly with the position of the Provinces. The position of the Provinces with regard to emergency taxation is bound to be somewhat anomalous. We realise very well that most of the Provinces are faced with considerable financial difficulties. We realise too that they are keen on maintaining and even building up their nation-building services. But at the same time we feel that every anna that is spent and indeed every anna that is saved should be so spent or saved against the background of the war, and we are confident that the Honourable the Finance Member is bearing the position of these Provinces in that respect very closely in mind. One practical issue which arises immediately out of that consideration is the expenses on such services as Air Raid Precautions and the maintenance of the Civic Guards. I have examined the report of the Standing Finance Committee and it is clear that the Provinces are in fact subscribing in part towards the cost of those services; but I would like to know what the general financial policy of the Government of India is in regard to this matter. Is there any fixed allocation as between the Centre and the Provinces in regard to those two services, or is each single item of expenditure dealt with according to its merits? These are questions of considerable importance now, particularly with the war coming closer and closer to India, and I should like to know whether, for instance, it is the Government's policy to encourage the Provinces to meet the cost of these services entirely from their own revenues.

Now, I should like to come to the question of the increased duty on artificial silk yarn and thread. Certain reference has already been made to this, and I have very well before me the fact that in the Bill the Finance Member said that this was a revenue duty imposed for the purposes of assisting the financing of the war. Whether that means that after the war the duty will be removed or not, I suppose nobody could say. But I would like to make the point that since nobody can tell what the position would be after the war the protective duty which I am going to suggest should be regarded by the Finance Member from the same angle as that from which he imposed the revenue duty. I know that the protective duty that exists today was put on in order to assist the cotton textile trade. It was a high rate of duty and it was designed to help the

piece-goods manufacturer in this country. That is perfectly true and under that protection this new industry grew up, the industry of manufacturing art: silk fabric out of imported art: silk yarn; and I quite realise that in this too there is an anomaly and that what the Honourable the Finance Member has done in this Bill tends to reduce that anomaly. But I maintain with all respect that in fact that is a very theoretical consideration of the case. Coming as I do from Bombay, if the cotton textile trade was still anxious to maintain that protection, I for one should not be in a position to say anything; but Honourable Members will have seen in the press the representation that was made by the Bombay Millowners Association to the Government of India on this matter, in which they urged that a protective duty should be placed upon the import of art: silk fabric. That would appear to imply that the cotton textile trade themselves are not so interested as they were previously in this matter, that they feel that they can stand on their own legs, and that they are in fact really anxious to see this protective duty raised. That, I think, to a very great extent deals with the suggested anomaly that the Finance Member has in mind. Now, the Government are probably aware that there are in the neighbourhood of 6,000 looms, some power driven and some hand driven, in the country and situated in different parts of the country, and that a rough estimate of the number of people employed is about 25,000. I have no calculation of the number of their dependents, but this would probably mean that about 1,00,000 people were depending upon this industry. It is quite new and it is quite small. There has already been a movement to induce that industry to move into Indian States. In fact there has not only been a move, but some looms have already been moved. The considerations which encourage transfer in the Indian States are of course well-known, and it is true that they apply to any form of industry—that is to say, there is no income-tax and no super-tax. These apply to all industries, it is perfectly true, but in regard to this industry and, in particular, in regard to maritime States there are clearly certain other considerations which those who are asked to move would certainly bear in mind and which would encourage them to undertake this move. There is another point. Most of the looms that are working today are not in premises owned by the worker. That is to say, they are in hired premises and so the difficulty of moving is very considerably reduced—they merely give notice of the termination of the lease of the building and the plant, which is quite light, can easily be moved. For these considerations, I would urge the Finance Member to appreciate that far from receiving the additional 35 lakhs, which I think is the figure that he estimated he would get from this extra duty, he is far more likely to lose what revenue he is at present getting, and of course with that the income-tax and super-tax that arises from it.

There is another point too, and that is from the more commercial side. Honourable Members are probably aware that there is a plan—indeed it is more than a plan, it is a plan that will very shortly be reaching maturity, we hope, for the manufacture of the actual art: silk yarn in this country. Now, that is an industry which will, I think, undoubtedly prove a gold mine to the country and the Government of India have already shown their interest in that by giving a subsidy designed to hurry on the research work that is necessary to produce this yarn. If all the looms have already been moved into Indian States, who is going to get the advantage out of this new industry? Clearly not British India, but again the Indian States. Nobody is going to start the manufacture of

[Mr. J. D. Boyle.]

the yarn in British India when all the product of that factory will then have to be transported to an Indian State for the purpose of weaving it on the looms that will have been established there. I would ask very strongly, therefore, that the Finance Member will consider whether a protective duty is not desirable on art: silk fabric imported into this country; and I ask him to bear in mind the fact that it has already been reported to us that there is already a variation in the price of Japanese goods. I have already brought to his attention the question of the position after the war and I do not think I need say any more about it at this stage.

Now, I move on very briefly to the duty on pneumatic tyres and tubes. I have only a small point to make here and that relates to the tyres that are used on animal-drawn vehicles. Everybody who uses the roads knows that the greatest damage to the roads is done by what are commonly called bullock carts: the ordinary solid-wheeled bullock cart cuts up the road in a way in one year that ten years of use by a motor car will not do; and I ask from that point of view and from the point of view of the wretched animals which pull these very over-loaded carts with solid wheels to bear in mind the advantages of doing everything possible to ensure the use of pneumatic tyres on animal-drawn vehicles. In regard to this particular duty I would also ask the Finance Member to bear in mind the position that may well overcome this industry as a whole after the war. It is true that there is a great deal of justification for this imposition and certainly I am not complaining in regard to what is being done today, but I do urge him to look ahead too and to make sure that after the war other countries whose tyre industries are now booming for war purposes are not allowed to dump into this country in direct competition with the local industry.

Finally, Sir, a very small point in regard to matches. I think I can safely speak for the industry itself when I say that not only were they aware but that they are quite prepared to welcome this increase in excise. They realise that it is a very easy and suitable means of raising revenue at a difficult time. In fact if it is imposed in the way that it has been imposed, the price fixation would still be easy, but there is no doubt at all that the actual retailer of matches has been profiteering very considerably. He was profiteering even before. On the assumption that an excise duty would be imposed the price went up considerably before the Honourable the Finance Member's speech. I appreciate the difficulties that were raised in regard to this question of price control which was referred to by my friend, Mr. Chapman-Mortimer, but I do urge that some steps should be taken to ensure that this duty which falls on the poorer classes should not be allowed to be the subject of profiteering. That is all I have to say on the actual provisions of the Bill.

Mr. Lalchand Navarai (Sind: Non-Muhammadian Rural): Sir, I had no opportunity to speak at the time of the discussion of the Budget.

Some Honourable Members: It is a pity.

Mr. Lalchand Navarai: The question of congratulations or no congratulations would have arisen then. We are now at a stage when we have to consider the Finance Bill, and what the Finance Bill requires is a demand

for supplies. The stage for disputing expenditure is past. We have actually passed the Budget. Whether it has been passed on its merits or on account of the absence of Members of the majority Party in this House is a question which need not be laboured here. However, the Budget has been passed anyhow. Therefore, it is necessary for us to consider at this stage the question with regard to the supplies very critically. So far the Honourable the Finance Member has shown a deficit of 8.42 crores this year and his estimated deficit for the year 1941-42 is 20.46 crores. On that point there could be no exchange of greetings between us. Such a huge and depressing budget will entitle no man to come forward and congratulate the framer of such a budget. I submit he would be a bold man, a very bold man indeed, who would feel happy with such a budget; he would also be a very bold man if he does not feel unhappy when the Finance Member comes forward and imposes a taxation for meeting the deficit Budget. Therefore, this is no occasion for offering congratulations. One thing can be recognised that the Honourable the Finance Member had a very onerous and difficult task before him. He has tried to get over it, but I submit that on that account he is entitled only to sympathy and nothing more.

The Honourable Sir Jeremy Raisman (Finance Member): Thank you.

Mr. Lalchand Navarai: Then the next thing for which I wish to express my thanks to him is for the little boon that he has conferred upon Karachi. I am very thankful to him for having provided funds for establishing a Radio Station at Karachi. I am also thankful to the Honourable the Communications Member for having initiated the proposal and obtained the grant. Karachi's demand, Sir, was imminent and irresistible, though it was postponed from time to time and we were kept on hopes. We have got, as I said, only a little boon. What has been granted to Karachi, which is coming to prominence politically, commercially and in all other respects, is really a small boon, because what was asked for Karachi was a full-fledged Radio Station with long range transmission, but I find from the Standing Finance Committee's Report that only a small transmitter is being given to Karachi.

An Honourable Member: Small people.

Mr. Lalchand Navarai: No, we are big people, and we are getting bigger, and Karachi has come into very great prominence during the past few years in the eyes of the whole world owing to the manner in which the present constitution is working there. The Report of the Standing Finance Committee says that the Transmitter will be useful for Karachi only. Such a thing cannot be called a Radio Station. If the Radio Transmitter now proposed to be installed at Karachi is to reach the city of Karachi only, it cannot be called a Radio Station. What is required is that the Transmitter should be able to reach the rural parts of Sind; the range of transmission should be such as to reach the rural parts of Sind. I take it, Sir, that this is only a beginning, and I shall not, therefore, look into the mouth of the gifted horse, but it is absolutely necessary that Karachi should have a Radio Station which should be able to transmit to every nook and corner of Sind, and I hope that the Government will take the earliest opportunity to import a larger set for Sind.

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Further, Sir, I suggest that the staff for this Radio Station should be recruited from Sind and the station should be worked on a linguistic basis. In this connection I should like to point out one thing. I have some information that there was a small transmitter which perhaps was sent from place to place where perhaps it was rejected or it was found to be not quite up to the requirements of those places, and, therefore, it has been given to Karachi.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): The United Provinces Government sold it.

Mr. Lalchand Navarai: Because it was unserviceable? Anyway, I don't want to go into that question at present, but I am hoping, as we have been kept on hopes from time to time, that a bigger Transmitter would soon be supplied to meet the growing needs of Sind. I am thankful for the small beginning that has now been made, and I hope that a larger transmitter will soon be granted to my province.

Now, Sir, I come to the question of the ways and means of meeting the deficit shown by the Finance Member. This Budget would have met with formidable opposition if the Congress Members had been present in the House, and it would have been little wonder even if the whole of the Finance Bill had been thrown out. From 45 crores in 1938-39 the ~~defence~~ expenditure has risen to 84 crores. The question is, if India should bear this burden. Sir, Indians have no hand in spending all this money, for the matter of fact, Indians were not even consulted when the war was started. The Defence Department is, in my opinion, too sacred, or we may call it, too untouchable. There is no popular control over the expenditure and there is nothing to show that the additional expenditure is being incurred directly for the defence of India and for the protection of Indian interests. There is nothing to show how much is being debited to the British exchequer and how much they have agreed to pay. India would like to know how the expenditure is being allocated and whether any overhead charges are being debited to Britain. This matter of allocation of charges gave considerable trouble at the end of the last war and the matter was after a very long delay decided by a tribunal, but whether the decision was satisfactory to both the parties need not be gone into at present. The same difficulty may arise now and it must be clearly shown now what is debitable to each party and India should bear only that which is strictly for the protection of India. There is nothing laid before us with regard to the Defence Department as to how these expenses have arisen and which factories are actually working for the sole purpose of the protection of India and which are working in the interests of Britain. Sir, these are points that should be made clear, and we are not satisfied with a few pages of a skeleton pamphlet that were placed before us with the Budget the other day.

I now propose to go into the question of the removal of the deadlock. I must tell the House that I shall not enter into any controversy, I will not deprecate any party and I will not say anything that will be considered in any way distasteful, but I will give a few facts and then place my suggestions.

No one can deny that the question of this deadlock is one which must, in the interests of both parties, be removed without any further delay. It

cannot but be recognised that the present stalemate in the political situation is deplorable and is detrimental at this moment to Britain more than to India. It is clearly in the interests of the British Government to mobilise Indian goodwill and thus secure the whole-hearted and complete co-operation of the Indian people in bringing the war to a victorious end, instead of relying in the intoxication of their invincible power and adopting the present method of securing men and material from the people of India. The British Government are to be blamed for their persistent attitude of holding to their own and not yielding to the country's legitimate demands. In this connection, it is noteworthy to refer to what the President of the Indian Liberal Federation, Sir Chimanlal Setalvad, said at a public meeting in Bombay held on the 18th February, 1941. He deplored the unimaginative and distrusting attitude of the British Government and said that the British Government's offers to India from time to time had been halting and not such as to capture the imagination of the people of India. I submit it is regrettable that the Secretary of State for India, Mr. Amery, should have recently harped on his August offer and refused to budge an inch. (Interruption.) If anybody wants to ask me a question I shall answer it. These are facts which cannot be denied. This is not an information culled from a paper, but this has been disclosed in the very House of Parliament itself. On 6th February last, referring to that August offer Mr. Cary asked the Secretary of State in the House of Commons, "If it is to be accepted as the Government policy that not until the Indian leaders arrive at an agreement among themselves is any forward step to be taken for constitutional reform". Further he asked if that form of agreement must have the approval of His Majesty's Government. Mr. Amery replied—and this is a reply which cannot appeal to any one:

"I do not think I can do more than refer Mr. Cary to the statement of policy by Government of the 8th August and November 20th, 1940". Mr. Cary further enquired: "Is India to continue indefinitely in the present political status? Surely, India deserves a more positive policy."

That is how the members of Parliament have been looking upon the Indian question, and I think every sensible man will also do the same. The reply was "No". Is not that reply disappointing and is it not one that should not come from him? "The policy that I referred to is a very positive policy marking a very great advance." Is it accepted here by any one that it is a great advance? With such answers as these, no one can relieve the Secretary of State from the responsibility for the present political deadlock. I lay the responsibility at his door and I am sure many will be of my opinion. To be dogmatic is neither democratic nor statesmanlike. Any delay in removing the present impasse is suicidal to the interests of the British, no one can deny that. The demands of the political leaders in India have been clearly expressed. Putting it broadly, the country wants full self-government status and in the meantime national Government responsible to the elected Central Assembly. Each party has put forward its own views. Without being too exact, one can put it down that the Congress wants a declaration that India will have independence after the war, and national Government now responsible to all the elected elements in the Central Legislature. Taking next the Muslim League, Mr. Jinnah, its President, wrote in his letter to the Viceroy that the Muslim League should be consulted with regard to the total number of the expanded Council and the redistribution of the portfolios and allotting a certain number of seats

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to ensure real power for the Muslim League in partnership with the British Government as a price for full co-operation in the war effort. I am speaking subject to correction, if there is any correction I will be ready to accept it. He also asked to be informed how the position of relative strength of the Muslim members would be affected in case the Congress ultimately decided to join. The Congress leaders were, it is understood, anxious to come to an understanding with the Muslim League:

An Honourable Member: Who says that?

Mr. Lalchand Navarai: That is the information I have got. (Interruptions). I am open to conviction and I would stand any interruption. Let me put the whole thing and then you can come forward with your own case. Mr. Jinnah did not attempt anything of the kind and he is said to have declined to give any straight answer until the League is recognised as the sole representative authority to speak on behalf of the entire Muslim community. This the Congress did not agree to. Mr. Jinnah, so far as I have been told, then raised the Pakistan issue at the Muslim League session of March last. Since then the Congress had had to give up all efforts to come to an understanding with Mr. Jinnah or the Muslim League. Mr. Jinnah's claim that the Muslim League should be accepted as the sole representative of the entire Muslim community has been repudiated by many elements and other parties of the Muslim community itself such as the Jamiat-ul-ulema-i-Hind, the Ahrars, several Shia leaders and Momins. At the Muslim Azad Conference held last summer, all the Muslim Nationalists repudiated the demand and actually supported the Congress demand for a constituent assembly. (Interruptions from the Muslim League Benches.) If you cannot follow me, who asks you to follow? I will go on in spite of your interruptions. You may rest assured.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not be interrupted.

Mr. Lalchand Navarai: The leader of the Liberals, Sir Chimanlal Setalvad, in a public meeting in Bombay has said that the Muslim League was drifting into an extreme position by its Pakistan demand. This is not my own statement. Any partition of India as asked for by the League would not only be against the best interests of the country, but would also be suicidal to the Muslims themselves. Sir, I now come to the demand of the Liberals. It may be said that they want a definite promise of dominion status. (Interruptions from the Muslim League Benches.) I am not now attacking you. Be a little cool. It may be said that they want a definite promise of dominion status within a specified date such as one year after the war, a definite assurance that the minority community will not be allowed to obstruct or veto political progress and an assurance that the country will not be divided into Hindu and Muslim India, as suggested by the Muslim League.

The Hindu Mahasabha practically asked the same as Liberals, but with a threat of direct action in case their demands were not met by the end of March. The All-India Hindu League urges upon the Government to proceed forthwith with the formation of an expanded Council consisting purely of non-official Indians representing important elements in the

national life of the country and place at least one of them in charge of the Defence Department. It asks the British Government to approach the Indian people in a right spirit and persuade them to share and shoulder with the people of United Kingdom, the responsibility of fighting the Totalitarian forces, not merely for the establishment of democracy in Poland and other European countries but for the establishment at the end of the war of a representative government in India invested with the same powers and privileges as the self-governing colonies of Canada, South Africa or the Australian Commonwealth.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): These are not colonies.

Mr. Lalchand Navarai: I am open to correction. I will call them Dominions. I must take you as an authority.

Sir Syed Raza Ali: I suppose I am.

Mr. Lalchand Navarai: You are, certainly. Then, the Working Committee of the All-India Aryan Political Congress has also urged, by a Resolution, upon the Government to make a definite declaration immediately that Dominion Status will positively be granted to India within a year after the termination of the European war.

These are the demands that have been put forward by the several parties. I am just giving my own suggestion as to what should be done. But when the British Government have solemnly declared their firm and unalterable resolve to concede freedom and equality of status to India, why then make this solemn declaration dependent upon the agreement between the Congress and the Muslim League, which have drifted so wide apart? If the British Government is sincere in its resolve, it should, instead of waiting for a reconciliation between the differing demands, go to the people, whom these and other political bodies prefer to represent and get their mandate as to the future constitution of the country and the time limit for its inauguration, as well as the interim system of Government. Thus, instead of wooing any party, the British Government will ascertain the will of the people as a whole and as to the reasonable safeguards for the minority community. It should not be beyond the wits of Government to devise a suitable machinery for obtaining a verdict of the people through elected men who shall command the confidence of the country. The Government will by this method be able to test the representative capacity of political organisations which claim to be the custodians of the conscience of the community or country and at the same time to give an unmistakable proof of the British Government's sincerity and love of freedom to the country and the world, thereby raising their moral prestige beyond all calculations in laying the foundations of a true and lasting friendship on the basis of equality between both the British and Indian countries.

An Honourable Member on the Muslim League Benches: Who wrote that for you?

Mr. Lalchand Navarai: Do you think that I could not have made these suggestions of my own?

An Honourable Member: This is a written speech.

Mr. Lalchand Navalrai: On this subject it is very necessary to make a written speech and even the Honourable Member himself was reading from a written speech the other day, and I do not know why these interruptions are made. These are not graceful interruptions at all. Because it does not suit any Member that such points are raised, he should not make any interruptions.

Anyway, I think it might be a wrong mathematical calculation of Sir Ziauddin Ahmad and I would excuse him on that account. Sir, I have put forward my own view and my own suggestions; it should not hurt any other Party; the sum-total of what I am asking is that the British Government should neither be persistent in standing still and only being spectators, to see how far parties are drifting here, or how conferences are being made or what expressions are being used; they must take courage in both hands and come forward and find out how to end this deadlock. Now, Sir, a conference is at present sitting at Bombay and that conference is also considering this question but all these are suggestions that have been made and, as I said, it will not be beyond the wits of the British Government to soon find out some way or other to end this deadlock; otherwise we say that half-hearted, or, it may be said, even forced help is being given for the purposes of the present war. If India is to be satisfied, and at this critical moment it is very necessary that it should be decided at once; it is only then that it could be claimed and everybody would say that it is the willing help that India is giving for the war. Sir, I won't go into this question any more. Now, Sir, reverting to the question of taxation

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I interrupt the Honourable Member? When he has quoted me and referred to me, I cannot sit here quiet, but I must assert in this House and this should go on the record that he is quoting me entirely incorrectly; he has completely misrepresented me when he has quoted me, and the Party that I lead.

Mr. Lalchand Navalrai: I said, Sir, while I was speaking, that I was open to correction and that I would be very glad that, when the Honourable Mr. Jinnah has come forward to enter his own protest against this, it would be in the fitness of things for him to come out and say what he actually has said.

Mr. M. A. Jinnah: But I do not want to repeat what I have said; what I have said is on record; only, you have misquoted it entirely incorrectly.

Mr. Lalchand Navalrai: I will not say that I won't take what the Honourable Member says, but until and unless that written speech of his is placed before the House, his simply saying that "I have not said this" would not satisfy any Honourable Member.

Mr. M. A. Jinnah: The Honourable Member, Sir, has not quoted from any of my speeches.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought he was quoting from the Honourable Member's speech?

Mr. M. A. Jinnah: No, Sir; he has given his own version which is entirely wrong.

Mr. Lalchand Navalrai: It is not my version; I have been referring to a letter written to the Viceroy.

Mr. M. A. Jinnah: Will you kindly read that letter?

Mr. Lalchand Navalrai: Let us see if you have any other side; otherwise I will say that you are not able to contradict it. I will leave this question because I also knew that some controversy will enter into this discussion, but then the point is that now I have finished it and I have come to the other point,—and I think that is a point in which on the contrary I shall have the support of the Muslim League

Mr. M. A. Jinnah: In fairness to the House, you should read that letter.

Mr. Lalchand Navalrai: Sir, the letter was not written by me, nor received by me, and the meaning should be made clear either by the writer or the receiver of the letter. My point is what I read in the papers; I did not go up to Mr. Jinnah to show me the letter, which he would not have shown me. Then I say, Sir, that if the Honourable Mr. Jinnah is satisfied with only saying "no, what you say is incorrect", or that that was not contained in the letter, the burden is on him to show. (Interruptions.)

Coming to the question of taxation, in my opinion taxation is generally raised to meet the cost of administration and to meet the expenditure on nation-building purposes. Extraordinary expenditure must be met by extraordinary ways and means. War expenditure is an extraordinary expenditure, and it may be so much, and it may grow still so much more, that no taxation can cope with it. The Indian Government enjoys much credit, and all the war expenditure should be raised by borrowing and such other means. That will be only a just and equitable way of meeting the demand. The present generation should not be squeezed out of all proportion but the debts so incurred should be distributed so that the present generation and also the next should shoulder the burden. Sir, I certainly shall have no objection if the taxation is raised from those who want the Government to impose or increase the taxation. The Indian representatives are against any more taxation; so are the Nationalist Party of this House and also our Muslim League Party on this side of the House.

Mr. Muhammad Nauman: You are also a Muslim League member?

Mr. Lalchand Navalrai: Well, you are my brethren—how can I forget the Muslims unless they want to go back to Baluchistan and the frontiers? (Interruptions.)

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

Mr. Lalchand Navalrai: Sir, the people have no taxable capacity to pay more taxes. The European Group want the imposition of additional

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taxation. Anyway I do not see any objection coming from that side; on the contrary, they were talking as if they wanted to give a mandate to the Finance Member to impose taxation for war purposes. They no doubt have a large taxable capacity to pay increased taxes, and let them come forward at this critical moment to help India in the matter of its protection. It might be said that that would be discrimination, but why should not that be? They not only live on Indian money, but they have become too rich and fat (interruption)—of course you, Mr. Boyle, are tall and slim; they have virtually the whole commercial and industrial monopoly—I do not think they will deny that. They have large Banks, shipping concerns, shipping interests, monopoly in jute and several other commodities and concerns, and even the Indian merchants do their business through them. I am told that there are certain concerns in the United Kingdom who refuse to export materials to Indians unless the orders are placed through the European firms in India. I am supported in this from this side and they say it is so. Is not that condition, therefore, deplorable for India and now you are proposing that the Indians should also be taxed? Why don't you tax Europeans only because the profits which they have made have been made either through the Indian trade or their own trade from India? It would, therefore, be in the fitness of things to levy an additional tax on these European commercial concerns.

Then, the Honourable the Finance Member wants to realise 6.61 crores by additional taxation. On this point, I have been asked by the Indian commercial community of Karachi to refer to their views and also to refer to the Resolutions which they have passed. The Buyers and Shippers Chamber of Karachi says:

"The defence expenditure of the Government of India has piled up due to the war from 45 crores in 1938-39 to 84 crores, as proposed, in 1941-42. We emphasise the need for a fair and just allocation of expenditure between India and the United Kingdom and are of opinion that a major portion of it should be borne by the latter country. (I referred to this point a little while ago and I fully endorse it.)"

The Chamber further goes on to say:

"Government cannot expect the people to shoulder the burden of India's defence expenditure unless their representatives are placed in charge of the Defence portfolio, all important positions are held by the Indians and the proportion of the Indian officers in the army, navy and air force is substantially increased. The Committee deplores the further additional taxation amounting to Rs. 6.61 crores and is of opinion that the taxable capacity of the country has long been over-reached."

This is the opinion of the Indian merchants. In conclusion they have urged upon the Government to cease the imposition of taxation to meet defence expenditure and express the opinion that recourse should be had to other methods such as borrowing. I tell the Honourable the Finance Member that by means of this 6.61 crores he is not going to balance the Budget at all. He has already said that he shall have to raise 18 crores and more by loans and borrowings. If that is so, why should he trouble and harass the people of India and increase the income-tax which is already too much for the people to pay. I am not in favour of raising even the excess profits tax to the extent to which the Honourable the Finance Member wishes to raise it because in my humble opinion it will affect the growth of industries. I would, therefore, submit that the Honourable the Finance Member would be well advised if he does not charge this additional income-tax and other taxes to which I will refer presently.

Next, I come to the question of the duty on matches. With regard to this tax, I would like to restrict myself to the case of the cottage industries

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House has got to rise now.

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

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

Mr. Lalchand Navarai: Sir, in continuing the discussion on the excise duty on matches, I wish to submit that this duty will operate harshly upon the cottage industries. In 1934 a duty was imposed on this industry and the excise duty was one rupee per gross matches containing 40 sticks each. It was Rs. 1-8-0 for 60 sticks, it was Rs. 2 for 80 sticks and so on. Even at the time when this excise duty was imposed, representations were made to the Honourable the Finance Member that the duty was three times the cost price of the goods. Now, Sir, it has again been doubled. The danger is that these small factories will get annihilated. These small factories are doing useful work, they are maintaining a large number of labourers and other employees and if they cannot carry on, they will have to close down the factories and the unemployment will very much remain in the country and it will rather increase. It is, therefore, necessary for the Honourable the Finance Member to consider that this duty should not be imposed. If this duty is removed, it will encourage and help the industries in India which we want to see established in India. The Government also recognised in 1934 that if this duty was imposed, it will affect the cottage industries which will be unable to compete with big industries. The Government, therefore, came to their help and provided a rebate and that was fixed at ten pies per gross of 40 sticks for matches manufactured by factories. This ten pies per gross works out to ten pies per rupee. Therefore, I am submitting that if the duty is to be retained anyhow and also to the extent of doubling the duty, then in fairness and equity, double rebate should also be given. That will save the cottage industries to some extent. It is from that point of view that I am urging that these representations which have been made have been based on materials and on facts which do really show that if no help is given to the cottage industries, they will come to a standstill.

Another thing with regard to this duty is that which has been urged by many Honourable Members of the House and that is with regard to controlling the prices. The Honourable the Finance Member knows that even before this tax was proposed, even before the budget time, the manufacturers and the retail sellers raised the price to double what it was before. I think they are now charging two pice per box and now they will be increasing still further. It is, therefore, necessary to take early steps to control the price of matches.

Now, Sir, connected with this is the question of industries in India. India's vital and imminent need of the day is the creation of industries and helping them to grow up. In this, I am sorry to say that the Government

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have failed. India, at one time was self-sufficient in industries even though that was not the age of machinery. It was an age when industries were worked only with man power. But even in those days, India was self-sufficient in all respects. Since then those industries got annihilated. I will not go into the question why they came to a stand-still. One can realise that if instead of man power, machine power is used, it will turn out the cottage industries and they cannot compete with machine power. Now, at present we find that everything is machine made and from that point of view it is the duty of the Government to see that the industries are enlarged or in the first place the industries are established. Now, Sir, there are not many industries in India. And India requires industry of every kind and why should not India be self-contained in that direction? Before the last great war there were no industries worth the name and there were insistent demands made in this House and outside that Government should give help and encouragement in starting them, but nothing was done. There was of course the European interest and there was exploitation which had to be protected by Government because after all the European commercial community is a powerful body. But although it was the duty of Government to establish industries and help them to grow, we are not able even now to make many parts of machineries needed for industries and have to send for them from outside. During the great war, however, some steps were taken because it was necessary that weapons and other things required for the war should be made here, and so some industries were established and railway workshops undertook this work. But after the war we found that the railway workshops again began to do their own work and these other industries did not exist. Now we are told that many workshops and industries have been started and the Defence Secretary made an offer to us the other day to go and see them.

Mr. O. M. G. Ogilvie (Defence Secretary): I repeat it, Sir.

Mr. Lalchand Navalrai: I am thankful to the Honourable Member and I must give him a tribute, because, even with regard to that untouchable department of Defence, we have very often got information which was not so evasive as we get from other Departments. However, I do not deny that there are factories and workshops which are working now. But my point is that you should do still more; and what I want to urge is that these things should not be done only for the purpose of this war but they should be done permanently so that they may be useful during peace time also. Advantage should be taken of the present situation and the industries which are being started for the purposes of the war should be established in such a manner as to continue even afterwards. Even in the case of private industries, if any subsidies have to be given or if you find that they can stand fair competition without any subsidies but they require some help from Government, that help should be given freely and liberally.

I next come to the poor man's income-tax. Sir, this income-tax, as everybody knows, was at first imposed as an emergency measure and assurances were then given that it will not be a permanent tax and after the end of the emergency it would not be levied. But then what happened? It has become permanent, not only in the shape and form in which it was first started but from time to time it has been increased and its incidence

has been changed again and again. Its first incidence was two pies per rupee, then it was raised to four pies per rupee and later on when this slab system came in, instead of the step system, it was increased again. No doubt an income of Rs. 2,000 is not assessable, but what do we find? The first Rs. 1,500 are exempted and no charge is made, but subsequently if it is only Rs. 501, the incidence is nine pies

The Honourable Sir Jeremy Raisman: Does the Honourable Member realise that the tax in the case he has given is less than one rupee?

Mr. Lalchand Navalrai: What I am submitting is that the income-tax is now being raised in the form of a surcharge from 25 per cent to 33-1/3 per cent. I have quoted the opinion of the commercial communities and it is very clear that the taxable capacity of the people has been reached. Therefore, I would request the Honourable the Finance Member to think over that suggestion: the small amount he will be getting from this he can take very well by borrowing. After all if you are going to borrow 13 crores, a crore or so in addition will not break the bones of any lender who lends you that money. These are days of lease and lend; and I think the Government of India also, since they enjoy great credit, should follow the example of lease and lend and make money that way rather than by putting a burden on people who cannot bear it. Of course, the Honourable the Finance Member will not see our point at all. He has made up his mind and he knows also our capacity on this side to oppose him. We are saying all this only in order to persuade him and if he agrees, he will be getting the blessings at least of those poor men. It is not that the people can pay this money; but your rules and regulations are so hard and rigid for recovering it anyhow, we know how your Income-tax Officers deal with people. The officers sitting in the Central Board of Revenue will say, even when these matters reach them, that the lower officers have done they will not interfere and the matter is finished: that is their stereotyped reply. The Income-tax Officers use a good deal of coercion and take down statements by force and cajolery, and tell people that if this is not done they will charge much more. They are armed with the power of prosecution, and many prosecutions are being made. Therefore, so far as income-tax is concerned, it is this House that should see that it is put on to such an extent that it can be easily paid.

I do not find the Honourable the Commerce Member in the House, but I have one matter which I will place before the House. I have got representations from Karachi with regard to the difficulties over export of wool. India has a great market for wool in America. The present policy of allowing only a small quota to be directly exported to America is detrimental to the interests of the wool merchants here. The Meek-Gregory Report discloses that the United States is a fairly large buyer of Indian wool, and at the beginning of the war the introduction of wool control and consequent restrictions brought many complaints from the carpet manufacturers there. This position seems to have improved somewhat, but the carpet mills are still short of supplies of Indian wool and are anxious to purchase from India to the maximum possible extent. The second feature of this trade is that the United Kingdom has controlled the prices of wool when exported to the United Kingdom at Liverpool. There again the middleman has a share of prices and that reduces the prices of the wool in India. The prices fixed are unreasonable, unremunerative, affording a poor margin to the already hard-pressed growers. The third feature of the question is that the British

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government is the sole buyer of New Zealand wool for the duration of the war, leaving a substantial margin to the sellers there. A similar advantage is given to the sellers of wool in Australia when they export to the United Kingdom. The consequence of all this is dumping wool in India and that is the complaint that I have received from Karachi which besides affecting the Indian trade has hit the grower hard.

Now, I come to the question of the Defence of India Act. The Honourable the Home Member is also not in his place now, but this will surely reach him. But the Defence Secretary is there. I am concerned with how the Defence of India Act is being enforced. I know that I was a party also to it; there is no doubt about it.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Willing or unwilling party?

Mr. Lalchand Navalrai: I am just explaining it. The provisions were so very drastic that the Parties on this side opposed it very strongly; but there was no help for it. When you introduce anything like war and say: "Do you want us to win the war or not" and such like questions, one can find no help. This Act has been enacted in a manner that its provisions are drastic and harsh. But then an assurance was given that it will be worked well but it was this morning that in reply to the supplementary questions put by my friend, Mr. Kazmi, that the Home Member said it was a matter which was left entirely to Local Governments. Well, did we bargain for that? On the contrary, we wanted that rules should be made by the Government of India, and that if those rules were not properly applied or used by the Provincial Governments, it was the duty of the Government of India to bring pressure to bear on the Provincial Governments to see that those rules were properly administered so that there be no abuse of those rules. I understood the Honourable the Home Member to say that they have framed one set of uniform rules for all provinces. That shows that the Government of India must have framed those rules for the use of the Provincial Governments. It is, therefore, the duty of the Government of India to see that those rules are properly administered by the Local Governments. They have the power to do so under the power of superintendence which is inherent in them, in fact it is their duty to see that those rules are not abused. Whenever any complaints are brought to the notice of this House regarding the application of those rules in the provinces, it is the duty of the Honourable Member to go minutely into those complaints and remove all causes of grievance. But every time a complaint is made to him, he gives his stereotyped reply that it is a matter for the Provincial Government and the Government of India have nothing to do with it. I hope I shall not receive such replies hereafter, but that the Honourable the Home Member will see that these rules are fairly administered in the provinces. Sir, two instances were brought to the notice of this House by means of questions, and there was also some discussion over one of these.

One instance related to the arrest of Professor N. G. Ranga, a Member of this Assembly, under the Defence of India Act, because soon after his release after the expiry of his term of imprisonment, he was again arrested and was not allowed to attend the Assembly Session. When this question was raised, the Honourable the Home Member said that it was a matter for the Provincial Government and this Government had nothing to do

with it. Is not saving the liberty of the Members of this House in the hands of the Honourable the Home Member? If it is not so, then in whose hands is it? It was stated that Professor Ranga was on his way to Delhi to attend the Assembly Session. He was not coming here on any private business. He was coming here in response to a summons from His Excellency the Viceroy to attend the Assembly, and if there was anything seriously wrong which led to his re-arrest and confinement so as to prevent him from attending the Assembly Session, we should have been informed of it,—we should have been informed of those reasons. Anyway, he was not allowed to attend the Session of this House. Even in ordinary cases when a summons is issued by a court to a person and he attends the court, he cannot be arrested as long as he is on his way to the court, and only after he leaves the court premises he can be arrested or dealt with. That provision of the law ought to apply to any Member of the Assembly who comes to attend the Assembly Session.

Then, Sir, the other case was mentioned by my friend, Sardar Sant Singh. I do not know the actual facts of the case, but the information I have is this. A doctor was arrested on the ground that he had sold a controlled article at a certain price, which probably he should not have done. Subsequently they found that the offence for which the doctor was arrested, namely, the sale of a controlled article for a certain price, was no offence at all, as it was not a controlled article. But then what did they do? They got him prosecuted anyhow,—and that was very vindictive,—he was prosecuted for cheating,—but the court acquitted him. Sir, if things like this happen, in the name of the Defence of India Act, it is really a great danger. The Defence of India Act was framed with the sole object to see that there was no obstruction in any manner in the prosecution of the war, and so within those limits it should be administered.

Lastly, Sir, I come to the grievances of the employees of the Posts and Telegraphs Department. The Director General of Posts and Telegraphs seems to have changed his mentality, after he has got his extension, in his dealings with his subordinates. Sir, I will not take much time and so I will come to the point at once. He has adopted a policy now which verges on miserliness. Whenever he has to deal with a question affecting the interests of his subordinates, he adopts an attitude of miserliness and looks at everything from the point of view of unremunerativeness. He does not look to the convenience or welfare of those people who require something to be done. In that connection the Director General has said something in his annual report on the working of the Post and Telegraph Department for 1939-40. I take this from the Telegraph Review, and this is what is stated here:

"In presenting the annual report on the working of the post and telegraph department for 1939-40, the Director General observes, with considerable pride,—*I don't think he has pride, but he is acting like a bania*,—"that the surplus amounting to about 90 lakhs earned during the year is larger than that has been realised since the accounts of the department were placed on a commercial basis in 1925-26."

Then he says he is applying the commercial principles in assessing the services rendered by a public utility department in determining its administrative requirements. Sir, commercial principles cannot be applied to administrative requirements when you have to give salaries or allowances to your employees. It is said here:

"The Director General with evident glee",—*these are their words*,—*I do not know if it is right to use them, but he is always cheerful*,—"that while a sum of 14 lakhs

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should have been necessary to meet the normal increases arising from normal increments in staff salaries and increase in the pension bills, the actual increase in expenditure amounted to ten lakhs."

He is giving credit to himself because he has made a saving of Rs. 4 lakhs, and this was certainly at the expense of the employees. What has been the result of that? They describe the result too. The Director General himself says:

"This was rendered possible by continuing to observe all reasonable economy in expenditure and by utilising (these are important words) more fully the unused capacity of existing staff."

That would mean, make them over-work.

Sir Gurunath Bewoor (Director General of Posts and Telegraphs): Not at all.

Mr. Lalchand Navalrai: But the result has been,—they say:

"It indicates a commercial mentality of the worst type which suffers from no scruples to deprive public servants of that relaxation from strenuous duties which the rules framed by Government entitle them to have. It is therefore not surprising to note that nocturnal candles have to be burnt in many offices to dispose of the continuous flow of accumulations and, as the"

Mr. Deputy President (Mr. Akhil Chandra Datta): What is it that the Honourable Member is reading from?

Mr. Lalchand Navalrai: I am reading from a review.

Sir Gurunath Bewoor: Why don't you quote from the report itself?

Mr. Lalchand Navalrai: That report is not in my hands; if it is given to me, I will quote from it.

Sir Gurunath Bewoor: If you had only asked for it, I would have gladly given you one.

Mr. Lalchand Navalrai: Unless the Honourable Member says, these are not the words used by him: " . . . and as the D. E. T. Patna admits, that clerks in his office have to attend office on holidays." If they are made to work on holidays or they are made to work overtime and paid nothing for it or any increase in the salary, it is a matter which cannot be brooked. Then,

"Applications for ordinary casual leave, even on urgent grounds, are categorically rejected by officers who direct their subordinates to report sick and submit medical certificates."

I next come to the question of stamp vendors. With regard to them there is great complaint and from Karachi representations have been made to the Director General to improve the condition of the stamp vendors. But nothing has been done, and I find from the *Postal Sentinel* which is well known to the Director General, that no reply has been given by him to their representations. It is said by the officer of the Union:

"We have made a reference. The matter has already been explained in my previous letters on the subject and needs no further elucidation. The Union will feel highly obliged if the matter is decided early."

So far as stamp vendors are concerned, it is urged on their behalf that these men have to perform very arduous duties at the counter, deal with cash and face thousands of members of public speaking various languages. They are, therefore, supposed to be fit to meet all the members of the public, be competent cashiers, etc. They also generally perform the functions of enquiry clerks. They are expected to possess all the general information regarding the working of the post-offices. Besides, the stamp vendor serves as an advertising agency for various postal services.

As regards trunk connection between Ruk and Kotri, I have spoken to the Director General on that point. I was feeling a little 3 P.M. unhappy at the way the reply was given the other day, but I won't pursue it further. I would only tell the Director General that the question should not be shelved in that manner. Enquiries should be made and if personal interest is taken by the Director General, I hope that we will get that connection very soon. I can assure him that the Collector and other district officials are anxious to have that connection because that is the only part in Sind on the main line which has not got a trunk connection, and it cannot be said that there are no towns or districts there which are important, such as Larkhana and Dadu. If the matter is left to the engineer who usually sends his subordinates to make enquiries, then there will be no hope. But I submit there are the two sides of the river, and on the left bank you have got all connections, and it is only the right bank and this portion that requires connection and I would request the Director General not to plead against unremunerativeness. (Interruption.) I have put forward some important points and I reserve some for the amendments that will come up. With these words I resume my seat.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I agreed with the Honourable the Finance Member when he said that he did not believe in taxing a country during a war more than its capacity. I also agree with him when he said that during a war, and especially such a great war as the present one, no country can balance its budget. These are very good principles, but what do we find under the Budget? We find that taxes have been levied, we find that people are asked to subscribe, we find that in different ways people have to pay, about which complaints have been made in this very House.

But, Sir, I am alive to the need and the exigencies of the occasion. I know that it is a very unprecedented war and the Defence Department wants money and we have to provide money somehow. I said the other day that we can meet this defence expenditure not by taxing the people beyond their capacity but by taking loans. The Honourable the Finance Member said that the credit of India stands very high today and that the external debts have also been reduced to a great extent. So, Sir, why should not an internal loan be floated here and I am sure India is capable of giving lavishly for the loans, if the Government wants. Sir, at the same time I would ask Honourable Members, not only of the Executive Council, but also highly paid officials to forego a great part of their own monthly income. If the officials and the Europeans in this country want that India should sacrifice men and money and everything that India possesses for the good conduct of this war, I would ask them to show by example that they are prepared to sacrifice not only their pay but whatever they can give for India's assistance towards the prosecution of the war. Retrenchment and economy are to be the principles that should

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govern our action when there is such a great calamity as we have now in Europe. We not only read in the papers but we are also told in this House that it is a very great war and never in the world has such a great war been fought. So, why not sacrifice according to the occasion and meet the expenses of the war? If you want to win the war, India will not be in any way backward in subscribing to the loans, if they are floated. We also find that new Departments have been opened recently. It was complained in this very House at one time not long ago that very highly paid officials are being appointed. We heard that there was an example set by one of the high officials here and we are surprised that other officials did not follow the example of that great high official in reducing his pay or not accepting a higher pay for a new post to which he was transferred. Remember that high Government officials hold key positions in India and if they are prepared to go to any length in making sacrifices to win this war, I think India will not lag behind.

Sir, we Indians generally think that India is considered to be a milch cow but I ask the Government and these highly paid officials to realize that this idea should somehow be driven out from our minds at this juncture and India is not to be considered a milch cow, to be drained out. Our European friends should know that they must also be ready to make sacrifices by their example. We know that if you tax we have no other alternative but to pay. You may increase the taxes. You may ask for subscription. You may tax the land, property, professions and everything that you like. We have no alternative but to bow down but remember that this is not an occasion when India should be treated like that. Just as in Europe and in England, nations are sacrificing, so in India by their example should Europeans be ready to make sacrifices. Now, Indian troops have gone to the front and other places. In the same way, those in authority here should also set a noble example.

The Honourable the Finance Member has put a duty on silk yarn. We Indians on the other hand claim that unless and until you put a countervailing duty on the piecegoods, it will hurt and harm the cottage industry of India very much. You may not believe in this and it is not a matter of academic discussion. It is not a matter of essay or theory but when you come to practical politics you ought to attend to this claim of Indians that there ought to be an import duty, especially when we know that this import in India is mostly done from Japan. We are not very much enamoured of Japan today. We know what Japan is doing today and, therefore, why is it that the Government of India is not prepared to impose a heavy import duty on Japanese goods. If a heavy import duty is put on these piecegoods which come from Japan I am sure the Government of India will realise a large amount and India will not be in any way affected. It may be an academic discussion. If the Honourable the Finance Member discusses this question with the industrialists, not only European but also Indian, I am sure he will come to the conclusion that a heavy duty ought to be imposed on Japanese goods.

Now, Sir, I find from the papers that my own province, the United Provinces, has not got a deficit budget but they have to a certain extent saved some money, and that the surplus comes to about Rs. 4,84,020; in fact what surprises me is that I find that the United Provinces Government has not imposed any tax at all. Now, Sir, it is to our good of course,

but today I stand here to defend my own constituency, that is the province of Oudh, and I say that we are not liable to any tax at all either from the Central Government or from the United Provinces Government. Sir, my contention is that there have been treaties between the East India Co. whose place the Government of India now occupy; long, long ago and the former kings of Oudh, and I will quote today a sentence or two from those treaties—even the decisions from the Privy Council and other places—to show that the Province of Oudh will not be liable to any tax whatsoever whether imposed by the Central Government or by the Government of the United Provinces.

The Honourable Sir Jeremy Raisman: Shall we all go to Oudh?

Mr. Muhammad Azhar Ali: Who can stop you, but, when you go there, it may be that we may ask that you may have to pay some taxes.

The Honourable Sir Jeremy Raisman: Oh, no.

Mr. Muhammad Azhar Ali: Sir, the Finance Member of the Government of India, while introducing the Budget for 1940-41, announced that the Government proposed to impose fresh taxation of Rs. 11-51 crores to meet the deficit of military expenses to be incurred by the Government of India which has been caused on the principle that the Government of India is jointly responsible for the external defence of India with the Home Government. In this way the Government of India is responsible for the Indian forces stationed at Egypt, Palestine and other foreign places. This year, Sir, they say that they want 84 crores. Sir, up to the present time the Home Government used to pay all such expenses and British Government used to pay all such expenses and British India was not responsible but after the Chatfield report for adjustment of the expenses between India and the Home Government, the said Committee recommended that India should be made jointly responsible for the external defences of India also; but, Sir, it is submitted that in any case my own province of Oudh is not responsible for the said expenses and such additional taxation either in respect of sugar, petrol, motor-spirit or tyres or whatever it may be and the enhancement of railway rates, etc., for the following reasons:

(1) That there was a treaty on the 10th November, 1801, between the then ruler of Oudh and the late Honourable East India Company. Under article one, the said ruler ceded one moiety of his kingdom to the said company. Under article three the said company agreed to defend the reserve dominion of Oudh rulers against all foreign and domestic enemies. No claim for its expenses could be made from the Oudh rulers for which the territories ceded would be liable. Under article six the said ruler agreed to establish in his reserve dominion such a system of administration to be carried into effect by his own officer as shall be conducive to the prosperity of the subjects and to be calculated to secure the life and property of the inhabitants.

(2) That about 1854-55 the said company resolved to annex the kingdom of Oudh on account of the failure of the Oudh rulers to perform their obligations mentioned in article 6 of treaty and referred to in paragraph 1 and invited the opinion of Lord Dalhousie's Government on it. The opinion of Lord Dalhousie and the members of his Council was a divided one. Lord Dalhousie was of the opinion that the said treaty did not contemplate the annexation of the Oudh domain, while the members of the Council were of the contrary view. Mr. Peacock, the Law Member, was of the opinion that the Oudh kingdom could be annexed for the specific performance of the obligations referred to in article 6, para. 1 and he also held that under article three the said company engaged to defend the Oudh territories from all foreign and domestic enemies. He also did not recommend that any part of

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the revenue of Oudh after annexation should be applied to the payments of military expenses for which territories were ceded under Art. I of Treaty of 1801. He also held that the residue of the revenue of Oudh could not be placed at the disposal of the East Indian Company and should be disposed of entirely for the benefit of the people of Oudh. The then other members of the Council were of opinion that the Oudh rulers were Governor Generals under Moghul emperors of Delhi and were liable to be removed by him and the said company succeeded to the position of and rights of the Moghul emperors and could remove the Oudh rulers.

The court of directors of the said company held that without expressing any opinion on the principle laid down by the several members of the Council, we are fully prepared to take the responsibility of authorising and enjoining the only other course of reserving authoritatively the power necessary for the permanent establishment of good government throughout the province by which our duty to the people of Oudh can be fulfilled.

That on the true interpretation of the said treaty of 1801 Oudh remained a kingdom without a king and the said company became its receiver or trustee on behalf of the people of Oudh (*vide* 28 Cal. p. 693 and English Appeal cases, known as the Malta case, of 1839, House of Lords and Privy Council).

The Honourable Sir Jeremy Raisman: I do not wish to interrupt the Honourable Member, but since Oudh is apparently not liable to taxation, I do not know what criticism he has to offer on the Budget.

Mr. Muhammad Azhar Ali: I say, we are not liable to any taxation.

The Honourable Sir Jeremy Raisman: What about the Budget then?

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban). Let the matter go to the Federal Court.

Mr. Muhammad Azhar Ali: We will, if necessary, go to the Federal Court but why should I not ventilate it for the consideration of the Finance Member and the Government of India itself? Sir, in 1858 the British Crown took possession of the said company with all its rights and obligations. Now, I say that I represent the province of Oudh

The Honourable Sir Jeremy Raisman: "No representation without taxation".

Mr. Muhammad Azhar Ali: Today, I ask that the Government should exempt the province of Oudh from any taxation, and I may of course be asked to retire from the House if the House so wants but I would have done my duty to my own province. To go on:

"That one of the obligations under Arts. 3 and 5 of the said treaty of 1801 was to defend the Oudh domain, and its people from all foreign and domestic enemies without claiming any expenses for which the revenue of the ceded districts of Agra were alone liable and not out of Oudh domain and its people."

Sir, I have quoted chapter and verse and if the Honourable House is not prepared to think that Oudh is not entitled to any exoneration from law, I will bow to its decision. The British Government has no right, I say it deliberately, to throw the burden of the additional taxation on the people of Oudh. The Oudh people are not liable for any military expenses incurred and to be incurred. They are also not liable to any expenses of Government of India or that portion of income-tax which is retained by Government of India and is not given to Oudh provinces. The British Crown as holder of ceded district is alone liable for all its

military expenses and the pay of its offices, etc. That the present province of Oudh is neither a ceded nor a conquered province from its last rulers and the Legislative Assembly or the Viceroy is incompetent to legislate and to impose the additional taxation on the province. That the Oudh people are not responsible for the external defence of India with Home Government on the principle of joint responsibility strongly stressed by the Finance Minister in his last Budget speech.

So far, I have shown that my province is not being taxed by my own Government and, therefore, I thought it proper to induce this Government also to do the same on the authority of the authoritative statements which I have read out today. Even from the Centre we are not liable to any kind of taxation in Oudh.

Dr. P. N. Banerjee: That is very unreasonable.

Mr. M. Ghiasuddin (Punjab: Landholders): May I ask a question from the Honourable Member? Are the laws passed by this House applicable to Oudh or not?

Mr. Muhammad Azhar Ali: That is a different question and we may have to go to the Federal Court for that.

Now, I come to another point. I warn the Government of India to find markets to facilitate the Indian export. (Interruption.) If my Honourable friend, the Commerce Member, can declare today in this House as a responsible officer that Oudh will not be taxed, I shall do what he wants. I was saying that India's export should be looked into by the Government of India more closely than they are doing at present. Whenever we raise this question, we are told that we have very little shipping. We are also told that our exports cannot find market outside India as the British Government is at war. But you can arrange these things if not just now at some remote future. But you have to bear in your mind the development of Indian industries. Just as you are sending men for training to England, you can also train people here also if you want to do that. Find more employment for the people of India and I am sure they will come to your rescue. Remove the hard restrictions on exports and adjust railway freights to the conditions of the trade in India. If you do not do that, I am sure the position of the Indian traders will become very difficult. I know that all kinds of facilities are sure to be provided for the European traders and the European merchants, but I doubt very much if the same facilities will be provided for the Indian merchants. Therefore, I ask the Government to pay close attention to this matter. This is not the time to show any kind of favour to your own kith and kin but this is the time to think of the interests of India as a whole. My Honourable friend, Sir Henry Gidney, said the other day that he wants to show that he is an Indian and I want the Government of India to prove to the Indian people that this Government is an Indian Government and that India's interests will in future be more respected and honoured.

Having said so much on this subject, I now come for a short time to the question of the Post Offices. It was on the night preceding the 1st of January, 1941, that I presided over the Conference of the United Provinces Postal and Railway Mail Services employees at Bareilly. I

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said there all that I wanted to say and many Resolutions were passed at that time. I would ask the Director General of Posts and Telegraphs and the Member concerned to read those Resolutions carefully. Sir, the Postal Department is one of those Departments which are very hard worked and they are short in men. The pay of the postal employees is very low considering the amount of work which they do. Therefore, instead of neglecting that branch of your Government, I would ask the Government of India to think more of the postal people. I do not mind what you pay to the higher officials but you must think in these times of stress of the condition of the lower paid staff of the Postal Department. We have mentioned in detail the grievances of the postal people at Bareilly and I would like to refer only to a few figures. I do not want to discuss today the All-India question, but I have taken upon myself the task of explaining to the Director General and the Department concerned the need of the Postal Department in my own province. So far as the time-scale supervisors are concerned, there is a paucity of 20 hands; so far as the selection grade appointments are concerned, there is a paucity of 17 men; so far as the time scale sorters and clerks are concerned, there is a paucity of 23; so far as the Inspectors and Town Inspectors are concerned, there is a paucity of 4 and so far as the postmen are concerned, there is a paucity of only 7 men. It is not difficult for the Honourable Member to provide these men. Then, there is a paucity of 7 men in the case of the Railway Mail Service porters, mail guards and packers. I have got a list with me which I have prepared for the whole of India but I do not want to weary the House by reading out that long list. I will give that list, when the time comes, to the Director General for his own consideration.

Now, Sir, there has been an indiscriminate grant of extensions after the age of 55. This is also an acute grievance in my own province. It blocks the promotion of juniors and it also blocks the entry of new entrants in the Department. The question of unemployment, as everyone knows, is very acute in the country. It may be said that to relieve this unemployment you have created new offices and you are enlisting people for the army. But these employments are mostly for the educated and literate people and for people who are highly cultured and not for poor people. I submit that the poor people of India stand in need of more offices and more places. Some of the Provincial governments have restricted the compulsory retirement. I want the Central Government also not to discourage the retirement of people. I want that all those who are superannuated should not be given extensions because they block the way for other people.

Dr. P. N. Banerjee: Are you superannuated?

Mr. Muhammad Azhar Ali: I am, if my Honourable friend is not. It is quite possible that my friend wants to conceal his age, but I do not.

Dr. P. N. Banerjee: I am also in the same category.

Mr. Muhammad Azhar Ali: I ask the Central Government today to order the compulsory retirement of people on attaining 55 years of age.

The Post Office being a Central subject, the staff is suffering much on account of the lack of interest of Government in that Department. I recently went to Bareilly and a conference was held at which resolutions were passed on different subjects. I have not seen so far any declarations by the Government, concerning those subjects. I should also like to bring to the notice of the Director General of Posts and Telegraphs the sad state of the R. M. S. office at Bareilly. I request the Director General to go and see that office for himself. It is very congested, there is no ventilation, the room is small 18 feet by 20 feet in which 10 to 15 clerks are huddled together. Besides there are also iron cages for storing records.

Dr. P. N. Banerjee: A very hard hearted Director General.

Mr. Muhammad Azhar Ali: When you get up to speak, you can call him names. I consider that office to be in a horrible condition and I have now brought this to the notice of the Director General so that he can remedy the state of affairs. It is in the interest of the postal servants, it is not in my interest that the office should be more commodious and ventilated. I thought it my duty to ventilate these grievances on the floor of the House. In that small room, not only are clerks made to work, but also insured articles are stored as well. It is rather serious that in such a small room of 18 feet by 20 feet, such overcrowding should take place.

Now, I come to the railways. I am informed that in East Indian Railway, prior to 1928, the employees were exempt from paying house rent. Since then employees drawing Rs. 30 per mensem and above have to pay house rent of ten per cent. There is also a deduction of 7½ per cent towards provident fund. I am sure they are also called upon to subscribe to war fund. Moreover, those who have put in less than three years service are not entitled to passes to places other than home stations. For example, I will take an Assistant Station Master drawing Rs. 30 per mensem. He will have to pay Rs. 30 towards Provident Fund, then two per cent towards circumstance tax which comes to Rs. 7-8-0 per annum and together with Rs. 36 annual house rent the total expenses come to Rs. 73-8-0. They have also to pay interest to creditors because every railway servant will have to offer security of Rs. 360 when entering service and on this he has to pay interest if he borrows the money which they have generally to do. The House can well understand now the plight of a railway servant drawing only Rs. 30 per mensem. After paying so many taxes, does it stand to reason that he will be beyond corruption. No wonder that there are complaints against the railway staff. I am producing these figures before the House so that the Government might look into the matter and ameliorate the condition of these low paid staff in the railways.

Sir F. E. James (Madras: European): What about the Archæological Department?

Mr. Muhammad Azhar Ali: I leave that to my Honourable friend when he gets up to speak. I have many more things to say about the Railway Department, but I shall reserve my remarks for the occasion when the DeSouza report will be discussed. I think it will be discussed shortly in the Upper House also.

[Mr. Muhammad Azhar Ali.]

I now come to a rather delicate question and that is about detenus. We have had interpellations put, we have had Resolutions moved with a view to improving the condition of the detenus. What I find here is that the more we ask the Government to redress the grievances of the detenus, the harder the Government become in their treatment of the detenus.

Dr. P. N. Banerjee: What is the use of your discussing this now when the Detenu Member is not here.

Mr. Muhammad Azhar Ali: Probably he has been detained somewhere.

An Honourable Member: Probably he is in 'A' class, or he may be in no class.

Mr. Muhammad Azhar Ali: Yes, he may be in no class. When we ask the Government to provide some comforts for the detenus, we are given replies to the effect that everything is being done for them and so on. But recently I read in the newspapers that even parcels of fruits, etc., sent to such a personality as Pandit Jawahar Lal Nehru are not delivered to him. What can the ordinary detenus expect when they have not the personality of Pandit Jawahar Lal Nehru to command in the land in their own case. Just as during the melon season in India they are mostly stolen at the railway stations, in the same way I am sure the detenus are being robbed of the presents which are being sent to them. It is a pity that these people do not get these parcels. In the case of Pandit Nehru, of course, it may be that being an All-India leader he is getting hundreds of parcels but these poor detenus are only getting one or two parcels for their sustenance from their parents probably once a month only, and it is very hard on them and their parents that they should not be delivered to them. Sir, the more we cry hoarse in this House over the detenus it recoils very badly on them. Whenever questions are asked about them and representations are made we find that they are getting into trouble all the more.

Sir, I have nothing more to say.

Mr. E. L. O. Gwilt (Bombay: European): Sir, I am sorry that what I am going to say is largely and directly opposed to the views of my Honourable friend, Mr. Lalchand Navalrai, but I am sure he will forgive me for this.

This discussion on this Bill gives me the opportunity of placing before the House a state of affairs with which India may well be faced during the post-war period. My reason for doing so at this date is that I consider the matter not without urgency even today. I refer to a possible unfavourable trade balance of the country, and suggest one remedy; the remedy is a service of highly trained Trade Commissioners.

So long as human nature remains as it is, those countries, who ask for co-operation and assistance from others, particularly in times of need, must expect in return to be asked what is to be the *quid pro quo*. Before the war,

there was, for instance, in America, a growing desire to export her manufactured commodities. Until recent years America—generally speaking, was not an exporting country on a large scale, except as regards agricultural staples. Certainly a few specialised industries enjoyed substantial export sales, but they were but few—to name the principal ones, automobiles, films, machine tools and refined oils. Within recent years, however, America's drive into export markets, such as it was, was in many countries confronted by those tariff walls, behind so many of which her own industries have been born and nurtured.

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

This, naturally, gave rise to a desire on her part to see, throughout the world, a lowering of tariff barriers, and there is no reason to suppose the war will see the end of her endeavours in this direction—rather the contrary—and since she is now in a position to supply those countries of whose aspirations she approves, with both food and supplies, it is not unreasonable to suppose she will ask for a *quid pro quo* of which I have made mention, of favourable treatment in the matter of tariffs. This on her part, I venture to suggest, would be a perfectly justifiable request.

In this connection we should do well to remember the Trade Agreement signed not long before the war, between the United Kingdom and the United States of America. This very important agreement is bound to have the most far-reaching repercussions on post-war world trade. There is, I think, little doubt that, in at least some well informed circles, this agreement has been, and is, looked upon as the first step towards freer trade throughout the sterling/dollar bloc.

India, as we know, has been promised Dominion Status and I must assume for the purposes of my case that she will have taken advantage of this offer and is well embarked on the voyage towards it. Circumstances thereafter, however, may well prove to be such that for reasons I have explained, the trade balance between Great Britain and India may not continue to be so favourable to India as it has been in the past. With the time at my disposal, I am able only to touch the fringe of what may prove to be the problem of which I have spoken.

As important as India's industries are, and their importance will, I am convinced, continue to grow, she remains first and foremost a producer of primary products, and such great industries as she has, are primarily engaged in supplying the Indian and not export markets. I could wish that some of those who to-day are critical of what they allege to be the Government of India's indifference to their industrial schemes, would pause for a moment to consider some of the problems which will inevitably face not only the infant industries themselves, but India's commerce and industry as a whole.

In emphasis of this, I make no apology for repeating what the Honourable the Finance Member said in his speech, in replying to cut motions, on the floor of this House last week. He said:

"Let it not be forgotten that the problem of carrying on with some of the industries which are now being created, will face the country, and the cost of maintaining those industries will probably, to a large extent, fall on the tax payer."

I hope my emphasis will not be misunderstood, but the matter is of such importance that I venture to make it.

[Mr. E. L. C. Gwilt.]

On the question, for instance, of the building of aeroplanes, civil as well as war craft would need to be built in numbers out of all proportion to those which their manufacturers could sell within India's boundaries to enable the industry to stand on its feet without heavy Government subsidy. At the moment there are only available the figures for 1938 of civil aircraft registered in this country, but I believe those to date do not greatly exceed the 1938 figures. These show the total to be 156 which is reduced to 152 as four of them were craft for which certificates of air-worthiness could not be granted. The remainder were represented by 44 different types of aircraft, the average thus being 3.4 per type of aircraft. Actual experience has thus proved that standardisation of aircraft is not feasible, as indeed it never can be, for commerce essentially requires a variety of types. But only an elementary knowledge of manufacturing costings is necessary to realise the enormity of the difficulties which must confront aircraft factories in this country erected for purposes other than strategic.

At the end of this war, America will probably be in a position to produce something between 60,000 and 75,000 aircraft a year and of a great variety of types, to say nothing of those which Great Britain can produce, and, naturally enough, the air lines in India will wish to purchase in the cheapest market. The same economic principle applies to the production of internal combustion engines required both for automobiles and aeroplanes and to the building of ships, and, to a lesser extent, to locomotive engines, for there may be an outlet for these in Burma, Malaya, the Dutch East Indies, China, Iraq and possibly East and South Africa.

Trade Agreements are invariably reciprocal; someone aptly termed them "two-way traffic". That is true, but unless each party is directing and accelerating its traffic, the arrangement may rapidly degenerate into "one-way traffic" and against the party least qualified to handle it.

No country's wealth is derived by living, as it were, on her own fat, but partly from what she can export and partly from increased use at home of her own natural resources. Obviously, therefore, India's first consideration must be the development of her export trade of raw materials. How may this be done? There is but one way of exploiting overseas markets, of investigating the market on the spot and by men specially trained for the work, by the appointment of fully qualified Trade Commissioners

Dr. P. N. Banerjee: They are being appointed.

Mr. E. L. C. Gwilt: They are, but I will deal with this later.

. . . . and if it is to be thoroughly done, it is an onerous and heavy task. Scanning, however thoroughly, of trade statistics of a country serves no purpose other than enabling the compilation of trade figures; they do not give, for instance, the whole story of the *potentialities* of a country's consumption of any specific commodity, although naturally the total volume of trade is an indication of a country's wealth.

My Honourable friend, Sir Ziauddin Ahmad, asked a question on the floor of this House during this Session, whether the Gregory-Meek report could not have been written by, I think he said, himself, by sitting in the library of the House and referring to its contents.

Dr. Sir Ziauddin Ahmad: I said by a journalist.

Mr. E. L. C. Gwilt: For the reasons I have given, I suggest, with respect to my Honourable friend, that were he to attempt such an undertaking without any first hand knowledge of the country concerned, the result would be thoroughly unreliable document. If he wished to convey his impression, that the Gregory-Meek report was largely negative, and I am not prepared to accept it as such, I should say that the cost of producing it would be well spent, for I should be prepared to accept a negative report from such eminent economists as Dr. Gregory and Sir David Meek as good advice against the spending of further money in more investigation, at any rate for the time being.

The potential wealth of a country should be based, though unfortunately it cannot invariably be so, upon its population. India in the past has appointed Trade Commissioners at Hamburg, Milan, New York, Alexandria, Mombasa and is shortly appointing another in Australia and South America. I wonder why in such countries as China and the Dutch East Indies, to name but two, Trade Commissioners have not been appointed; possibly because these countries, like India, are great producers of primary products, and potentialities must exist for the export of India's raw materials to a large number of other countries.

The mere appointment of Trade Commissioners, however, will not achieve the desideratum. I wonder, for instance, whether the gentleman about to be appointed in Buenos Ayres speaks fluent Spanish. Moreover—I speak with some little experience having travelled on commercial errands in some twenty countries in the world—I would suggest that India sets a standard of Trade Commissioners not frequently to be found, those with a thorough grounding in the interpretation of economic data allied with a capacity to understand businessmen, their methods and the problems which face them.

Before the war there was, I believe, in Vienna, an Ecole Consulaire, a school which trained students of European countries specially for the Consular service. I suggest that the Government of India should choose for Trade Commissioners students who have had adequate training in economics, a knowledge of one European language other than English, and Accountancy. They may consider a special degree at one of the Indian Universities, and I would suggest that the study of the principles of advertising should be included in the curriculum.

I would ask further what machinery there is in existence for co-ordinating the work of the Trade Commissioners already appointed and whether there is any intention of forming a Department comparable with the Department of Overseas Trade. Moreover, what facilities are given for the Commissioners themselves regularly and personally to investigate potential sources of demand for India's goods in the countries in which they operate; I ask whether it is part of their duties to tour the countries comprising their areas and not merely the collating of information and the writing of reports from their offices, and whether they all have direct contact with the Commerce Department in this capital.

I would make another appeal—that Government should encourage Indians to make careers in the profession of advertising. Lest I be asked what concern this is of Government not only would I refer them to their action with the Bevin boys, but, I would reply that since advertising is the high pressure steam of industry, and the personnel—Indian personnel—with

[Mr. E. L. C. Gwilt.]

a knowledge of its economical application is lacking, I consider it not outside the concern of Government at least to encourage, through the various means at their disposal, Indian students, who, after the war, are able to go abroad to complete their education, seriously to consider advertising as a profession.

Advertising, in these days, does not merely stay at the production of an attractive advertisement. It involves scientific market research as well, and a knowledge of psychology. Advertising, if directed along right lines and by persons proficient in their profession, is not merely of local value. It can be the means of decreasing overheads to the extent of enabling industries to compete in the world's markets. I maintain, however, that an Indian must understand the psychology of his countrymen better than anyone else.

Up to the time of the war, the ambition of many Indians who went to Europe seemed to be to qualify for the Indian Civil Service—an admirable ambition—but I would suggest advertising as another in which he could make just as distinguished and certainly a more lucrative career if he reaches the top of the tree, and one which is not overcrowded as are some of the others. The success of advertising is based not only upon a thorough understanding of one's job but of carrying it out with honesty. The day is rapidly approaching when dishonest advertising will not be countenanced, even if legislation has to be resorted to, as it has been in many countries. I commend this all the more because there are a lot of people who seem to think that there is something dishonourable about advertising.

Mr. Muhammad Ashar Ali: Can the Honourable Member suggest any place for apprenticeship in advertisement training?

Mr. E. L. C. Gwilt: I am quite certain that if some of the advertising Houses in London were approached on this point, they would be very pleased indeed to consider taking them into their establishments as apprentices. But on the other hand they may ask for a *quid pro quo*, in other words, they may naturally expect some sort premium from people who go from this country, and I think if there could be a link with one of the large advertising agencies there, it would be to the advantage of Indian industry; it would be an excellent thing. I commend that suggestion, Sir, to the Government. I would ask them to encourage students in the immediate post war years to study in England and America the many sides of advertising required to fit them for that profession, and to encourage the formation of a company of advertisers, which, I am sure, would prove successful, of service to industry, and incidentally, in times of need, could be of very real service to the country.

Sir, had there been in India at the commencement of the war Indians engaged in the profession of advertising, one of the difficulties confronting the country—I allude to war propaganda—would never have arisen. When, in the last war, Great Britain required men, Government did not seek amongst its own officials some one to undertake the task; there was no need to do so, they immediately contracted one of the great advertising houses in London. Moreover, when money was required for the financing of the war,

another advertising house was given the responsibility of raising it, and both of them carried out their work with great skill and efficiency. I hope Government will give this suggestion their sympathetic consideration.

Mr. Muhammad Nauman: Mr. President, it has been the parliamentary practice in every country to use the occasion of the consideration stage of the Finance Bill for ventilating the grievances which the representatives of the countries might have against the Governments of the day. Unfortunately, the community which I have the good fortune to represent in this country has so many grievances that I cannot recite even one-tenth of them, as that will exhaust the patience of the House, and probably I shall be overriding the rights of other Members in the matter of time. As such, I shall only content myself by touching on a few points that I consider to be of importance.

In the first place, Sir, I want to refer to the question of Muslim representation in services. For about a decade and a half, the Muslim representatives of this House had been urging on the Government Members that in all the Departments of the Government of India the Muslim representation has been very meagre, and lately on a comparison of certain figures, we found that the over-all percentage theory is greatly harming our community, I mean, more than it could ever have been imagined in this country. The real purpose of the Home Department Resolution of 1934 is being defeated by maintaining the theory of the over-all percentage, because, Sir, we have found that even in the average grades in respect of salaries from Rs. 30 to Rs. 200, Muslim representations are balanced by the recruitment of Muslims on salaries of Rs. 30, Rs. 40 or Rs. 50. I have not been able to get figures for the various Departments of the Government of India. We have got no staff to calculate the figures and find out the net amounts paid in a whole Department and to calculate the actual share which goes to the Muslim employees by way of salaries, but we have been able to get certain figures from our own men for one of the Departments, and that is the Railways. What is the position there? We find that in regard to the share which Muslim employees get it does not come to more than 3·7 per cent. of the total that is paid to different employees working under State-managed Railways. Whenever we approach the heads of the administration, on the question of quota, the only reply we get is that the quota in regard to numbers has been maintained. Sir, we are not prepared to accept that in all cases; but even if that quota is maintained in certain cases, unfortunately the practice of allotting communal quota on the basis of "over-all percentage" has affected very adversely the community which, as I said in the beginning, I have the good fortune to represent in this House.

Sir, we have no organization to calculate on an economic basis the total amount of salary paid to different communities, but the Government of India have certainly got that organization, and they are alone in a position to give exact figures to show what proportion of the total amount of salary paid in any one Department goes to Muslim employees. Sir, on the 11th of February last, I put a question to the Honourable the Railway Member in connection with this matter, and the reply that he gave was that he could not give me any figure of the net payment to employees who were drawing certain amounts of salaries within certain grades. I agree that might have been difficult within the period of ten days within which the Honourable Member for Railways had to answer the question, but I do

[Mr. Muhammad Nauman.]

want now to draw his particular attention to this issue. We feel that the question of employment is certainly to a great extent an economic issue, and on that issue we think that only a numerical share of 25 per cent. in a particular department distributed among a number of men is not the real thing which a particular community or class of people desire to have, but they want 25 per cent. share of the total amount of salaries paid. I will illustrate my point. If a certain Department of the Government of India spends, say, Rs. 10 lakhs towards salaries of its employees which might vary from Rs. 7-8-0 to Rs. 5,000 or even more, then out of the Rs. 10 lakhs, we claim that that Department should see that Muslim employees get Rs. 2 lakhs and fifty thousand per year. That is the point that I wish to bring to the notice of the Government of India. Of course, allied to this question is the question of promotions. I am not going to discuss any particular department—the Railways, the Post Office or the Archaeological Department, but what I want to point out is that even in the matter of promotions, unfortunately the Muslims have not had a square deal which they expected, and the real meaning of the word “efficiency” has not yet been found out. Probably it is known only to the members of the Government of India, but we could not find out what exactly is meant by “efficiency”. When a Muslim is efficient, the question of seniority is brought in,—which is the particular word usually introduced for promotions in the different cadres, and if a Muslim is considered efficient enough by some officer, he is considered inefficient by some other officer, and somehow he does not attain the position which many of his colleagues do attain in the ordinary course. Suppose, certain Muslims and few non-Muslims were recruited on, say, Rs. 250 and within a course of 20 years, their colleagues, the Non-Muslims, at least some of them were able to reach Rs. 3,000, whereas those unfortunate Muslims could hardly reach to a grade of Rs. 800 or Rs. 1,000 and I want to bring this matter to the notice of this House. How and why is this happening? Either the recruitment of Muslims is defective and only inefficient Muslims are recruited and Muslims of better calibre and attainments are not recruited, so that they cannot rise to those positions to which non-Muslims can go, or there is something wrong somewhere, some defect in the machinery of the whole administration by which Muslims are shunted out. In the matter of the railways, unfortunately,—that is the Department with which I have been more associated—there has not been any Muslim officer who was recruited on Rs. 200 or Rs. 300 and who went up to a post carrying a salary of Rs. 5,000 or Rs. 4,000. I know about a few non-Muslims who rose high, and my friend, Mr. DeSouza, is one. He joined the railway service on Rs. 60 a month, but he had the intelligence, he had the efficiency, he had the calibre, and he had the capacity to rise to the position of a Member of the Railway Board. He was a very efficient man, but why should not a man of that calibre be recruited from our community? Are only duffers recruited from the Muslim community on Rs. 200 or Rs. 300 a month, so that they cannot rise, or is there any particular defect in the working of the administration? I wanted to bring this home to the Government, and I hope the Government will consider the matter in the light in which I have placed it before the House.

When on this, I want to bring in the question of Departmental rules and say that with Muslims the rules have not received that much of

favour as these had received with other people. In the matter of retirement again, you know questions after questions have been put in this House recently, whether it is compulsory that a man should be made to retire at the age of 55, or in what circumstances extensions are granted. The reply was that if his services are of public utility, if the man is of public importance, if he has to be retained because another man of the same calibre is not available, then in that case Government give extension. I am not going to name concrete cases in which people of non-Muslim section have been retained, whereas the other people, I mean the Muslims, have not been allowed extension. Mr. Ali Hasan, *ex-P. M. G.* of Bihar, was made to retire on the expiry of 55 years of age, he was not given any extension, because, in spite of his efficiency, in spite of the appreciation that he might have received from the Department during his tenure of office, he was not considered fit to be given a day more, than he should actually have been in service. Not only that, but by making him retire from that particular position a few months earlier, he has been put to a loss of about Rs. 1,000 or Rs. 1,500. I am now holding a *post mortem* examination only as the man has already retired.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not deal with individual cases.

Mr. Muhammad Nauman: I would only submit that a repetition of this nature should not occur in the future in that Department or in any other Department. I want to impress upon the House that such instances and a few more make us feel and ask why this Government are not sympathetic towards the members of a particular community who have been doing what they can in the Departments in which they are or have been serving.

Then, again, sometimes even as Indians we are not shown that amount of concession or that amount of favour which the Europeans receive. The vacancy of a Chief Justice occurred in the Patna High Court only recently.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can not deal with that.

Mr. Muhammad Nauman: I now come to the question of the recognition of unions. I will not dilate on this point very much, but I will say that the question of recognition of unions is one which we have been placing before the House for a few years now and the Government of India have not been able to satisfy us on the point or as regards the actual difficulty members of the Government feel in recognising unions which may be organised by a certain particular community, a certain particular class or section of people. Or is it the case that they think that it will hamper the good work of the administration or that they have recognised a certain union? We have impressed upon them that the Muslims claim that they are a separate nation in this country and that claim has been recognised by giving them separate political rights. When we Muslims have taken that definite stand, with what reason can the Government say that they would not recognise communal unions on grounds only known to themselves, or grounds which cannot satisfy us. We have said definitely that we cannot submerge ourselves in a particular institution. . . .

(At this stage Mr. Lalchand Navalrai tried to interrupt.)

[Mr. Muhammad Nauman.]

I am not giving way.....which may be predominantly of other people, or into any organisation in which we shall have no voice whatever. Why should Government refuse our right of existence as a separate entity in everything? That is a thing which cannot be understood by me, and the position seems to be anomalous. On the one hand, you accept the political separation that we are a separate entity in this country, and on the other, you compel us to submerge ourselves into a particular organisation or institution which may be composed of non-Muslims or may be a homogeneous institution of all people in the country or outside the country. I hope the Government will take this question into serious consideration and see what best they can do in that matter.

I come to the Supply Department. Unfortunately, my Honourable friend, Sir Zafrullah Khan, is not in his seat, but any way he will have my remarks quite all right in the evening. There is an impression in this country that the Supply Department is the dumping ground for every class of people and every class of commodity. Contracts of hundreds of crores of rupees have been given to different concerns, and, as a result, what do we find? 75 per cent. of the supply contracts have gone to European or semi-European controlled, or administered organisation. Times without number we have been saying that the feelings of the people are that we prefer the system of open tender, but the same has not received that attention which we expected that it should have received.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Now he has come. Go on, fire away.

Mr. Muhammad Nauman: I am only just giving my suggestions, which probably I have given earlier. That only reminds me of a line:

"Ham bhi taslim ki khoo dalege.

Be neazi goe teri adat hi sahi."

I will try to make you feel for and respect me, but if you ignore me today, that is a different thing. I conscientiously feel that the system of open tender is the only system which we prefer in the interests of the department and in the interests of the people who are prepared to supply their goods to the department. We hope that the Honourable Member will reconsider this question in the light of the different speeches that have been made by different Members.

Now, Sir, as I have said, in the Supply Department, the majority of the contracts have been given either to the European industrialists or to the semi-managed European industrial concerns and the Indian merchants have not received that attention which they deserved and expected.

An Honourable Member: Parsis have got a lot.

Mr. Muhammad Nauman: I do not know, except Tatas.

Now, Sir, I want to impress this fact that the European commercial community in this country receives lot of advantages from different banks, and lot of facilities that Indian merchants do not receive, and as such they are better placed in this country than the Indian merchants have been. We should certainly resent this. In the matter of giving contracts for the Supply Department, even if they are given an equal position with the Indians, this is absolutely wrong. We have always said that we want industrialisation in this country and by industrialisation we mean that the industries should be run by Indians for Indians. If it is

not Indian or if it is half-Indian, then it is not our industry. Now, the sugar industry run by Begg Sutherland and Co. cannot be considered to be our industry. The Muir Mills and the Lal Imli Mills of Cawnpore cannot claim to be an industry of our nationals. They are giving nothing more than labour wages to a few Indians. Unless the industry is financed by Indians and managed by Indians, it is not an Indian industry in the real sense of the word. No country in the world has given any other meaning, unless the industry is financed by our own nationals, it is managed by us and administered by us, and unless the industry exists for them, it cannot be our industry. That is what I want to impress on my European friends. They may feel unhappy over the remarks I am making, but unfortunately I have got to do that as an Indian representative. What I want to point out is that all these contracts which are given to the European organisations are certainly to be treated as contracts given to foreign people and they cannot be treated as contracts given to Indians, by which Indians will make any benefit or thrive in this country.

Having said so much on that subject, I come to the constitution of the Port Trust of Calcutta. I am very glad that the Honourable Member for Communications has introduced a Bill for the revision of the constitution of the Port Trust of Madras, and I want him to think over the matter and bring in a Bill also for the reconstruction of the constitution of the Port Trust of Calcutta which is about a century old. It is a predominantly European institution, because, out of 19 members, 15 are from Europeans, and only four are Indians. Now, the Muslim Chamber of Commerce which controls a big export of about 26 crores has not been able to secure more than one seat. The Skin and Hide Traders' Association has no seat at all in the Calcutta Port Trust and the European merchants had the good luck and the good fortune to settle in that Presidency of Bengal earlier and established big jute mills and other industries. They had the luck to get those seats reserved for them, but things have changed now. If the Honourable Member would see the report of the sea-borne trade he would find that the Europeans do not hold that position in the trade which they held 30 or 40 years ago, and so the constitution of the Port Commissioners which is 100 years old does not suit the present needs, and I would request the Honourable Member to look into the question and revise the Calcutta Port Commissioners' constitution in the best manner that Government can do.

I come now to the question of some of the particular Resolutions that we have been moving in this House. To be more precise, my grievance is that the Resolutions that we place before the House are not cared for, unless it suits the Government of India to accept them in the way they like. We have been moving Resolutions for the recognition of certain unions. We have been moving Resolutions on the question of the Indian catering contracts monopoly on the Railways and the whole question has been shelved and nothing has been done so far. The position remains as it was. The entire elected section of the House made it clear that they do not like the monopolist arrangement on the East Indian Railway for catering. What do we find? Things remain as they are. Nothing doing. Now, I want to impress upon the Government that they should take care not to flout the opinion of this House even in such matters which do not involve any constitutional issue and which do not involve any change of policy. That is what I want to bring to the notice of the Honourable Member, and I hope that the Honourable Member will think over the question of how he has been treating this House.

[Mr. Muhammad Nauman.]

Coming to the Budget itself, I need not make a very long comment on it, because I have said what I felt about it in the general discussion and I made it definitely clear that so far as the financial issue was concerned it was absolutely a sound budget. I do not want to conceal that feeling. That is my candid opinion, and some of my friends may not agree with me there. I said that the only opposition that some Members of this House are making is not on the financial issue, but on the question of the political issue involved. The question of the political status of India remains unsolved. The whole question was hammered out during the last November Session and Honourable Members know the attitude which the different Parties hold on that subject. So, it would be futile and wasting the time of the House if I go on repeating what other people have said. I have no fresh arguments to advance beyond those which have already been advanced. My only observation on financial issue in this connection is that I certainly feel that in the circumstances in which the Budget has been produced, there could not have been a better solution made but I would only make one more observation and it is this, that the Government of India should try to make us feel that they want money for the defence of India, which is our country. They should create a feeling of harmonious co-operation, a spontaneous co-operation within ourselves. We should not be made to feel that we are only being dragged to do what the Imperialist Government of India make us do for themselves. They should accept us as willing partners in the co-operation that we might be prepared to offer them in defending India as our own country. Of course, that involves a very big issue of declaration and such other things, but I would only remark that whatever it involves, the time has come when the Government of India should lose no time in receiving our full co-operation on the lines that we want to give them and on the lines that may be mutually agreed upon. That is the only thing I want to impress upon this House. Now, this certainly takes me at least to the question which my Honourable friend, Mr. Lalchand Navalrai, brought in regarding the impasse and the deadlock existing in the political atmosphere in this country. Every party is trying to shelve the responsibility and feels that the responsibility is to be thrown on the shoulders of the other group of people and in that trend every group wanted to shelve their own responsibility and said that it was because of a certain agreement that could not be achieved between the Muslim League and the Congress. Now, I must impress upon this House that before the Congress decided to resign the ministries, there was no question of any agreement between the Congress and the Muslim League pending at that particular moment and that there was not at all this issue on which they resigned; their doing so was absolutely the responsibility of the Congress and not that of any other group at all. They were holding the majority in the legislatures of seven provinces and they were the people who were carrying on the Governments of those parts of this country, and they brought in this deadlock for their own use or misuse according to their own ideas and the responsibility is entirely theirs and of none other. Now, another point which Mr. Lalchand Navalrai—unfortunately he is not here now—brought in is the question of the correspondence that my Leader, Mr. M. A. Jinnah, had with H. E. the Viceroy on the question of the expanded Council. I need not dilate on that, because the correspondence was published in practically all the papers of any importance in this country and everybody

knows what was the issue involved. Mr. Lalchand Navalrai tried to give his own interpretation in the way he did; I agree that he was trying honestly to interpret in his own way, but unfortunately he did not actually understand the meaning of those letters, or anyhow I cannot interpret what was in his mind. What my Leader said was this,—that we must have fifty per cent. of the representation if the Congress came—and fifty per cent. of the expanded number of the Viceroys Executive Council, mind you, not of the entire number of the Executive Councillors who would be there, so that there should not be any misunderstanding created so as to say that we were demanding something which would appear to be rather more than we ought to receive. What my Leader said was only fifty per cent. of the expanded number of the Executive Council if the Congress came in to participate, and, if the Congress was not participating, then, naturally, a majority of the expanded Council—because then the Muslim League would be the only largest and the most important body, the biggest organization of this country, and as such they would certainly have the right to claim at least a majority of the expanded number of the Executive Council—not exactly a majority of the total number of Executive Councillors, but only of the expanded number. Our grievance is that in spite of the fact that the Muslim League's attitude is one of benevolent neutrality and the fact remains that their members are helping the Government in their war efforts in all possible ways, in spite of that, I do not see why the Government of India should not be able to agree with the point of view that my Leader, Mr. Jinnah, has placed before His Excellency the Viceroy and Governor General. Now, I would just like to impress upon this House that our demands were absolutely modest; what my Leader wanted was actually to co-operate in this hour of need, in this hour of extreme danger, and I hope and trust that His Excellency the Governor General will review the position in the light of the expressions of opinion that we are making and in the light of the expressions of opinion that our Members have made, viz., that we should have the same share as our Leader, Mr. Jinnah, has already demanded.

Now, Sir, I would like to make a few small comments on the financial issue of the Budget,—and it is this. Really, I was surprised at seeing the absence of sacrifices from Government officials. No sacrifices from the I. C. S., the steel-frame of this country, are forthcoming; they should have come out first to make their sacrifices for the country who feeds them best, and should have offered some cut, even to make a good gesture and they ought to come out to support such a thing.

An Honourable Member: We are making sacrifices.

Mr. Muhammad Nauman: Nobody knows what. They should make a good gesture by offering some cut.

The Honourable Sir Jeremy Raisman: That is a self-contradictory term. A cut is "imposed" and an offer is "voluntary".

Mr. Muhammad Nauman: That may be contradictory so far as language is concerned, but what I wanted to say was to impress it upon the Government that they could have made a suggestion to the Honourable the Finance Member to the effect that a cut should be imposed in that

[Mr. Muhammad Nauman.]

sense if the majority of the steel-frame wanted it; there might have been some minority section of the people who would not like that a cut should be imposed—that was my idea

An Honourable Member from the European Group: Voluntary contributions are being made.

Lieut.-Colonel M. A. Rahman (Nominated: Non-Official): Voluntary contributions are being made which are better than compulsory cuts.

Mr. Muhammad Nauman: But I do not know whether everyone is doing something or other.

Mr. P. J. Griffiths (Assam: European): Are you making any similar offer?

Mr. Muhammad Nauman: Well, I am now speaking of the I. C. S. people first and then of the employees of the Government of India, those who are drawing over a thousand rupees a month and they can easily afford to make that sacrifice in view of the particular condition in which they are placed

The Honourable Sir Jeremy Raisman: How does the Honourable Member know what sacrifices the members of the services are making or not making?

Mr. Muhammad Nauman: Well, the Honourable Member might enumerate those if he likes—what sacrifices they are making; if they are making any such sacrifice, we should be quite happy to hear of them, but unfortunately in my ignorance of the true state of things I am obliged to make that comment. Next, Sir, the other people who should have come out with greater sense of sacrifices are the people who are drawing huge amounts of profits through the Supply Department and those people who are the contractors of the Supply Department,—people who are making two hundred per cent. on their turnover of one month and I do not know how many thousand per cents. on their total turnover of a year. I am not going to give details here, neither have I got the time nor would I like to tire the patience of the House by giving details but I want to impress it upon the House that there should have been some special taxation for these people, the contractors of the Supply Department

Sir F. E. James: I take it, my Honourable friend is an enthusiastic supporter of the provisions which raise the excess profits tax from fifty per cent. to sixty-six and two-thirds per cent.?

Mr. Muhammad Nauman: The excess profits tax may not, of course, be earned only by these people who are supplying the Supply Department.

Mr. T. Chapman-Mortimer (Bengal: European): What about the people who supply the Supply Department?

Mr. Muhammad Nauman: That is the only thing I wanted to impress upon the House just now, and then I shall take one minute regarding the question of the imported yarn duty which the Honourable Member has

increased. I remember the Honourable the Finance Member stated in reply during the general discussion that he did not like to help the foreign interests and he thought there was no use offering any encouragement to the cotton industry by way of giving any facility in importing silk yarn from Japan. The other day the Honourable the Finance Member, in reply to the general discussion, said that it was not the intention of the Government to encourage the import of silk yarn from Japan as the industry which depended on the imported silk yarn from Japan could not be called an industry of this country. I agree with him there. But so long as we are not able to produce our own silk yarn, some encouragement is needed for this kind of secondary industry. That is a point which I would like to make, and I will be glad to hear from the Honourable Member what he thinks in the matter of silk yarn, whether it is the interests of this country at this time or not.

Sir, I do not want to take much time of the House. I have already said that if you want to save India, make Indians feel that it is their India and then their contributions will be spontaneous. Do not make them feel that they are being driven to a necessity of payment. The contributions should be voluntary and spontaneous and there should be a feeling of co-operation. They should feel as though the trouble has come on them and that their absolute duty is to do what best they can to defend their own country.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, the Honourable Members of the House are very fond of telling stories. Dr. Sir Ziauddin Ahmad is the chief story-teller in this House. I have heard his stories. Then, I have heard the pleasantries of the Home Member and I have heard the stories of Sir Andrew Clow. Sir Homi Mody is also a story-teller. Now, I want to tell a story and that story will be in a poem. All the Members on the front Treasury Bench ought to have been here to hear this story. Here is the story:

*"Sadr hain Qanoon ke aivan ke Sir Abdur Rahim
Jis ke har goshay pe rakhtai hain Nazar Abdur Rahim.
Bat agar sachi ho aur kahna ho uska naguzir
Sab men kah daitay hain bay Khauf-o-Khatar Abdur Rahim
Zabitay ko torta ho gar Hukumat ka Ghurur
Uth kay ho jatay hain khud uskay bhi Sar Abdur Rahim.
Khaos lay kar in say papar maghrabi Insaaf kay.
Baitley jin ko rahay hain Umr bhar Abdur Rahim."*

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not discuss the Chair.

Maulana Zafar Ali Khan: I am telling the story of the Chair.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better leave me alone as I am occupying the Chair.

Maulana Zafar Ali Khan:

*"Intizar Azad-i-kamil ka us kursi ko hai.
Jalwa gar hain jis pe ba sud karr o far Abdur Rahim."*

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not pursue that.

Maulana Zafar Ali Khan: There were many things in this poem about Sir Andrew Clow and Sir Reginald Maxwell, but I have been gagged by the Chair and, therefore, I will take another opportunity of referring to it.

(The Honourable Member again began to recite from his Urdu poem.)

*"Congress ho League ho Hindu hon ya Angrez hon
Dekhtay aik ankh say hain sab ko Sir Abdur Rahim."*

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Assembly in English.

Maulana Zafar Ali Khan: When you are not in the Chair, Sir, and the Deputy President is in the Chair, I will complete this poem. But I have not praised anybody in this poem; I have simply stated actual facts.

Now, Sir, I come to the Finance Bill. As has been already pointed out, the Budget has been passed and it must have been passed. Last time when we discussed the Supplementary Budget, these Congress Benches were not empty; they were full. The Supplementary Budget was thrown out. And why was it thrown out? It was thrown out because the Muslim League Party remained neutral. Had we not remained neutral, the story would have been different. Why were we neutral and why was the Bill thrown out? It was pointed out in so many words that when the war broke out, India was not consulted at all. Neither the House, nor the Hindus, nor the Muslims were consulted, and the war commenced and went on merrily. Meantime, we had our grievances and the Mussalmans had the bigger share of those grievances. The deadlock that has arisen and is confronting us at the present moment is a greater calamity so far as India is concerned than the calamity that has befallen Europe in the form of this terrible war. Now, how did this political deadlock arise? Some friends are in the habit of accusing the British Government for creating this deadlock. To a certain extent, they are right. But the chief share of the blame attaches to us. Had we, the Hindus and the Mussalmans, made up our minds to sink our differences and made an honourable settlement between ourselves, no British Government, however powerful, would have dared flying in our face. The story of our differences, which is a painful one, reminds me of two brothers. An old man died and left two sons. The elder had all the characteristics and idiosyncracies of Mahatma Gandhi and the younger was something like Mr. Jinnah. This old man left them one magnificent mansion which was to be partitioned among them. Now, the elder brother gets up and says:

*"Az Sahn-i-khana ta balab-i-ham az an-i-mun
Az ham-i-khana ta ba Surayya az an-i-tu."*

which, in plain English, means:

"From the floor of the house to the top of the house is mine, and from the top of the house to highest heaven is yours."

This was the partition and the same thing happened in India to the Muslims. When the Government of India Act of 1935 was passed, the Muslims were assured as also other minorities that their interests would be safeguarded and protected by the Governor. We felt satisfied to a certain extent, but suddenly we were surprised to find that when it came to action, the Governor was nowhere. The Governor left the minorities in the lurch as in the case of Orissa. In Orissa, the population of Hindus

was 97 per cent, and that of Muslims three per cent. The Muslim community wanted that they should have their due share in the Cabinet. But the Prime Minister of Orissa, a Hindu gentleman by name Mr. Biswa Nath Das, said: "No, we will protect your interests." Then, the poor Muslims had to knock at the door of the Governor, Sir John Hubbock. But the Governor also said: "No, go to the Prime Minister." When these things happened, I moved a motion for adjournment in this House to discuss the matter. But the Governor General refused to give me permission, and, thereupon, I wrote:

*"Urti si khabar tar par ai hai Kuttack say
Bartania kay hanglay ki Chhat ur gai bhak say;
Jis bumb ke dhamkay say yih afat hai barpa
Lim uski koi pooch lay Sir John Hubbock say;
Bartania ka Sher ab is hal ko pahuncha
Jungle men bipharta hai tu bakri ki Kumack say;
Bheja hai Kuttack say mujhe jo nama sanam nay
Doonga main jawab uska lab-i-rod-i-Attock say."*

Meaning:

"The news has been flashed across the wire
That the roof of Brittonia's bungalow was blown up by a tremendous explosion;
Go and ask Sir John Hubbock
Who will tell you the nature of the bomb which brought about this catastrophe;
The British Lion has now come to such a pass
That he requires the aid of Wardha's goat to become the monarch of the Jungle,
My sweetheart has addressed to me an epistle from Kattack
And I am going to send an answer from the shores of Attock."

The answer was given. It came in the form of the scheme which is known ordinarily or more philosophically as the scheme of the partition of India, but which, according to our Hindu friends, is known as Pakistan. Whenever the word "Pakistan" occurs, they flare up. It gives them the creeps. What is this scheme? Some of the Hindus do not want to understand it deliberately. It is a very plain and simple scheme and it is the only remedy for the trouble in India. The only solution of the intricate problem that confronts us lies in this scheme. When we saw what was happening in Orissa, what was happening in the United Provinces, in the Central Provinces, in Bihar, and in all other provinces in which the Congress had the upper hand, we came definitely to the conclusion that there was no hope for us so long as there was an irresponsible Centre, and, under that irresponsible Centre, there were provinces which will have their own say, and the interests of the minorities would go unprotected. Then, we put our heads together and we came to the conclusion which is embodied in the scheme.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will stop now. The House will now adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 15th March, 1941.

LEGISLATIVE ASSEMBLY

Saturday, 15th March, 1941.

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.

CONCESSIONAL RETURN TICKETS FOR THE *Urs* AT PIRANKALIAR SHAREEF NEAR ROORKEE BY THE NORTH WESTERN RAILWAY.

†335. *Qazi Muhammad Ahmad Kasmi: (a) Will the Honourable Member for Railways be pleased to state whether it is or it is not a fact that the Bombay, Baroda and Central India, East Indian and North Western Railways always issue concession return journey tickets to the pilgrims on the occasion of the annual *Urs* of Khwaja Gharib Nawaz Sahib, Ajmer, and the latter two railways on the occasion of the annual *Urs* of Khwaja Nizamuddin Aulia Sahib, Delhi?

(b) Is it or is it not a fact that the annual *Urs* of Makdood Alauddin Ali Ahmad Sabir which is held at Pirankaliar Shareef near Roorkee Railway Station, East Indian Railway, is attended by over one lakh of pilgrims and over 40,000 of these pilgrims travel by rail and about 60,000 travel by road by motor buses, and a very large number of these pilgrims come from the Punjab also, which is served by the North Western Railway?

(c) Is it or is it not a fact that the East Indian Railway always issues cheap return journey tickets for the facility of the pilgrims but the North Western Railway does not issue such cheap return journey tickets, though representations for that purpose have been made from time to time to the authorities of the said railway on behalf of the public?

(d) If the answer to the latter part of part (c) be in the negative, what is the reason of this refusal?

(e) Have Government considered that the majority of the pilgrims being from the Punjab, the North Western Railway is likely to get a considerable increase in its income by diverting the road traffic to the line by issuing concession return tickets in addition to providing facilities to the pilgrims?

(f) Is it or is it not a fact that the East Indian Railway authorities at their meeting held on 11th February, 1941, in connection with the arrangements of the said *Urs*, have decided that the concession return tickets be issued from 6th April to 12th April, 1941, which would be available for return journey up to 19th April and they have further decided to book the unsold goods of merchants free of charge on return journey provided it had been brought through them?

(g) Have Government considered the advisability of persuading the North Western Railway authorities to issue the return journey concession

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

tickets to the pilgrims to the said *Urs* and to give the facility and concession of the booking of the unsold merchandise to merchants bringing their goods to Pirankaliar Shareef on the same terms and dates as the East Indian Railway is doing?

The Honourable Sir Andrew Olow: (a) Yes, except that the North Western and East Indian Railways did not issue return journey tickets to Hazrat Nizamuddin in 1940, as experience had proved that the concession had failed to bring new traffic.

(b) I have no details of the members attending the *Urs* but understand that in 1940 the total number of rail-borne pilgrims was about 86,000 while the number who travelled by road is estimated by the East Indian Railway at 15,600 in both directions. The number of pilgrims arriving by rail from North Western Railway stations was about 5,000; I have no estimate of the number coming from the Punjab by road.

(c) and (d). I understand the East Indian Railway issue these concessional return tickets from all stations whereas the North Western Railway do so only from certain selected stations. Representations have been made to the North Western Railway who considered that the traffic was moving freely at the existing fares and there was no financial justification for extending the concession.

(e) I have no information that the majority of the pilgrims come from the Punjab but am prepared to suggest that the North Western Railway administration re-examine the question of extending the issue of return tickets at concessional rates over a wider area.

(f) I understand the East Indian Railway have decided on concessions being available from the 5th to the 11th April, for completion of the return journey by the 18th. No concession is proposed for unsold goods.

(g) I would refer the Honourable Member to the reply already given to part (e) of the question but I do not propose suggesting to them that concessions be given on unsold goods.

PAID HOLIDAYS AT THE JAMALPUR RAILWAY WORKSHOP.

336. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways be pleased to state:

(a) the number of paid holidays allowed to the staff of Jamalpur Workshop (East Indian Railway) during the whole year;

(b) out of these holidays, the number of holidays allowed to Muhammadan staff and also the number of days allowed for Muslim holidays;

(c) whether it is a fact that the holiday of Id-ul-Zuha (Bakr-Id) is not allowed to Muhammadans of that Workshop; if not, why not;

(d) whether the Bakr-Id holiday is treated as a holiday under the Negotiable Instruments Act in Bihar; and

(e) whether it is a fact that the Muslim staff of that Workshop appealed to the General Manager, East Indian Railway, for allowing them Bakr-Id holiday, to which he replied that they can avail of Bakr-Id holiday with the permission as an unpaid holiday; if so, why?

The Honourable Sir Andrew Olow: (a) 15.

(b) The Muslim staff get all the 15 paid holidays, out of which two are Muslim holidays.

(c) The answer to the first part is in the affirmative if the Honourable Member has a paid holiday in mind; as regards the second part, the festivals to which the two Muslim holidays should be allotted is a matter of choice, and to change the present arrangements in order to give a holiday for Bakr-Id must result in a holiday being denied for some other festival.

(d) Yes.

(e) I understand the Muslim employees at Jamalpur made the request referred to; I am not aware of the exact reply given by the General Manager, but I believe that employees who can be spared have also the choice of taking leave on that day.

Maulvi Muhammad Abdul Ghani: Why are they compelled to take leave without pay on this important festival which is a gazetted holiday and also a holiday under the Negotiable Instruments Act?

The Honourable Sir Andrew Olow: So far as I understand, that is not the position. They are not compelled to take leave and they have the alternative, if leave is due to them, of taking ordinary leave on that day.

INSTRUCTIONS FOR INCLUSION OF EDUCATIONAL ASSISTANCE IN THE TERM "WAGES".

337. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether any instructions have been issued to the Railway Administrations that the educational assistance for employees children, admissible under the rules in force on each railway, is also included in the term 'Wages' under the Payment of Wages Act?

(b) If the reply to part (a) above be in the affirmative, have these instructions been brought to the notice of the railway employees? If not, why not?

(c) If the reply to part (b) above be in the affirmative, will the Honourable Member please lay on the table of the House a copy of such circular issued on the North Western Railway?

The Honourable Sir Andrew Olow: (a) No.

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

CLASSIFICATION OF WORKS MISTRIES ON NORTH WESTERN RAILWAY.

338. *Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to part (b) of the transferred unstarred question No. 123, printed in the Legislative Assembly Debates of the 1st April, 1940, will he be pleased to state whether he will lay on the table of the House a copy of the duty list of a Works Mistry employed at any station on the North Western Railway, wherein his duties have been defined or a restriction placed on his doing clerical and technical work?

(b) Is it a fact that the Works Mistries in their several memorials to the General Manager and other high officials, have asserted that their duties involve clerical and technical work? If so, has this assertion been denied?

(c) If the reply to the last portion of part (b) above be in the affirmative, will the Honourable Member be pleased to lay copies of such replies on the table of the House? If not, why not?

(d) Is it a fact that, with a view to relieve Works Mistries of clerical and technical work, it is proposed to engage more Assistant Inspectors of Works? If so, why?

(e) What are the financial advantages of the two schemes:

(i) classification of Works Mistries as members of subordinate service, and

(ii) appointment of more Assistant Inspectors of Works?

If the latter scheme of recruitment of more Assistant Inspectors involves extra expenditure, is it proposed to economise by classification of Works Mistries as members of subordinate service? If not, why not?

The Honourable Sir Andrew Clow: (a) No such duty lists are prepared.

(b) The reply to the first part is in the affirmative and to the second part in the negative.

(c) Does not arise.

(d) I understand that the North Western Railway is examining the question whether it is desirable in the interests of administration to revive posts of Sub-Inspectors of Works, which were brought under reduction in 1931, but this is not for the purpose assumed by the Honourable Member.

(e) As no decision has been taken regarding the appointment of the Sub-Inspectors of Works and the numbers required are not determined, it is not possible to make a comparison of the relative costs.

Mr. Lalchand Navalrai: With what object is that arrangement going to be made?

The Honourable Sir Andrew Clow: The object is to improve the administration.

Mr. Lalchand Navalrai: In respect of the welfare of the mistries?

The Honourable Sir Andrew Clow: I do not think it is related to that at all.

Mr. Lalchand Navalrai: Is the Honourable Member going to do anything for these mistries so that they may get some pull up?

The Honourable Sir Andrew Clow: I have no such proposal in contemplation.

STAMP VENDORS IN THE POSTAL DEPARTMENT.

339. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state what the scale of pay for Stamp Vendors in the Postal Department was prior to 1931 and what their revised scale of pay is?

(b) If there is a big drop in the minima and maxima, what are the reasons for it?

(c) Is it a fact that the Stamp Vendors are classified as members of inferior service? If so, why?

(d) Is it a fact that the All-India Postal and Railway Mail Service Union have made repeated representations for re-classification of Stamp Vendors as members of subordinate service? If so, how have these representations been disposed of?

(e) Do Government propose to classify Stamp Vendors as members of subordinate service? If not, why not?

Sir Gurnath Bewoor: (a) A statement giving the old and present scales of pay is placed on the table.

(b) The reduction is large in some places and particularly the Presidency Towns. The old scales were unnecessarily high having regard to the general conditions of service, the nature of the duties involved and the qualifications required for the work.

(c) Yes, because of the nature of their work.

(d) Yes. They were rejected.

(e) No, for the reasons stated in reply to part (c) of the question.

Statement showing the old and new scales of pay for Departmental stamp-vendors.

	Old Scale.	New Scale.
	Rs.	Rs.
Group 'A'—		
1. Alipore (Calcutta) and Mekran Coast	25—1—45	24—1—34
2. Baluchistan, Karachi and Persian Gulf	30—1—50	24—1—34
3. Bombay	60—4—100	24—1—34
4. Calcutta (including Howrah)	50—5—100	24—1—34
Group 'B'—		
1. Abbottabad, Mussoorie, Nainital and Ootacamund	18—1—38	22—1—32
2. Agra, Allahabad, Amritsar, Benares, Cawnpore, Delhi, Lahore, Lucknow, Meerut, Peshawar, Rawalpindi and Simla	23—1—43	24—1—32
3. Ahmedabad and Poona	30—1—50	22—1—32
4. Dacca, Darjeeling, Dhanushkodi, Hyderabad (Deccan), Mymensingh, Nagpur, Patna, Ranchi and Shillong	20—1—40	22—1—32
5. Madras	40—5—90	22—1—32
6. Andaman and Nicobar Islands	25—1—45	22—1—32
Group 'C'—		
1. All other stations in B. and A., Bombay and Sind and Baluchistan Circles and in Jubbulpore, Madras, Bangalore and Ambala	20—1—40	18—1—28
2. All other stations in Central Bihar and Orissa, Madras, U. P., and Punjab and N.-W. F. Circles	18—1—38	18—1—28

Mr. Lalchand Navalrai: May I know if the Honourable Member has examined the question of these stamp vendors at Karachi?

Sir Gurnath Bewoor: Yes, Sir.

Mr. Lalchand Navalrai: Does the Honourable Member find that they are entitled to some more pay?

Sir Gurnath Bewoor: No, Sir.

Mr. Lalchand Navalrai: Why not?

Sir Gurnath Bewoor: Because of the reply I gave to part (b) of the question.

Mr. Lalchand Navalrai: That is a stereotyped reply. When it is represented that they are doing more work than is required of them by the rules, why is not something being done for their welfare?

Sir Gurnath Bewoor: I am not aware that they do any work beyond what is required of a stamp vendor.

CLASSIFICATION OF WORKS MISTRIES ON NORTH WESTERN RAILWAY.

340. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that applications were invited *vide* Notice No. 17 published in the North Western Railway Gazette No. 14, dated the 5th July, 1940, for the post of Works Mistries on the North Western Railway, with qualifications as under:

- (i) previous experience on engineering works, and/or,
- (ii) training in a recognized engineering school or college?

(b) In view of the aforesaid qualifications required, why are Works Mistries classified as members of Labour service?

(c) Do Government propose to revise the classification of Works Mistries as members of subordinate service? If not, why not?

The Honourable Sir Andrew Clow: (a) Yes, but this notification was cancelled by Notice No. 80 of the North Western Railway Gazette No. 15, dated July 19, 1940, as the qualifications had been wrongly stated in the original notification.

(b) Does not arise.

(c) I would refer the Honourable Member to my reply to part (d) of his unstarred question No. 123 put on 1st April, 1940.

POSTMASTERS IN BOMBAY POSTAL CIRCLE AND THEIR DAILY DUTY ATTENDANCES.

†341. *Mr. N. M. Joshi: Will the Honourable the Communications Member be pleased to state:

- (a) the number of Postmasters in Bombay Circle who have duty attendances during a day for (i) three times, (ii) four times, and (iii) five times, separately; and

- (b) whether Government have considered if this attendance cannot be reduced to two at the most, by providing mail boxes at the Railway Stations or by such other measures?

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

Sir Gurnath Bewoor: (a) and (b). I have no information and regret that I cannot undertake to collect it as this would involve an undue expenditure of time and labour. I am, however, sending a copy of the question and of this reply to the Postmaster General, Bombay, for considering the suggestion made by the Honourable Member.

PROMOTIONS TO POSTAL SUPERINTENDENT'S CADRE.

†342. *Mr. N. M. Joshi: Will the Honourable the Communications Member be pleased to state:

- (a) whether the promotion to Postal Superintendent's cadre is open to Inspectors and Head Clerks to Postal Superintendents who are below the age of 45 years;
- (b) whether, on account of this promotion, orders have been issued that promotion to Rs. 250—350 cadre will be open to Inspectors alternately with officials of general line;
- (c) if the reply to parts (a) and (b) be in the affirmative, whether Government propose to issue orders that for the purpose of promotion to Rs. 250—350, strict seniority will be observed in the case of Inspectors who are above the age of 45 years on the date of promotion and that the procedure mentioned in part (b) will be applicable only to those Inspectors who are below 45 on the date of promotion; and
- (d) whether the Inspectors and Head Clerks who were above the age of 45 years on the date the orders were promulgated, will be exempted from the operation of orders mentioned in part (b)?

Sir Gurnath Bewoor: (a) Yes, but the age limit can be relaxed in exceptional cases and such promotions are made on the principle of pure selection on merit.

(b) No. The orders were issued to secure more equal prospects of promotion to the grade of Rs. 250—350 for lower selection grade officials belonging to the "Inspectors' line" and to the "General line".

(c) Does not arise.

(d) No.

POSTAL SAVINGS BANK RULE AGAINST DEPOSIT OF A FRACTION OF A RUPEE.

†343. *Mr. N. M. Joshi: Will the Honourable the Communications Member be pleased to state:

- (a) whether, under the revised Post Office Savings Bank Rules, no fraction of a rupee is permitted to be deposited by a depositor; and
- (b) if the reply to part (a) be in the affirmative, whether Government propose further to modify the said rules so as to permit the depositor the addition of fraction of a rupee by way of interest to be rounded to the next rupee?

The Honourable Sir Andrew Clow: (a) Yes, except in certain special types of accounts.

(b) No.

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

RESTRICTING THE EXCHANGE OF REGISTERED AND PARCEL LISTS IN BRANCH POST OFFICES.

†344. *Mr. N. M. Joshi: Will the Honourable the Communications Member be pleased to state:

- (a) whether Government propose to restrict the exchange of Registered and Parcel lists in the Post Offices, in the case of branch offices, to those only which are in direct communication with the Railway Mail Service to economise the use of papers and carbon papers; and
- (b) the total number of branch offices in the Konkan, Bhavnagar and Rajkot Divisions and the number of branch offices there which have booked more than ten registered letters and ten parcels respectively in a month?

Sir Gurunath Bewoor: (a) I am considering the question.

(b) The number of branch offices in the three divisions is:

Konkan	216
Bhavnagar	265
Rajkot	291
Total	772

I regret I am not in a position to supply the further particulars required by the Honourable Member.

DIFFERENCE IN APPLICATION OF A₂ VISION TEST RULE ON NORTH-WESTERN AND EAST INDIAN RAILWAYS.

†345. *Nawab Siddique Ali Khan: Will the Honourable the Railway Member be pleased to state whether it is a fact that on the North Western Railway an employee transferred from one branch to another where he has to pass A₂ vision test, can do so with glasses because the transfer is not held as initial appointment for the purpose of vision test, but, on the East Indian Railway, the rules are differently applied and an employee transferred from one branch to another is required to pass vision test in A₂ without glasses as if it were his initial appointment to the post to which he is transferred? If so, what are the reasons for having different rules on the said Railways?

The Honourable Sir Andrew Olow: I am informed that the standards on the East Indian Railway in respect of the matter mentioned in the question are not more stringent than those on the North Western Railway.

EMPLOYEES LOSING JOBS FOR HABITUAL INDEBTEDNESS ON EAST INDIAN RAILWAY.

†346. *Nawab Siddique Ali Khan: Will the Honourable the Railway Member please state whether Rule 16 (1) (2) (3) of the Government Servant's Conduct Rules is applicable to subordinate staff of the State Railway establishment? If so, how many such cases have occurred on the East Indian Railway where employees have lost their jobs for habitual indebtedness? Is it a fact that this rule is not operative in Moradabad Division of the East Indian Railway? If so, why?

The Honourable Sir Andrew Olow: The answer to the first part is in the affirmative. In the second part, the Honourable Member has not

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

specified the period for which he wants the information, but I am securing it for the year 1940 and will furnish it later. As regards the third part, all Government servants are subject to these rules and those on the Moradabad Division can be no exception. The last part does not arise.

VISION TEST FAILED STATION MASTERS AND ASSISTANT STATION MASTERS EMPLOYED IN TICKET CHECKING BRANCH OF MORADABAD DIVISION.

†347. *Nawab Siddique Ali Khan: (a) Will the Honourable the Railway Member please state how many Station Masters and Assistant Station Masters, having failed in vision test, are employed in the Ticket Checking branch of Moradabad Division?

(b) What was the last pay and grade of these Station Masters and Assistant Station Masters prior to their failure in vision test?

(c) What is their pay, and what is the grade and category in which they are utilised now?

(d) Will the Honourable Member lay on the table a complete list of such staff?

The Honourable Sir Andrew Olow: I have called for information and a reply will be laid on the table in due course.

RULE FOR FIXATION OF SENIORITY ON STATE RAILWAYS.

†348. *Nawab Siddique Ali Khan: (a) With reference to the Honourable the Railway Member's speech at the last meeting of the Railway Conference Association, regarding seniority being the general rule for promotion on State Railways, will he please let this House know if there is any standard rule governing fixation of seniority? If so, what is the rule?

(b) Is it a fact that on the East Indian Railway there is no standard rule to determine seniority on the said Railway?

(c) Is it a fact that while promoting staff in the subordinate rank in their normal avenue of advancement, they are subjected to various tests by Boards and Committees and their past service record is ignored, resulting in supersession of senior hands at the hands of junior ones?

(d) Is there any rule under which Officers of Selection Boards and Selection Committees are authorised to attach "degrees" of one's suitability for a certain post and declare a senior man as merely suitable and a junior one as more suitable or most suitable? If so, will the Honourable Member please state the factors which determine the degree of one's suitability?

(e) For what purposes are Selection Boards held and for which posts and for what purposes and posts are Selection Committees set up?

The Honourable Sir Andrew Olow: (a) I did not make the statements the Honourable Member attributes to me; the seniority of non-gazetted staff is a matter within the discretion of General Managers, and Government have made no rule on this subject.

(b) If the Honourable Member has in mind a rule applicable to all groups, classes and grades and under all circumstances, the reply is in the affirmative.

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

(c) Staff have to pass prescribed qualifying examinations and have to be selected by Selection Boards before being promoted to selection posts. The past services of employees are taken into consideration along with other relevant factors by Selection Boards.

(d) No, but Selection Boards and Committees have generally to indicate the order of merit of the recommended employees. It is not possible to reduce to precise formulæ the bases on which the comparative merits of candidates are judged.

(e) As regards the first part, Selection Boards or Committees are held for the purpose of selecting staff to fill selection posts detailed in my reply to Mr. Azhar Ali's unstarred question No. 11 asked on the 6th February, 1940.

CONTRIBUTIONS TO PROVIDENT FUND BY OLD TICKET COLLECTORS ON EAST INDIAN RAILWAY AND RATE OF THEIR TRAVELLING ALLOWANCE.

349. *Qari Muhammad Ahmad Kazmi: (a) Will the Honourable the Railway Member be pleased to enquire and state whether it is a fact that before the introduction of new scale of Rs. 18-1-27 for the sorters on the East Indian Railway the scale of this category of staff (known as letter delivery clerks, or train despatch clerks, etc.), used to be Rs. 28-2-50 and Rs. 26-2-40?

(b) Is it a fact that this information was given in this House on the 7th February, 1939, in reply to unstarred questions Nos. 86, 87, 89, and 41?

(c) Is it a fact that ex-brakesmen of the East Indian Railway, who were wrongly fixed in the new scale of Rs. 18-1-27 were re-fixed in the scale of Rs. 26-2-40 from the date they were brought on to the new scale of Rs. 18-1-27?

(d) Is it a fact that some of the Ticket Collectors who were drawing Rs. 52 or Rs. 64 in the second and third grade of the cadre were for certain reasons demoted as letter sorters and fixed in the scale of Rs. 18-1-27 (new)?

(e) Is it a fact that on re-examination of the position they were subsequently fixed on the old scale of Rs. 26-2-40 like the ex-brakesmen of the late Oudh and Rohilkhand Railway?

(f) Is it a fact that unlike the ex-brakesmen these Ticket Collectors were not fixed in the old scale with retrospective effect viz., from the date they were wrongly fixed in the new scale of Rs. 18-1-27? If so, why?

(g) Is it a fact that these old Ticket Collectors now employed as letter sorters on their fixation in the old scale of Rs. 26-2-40 are allowed to contribute to Provident Fund?

(h) Is it a fact that, while employed in the scale of Rs. 18-1-27, they were not allowed to contribute to Provident Fund?

(i) Is it a fact that during the period they drew Rs. 27 and were re-fixed on Rs. 42, they suffered a heavy loss by not contributing to Provident Fund and this loss has not been compensated like the ex-brakesmen by re-fixing their pay with retrospective effect? If so, why?

(j) What are the rules regarding the payment of arrears in respect of pay and travelling allowances drawn by employees under circumstances mentioned in previous parts of this questions?

(k) Is it a fact that during the period these old Ticket Collectors were paid Rs. 27 in the new scale against Rs. 40 in the old scale, they were paid annas six per day as travelling allowance against annas twelve per day? If so, how has this loss been compensated for? If not, why not?

The Honourable Sir Andrew GLOW: (a) Yes, but the grade of Rs. 28-2-50 was applicable to train despatch clerks on the Oudh and Rohilkunda Railway.

(b) Yes in the replies to questions 36, 37 and 41.

(c), (e), (g) and (h). Yes.

(d) Yes, but of the six ticket collectors, two were in receipt of pay of Rs. 52, three of Rs. 46 and one of Rs. 49.

(f) The answer to the first part is in the affirmative. As regards the second part, the men were accommodated in the lower grade as they were not considered fit for the posts of ticket collectors, and therefore had no claim for any retrospective benefits when the scales were refixed.

(i) The men did not have the benefit of subscribing to the Provident Fund while they were in the scale of Rs. 18-1-27; as regards the second part, the Honourable Member is referred to my reply to part (f).

(j) The men were paid at the revised rate from the 1st October, 1938; they had no claims for any arrears previous to that date.

(k) The answer to the first part is in the affirmative; as regards the second part, there is no question of compensation as the men were paid at the correct rate; the third part does not arise.

PROMOTION OF JOURNEMEN AS CHARGEMEN ON EAST INDIAN RAILWAY.

350. *Qari Muhammad Ahmad Kazmi: (a) Will the Honourable the Railway Member please state whether it is or it is not a fact that the actual work in Loco-carriage and Wagon shops on the East Indian Railway is carried on by skilled labourers and mistries and the function of journeymen and chargemen is mostly that of the supervision?

(b) Is it or is it not a fact that up till 1936, literate and competent Mistries were promoted to the post of journeymen, who in their turn were promoted to the posts of chargemen and the latter two posts were thus wholly filled up from the cadre of mistries?

(c) Is it or is it not a fact that since 1936, journeymen have not been allowed to become permanent chargemen, however long and however efficiently they may have carried out the duties of chargemen in a temporary capacity, and they have always to make room for new hands from Jamalpur School, whenever they are available?

(d) Are Government aware that this system has absolutely barred the prospects of the journeymen and mistries and is adversely affecting them?

(e) Have Government considered the advisability of reverting to the old rule, or at least fixing up some percentage of the posts of chargemen to be filled up by efficient and capable journeymen?

The Honourable Sir Andrew GLOW: (a) As regards the first part, skilled labourers and mistries form part of the necessary organisation of the shops and do the work allotted to them; as regards the second part, the function of Chargemen is mostly supervisory. I have called for information

in respect of journeymen and a further reply will be laid on the table in due course.

(b) and (c). I have called for information and a further reply will be laid on the table in due course.

(d) and (e). No.

RECENT RESTRICTION ON ADVANCE OF LOANS BY CO-OPERATIVE CREDIT SOCIETY ON EAST INDIAN RAILWAY.

351. *Qazi Muhammad Ahmad Kasmi: (a) Will the Honourable the Railway Member please state whether it is or it is not a fact that members of Co-operative Credit Society on the East Indian Railway were entitled to take additional loans after paying up half of their existing loan, provided the total amount did not exceed ten months pay?

(b) Is it or is it not a fact that recently the Agent, East Indian Railway, has passed orders that a new loan cannot be taken unless the previous one has been fully paid up and in full time, irrespective of the fact that it is to any extent below the permissible maximum?

(c) Are Government aware that this rule is causing great hardship to the Railway employees who have to incur debts at much higher rates of interest to meet their legitimate necessities?

(d) Have Government considered the advisability of restoring the old rule?

The Honourable Sir Andrew Olow: As I have indicated in reply to an unstarred question today, I cannot accept responsibility for the working of co-operative credit societies. But I am inquiring if action has been recently taken by the General Manager, independently of the Managing Committee, to curtail the facilities for loans in the manner suggested in the question, and a further reply will be furnished at a later date.

LEAVE PRIVILEGES TO INFERIOR LABOUR STAFF PROMOTED TO SUBORDINATE CADRE ON EAST INDIAN RAILWAY.

352. *Qazi Muhammad Ahmad Kasmi: (a) Will the Honourable the Railway Member please state whether it is or it is not a fact that apprentices under training in technical schools on the East Indian Railway on the 1st September, 1928, have been permitted to avail the leave privileges under Fundamental Rules?

(b) Is it or is it not a fact that the above concession has not been extended to the inferior labour staff in sheds and workshops employed on the 1st September, 1928, when they are promoted to subordinate cadre? If not, why not?

The Honourable Sir Andrew Olow: Information is being collected and a reply will be laid on the table of the House in due course.

DISCONTINUANCE OF THE PRACTICE OF CHANGING OVER ASSISTANT STATION MASTERS AND ASSISTANT CONTROLLERS ON NORTH WESTERN RAILWAY.

353. *Gardar Sant Singh: (a) Will the Honourable Member for Railways be pleased to refer to letter No. 681-E./O, dated the 4th October,

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

1938, issued by the General Manager, North Western Railway, to all Divisional Superintendents, and state if it was decided to discontinue the practice of changing over Assistant Station Masters and Assistant Controllers every two years? When and why was this practice introduced, and what were the reasons for discontinuing it?

(b) Is it a fact that the same letter contained a note that, "The administration reserves to itself the right of promoting if necessary a suitable Assistant Controller with the necessary experience as Station Master Grade V and also to transfer a Station Master Grade V or above to posts in control"?

(c) If the answer to parts (a) and (b) above be in the affirmative, how does the Honourable Member expect men working in one post to have necessary experience of the other post when changing over has been discontinued? How many Controllers have been promoted as Station Masters and how many Station Masters have been transferred to posts in control? How much experience did they have of the other post before their transfer?

(d) Is it a fact that the pay of an Assistant Controller in the old scale is higher and of that in the present scale is equal to the pay of Station Master grade V?

(e) If the answer to part (d) above be in the affirmative, how is the pay of men inter-changed fixed? Can an Assistant Controller in the old grade (Rs. 800—10—350) be "promoted" as a Station Master Grade V (Rs. 280—10—800)?

(f) Is it a fact that before 1935 the channel of promotion for Station Masters and Controllers was entirely separate?

(g) Is it a fact that since October 1938, the cadres of Assistant Station Masters and Assistant Controllers have been separated?

(h) In view of the separation of cadres and discontinuing of changing over, do Government propose to return Controllers working as Station Masters and who have not been confirmed as such, to their original posts of Assistant Controllers? If not, why not?

The Honourable Sir Andrew Olow: (a) The answer to the first part is in the affirmative. The practice of interchanging Assistant Station Masters and Assistant Controllers was introduced in 1935 when the cadres of these two appointments were amalgamated and were given up when they were separated again in 1938.

(b), (f) and (g). Yes.

(c) As regards the first part, I understand opportunities still exist for men who desire to acquire the qualifications. As regards the second part, one in each. As regards the third part, the men had the requisite experience.

(d) There was a scale of Rs. 300—10—350 for Assistant Controllers prior to 14th September, 1929; staff who are still in this grade hold it as personal to themselves. The grades of Assistant Controllers and Station Masters grade V are now the same.

(e) As regards the first part the position is explained in the reply to part (d). The answer to the second part is in the negative.

(h) No, as such action is not called for.

DEVALUATION OF CERTAIN POSTS OF ASSISTANT STATION MASTERS BY THE GENERAL MANAGER, NORTH WESTERN RAILWAY, LAHORE.

354. *Sardar Sant Singh: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the General Manager, North Western Railway, Lahore, devalued 57 posts of Assistant Station Masters grade V, whose scale of pay is Rs. 260—10—300, to grade IV (Rs. 200—10—250) vide his letter No. 681-E./O., dated the 4th October, 1938?

(b) Is it a fact that certain men were confirmed in grade V prior to the receipt of this letter? What was their number?

(c) Is it a fact that the confirmed men were allowed to retain their old pay and grade?

(d) Is it a fact that before the issue of this letter, Assistant Station Masters grade V were eligible for promotion as Station Masters grade V to VIII, and Assistant Station Masters grade I were eligible for promotion as Station Masters grade I to IV?

(e) Is it a fact that after the receipt of this letter, Station Masters grade IV (Rs. 200—10—250) have been given preference over Assistant Station Masters confirmed in grade V (Rs. 260—10—300), in the matter of promotion as Station Masters grade V (Rs. 260—10—300)?

(f) Is it a fact that by doing so, the administration has to suffer a loss of Rs. 50 per mensem in each case?

(g) What are the reasons for giving preference to men of lower grade when there are men of higher grade available with better qualifications?

(h) Do Government propose to economise expenditure by reverting grade IV Station Masters officiating in grade V to their substantive grade? If not, why not?

The Honourable Sir Andrew Olow: (a) Yes, 58 posts of Assistant Station Masters grade V were abolished.

(b) Yes; there were 49 such men.

(c) They were permitted to retain their pay, but they were treated as being on the lower grade.

(d) Yes.

(e) I understand that one Station Master grade IV has been appointed to officiate as Station Master grade V.

(f) No, the financial effect of the arrangements will vary in each case.

(g) As promotion to posts of Station Masters grade V is by selection, preference is given to the more suitable individual.

(h) The answer to the first part is in the negative; as regards the second part, the existing procedure is in the best interests of the Railway.

DRINKING WATER FROM THE WELL AT KOT SUJAN SINGH, NORTH WESTERN RAILWAY.

355. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways be pleased to enquire if drinking-water from the well at Kot Sujan Singh (North Western Railway) Railway Station, is fit for human consumption?

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

(b) Is it a fact that there have been found serpents in the well and the public are consequently reluctant to use the water, and also that the well is at an inconvenient distance? Is the Honourable Member prepared to consider the advisability of installing a hand-pump close to the waiting shed at a small cost of about a hundred rupees?

The Honourable Sir Andrew Olow: (a) A sample of water from the well is being sent for chemical and bacteriological examination.

(b) Only recently the Station Master reported that snakes have been found in the well and that the public were reluctant to use it. The well is less than 50 yards from the station building. If the water, after testing, is found unsuitable, the installation of a tube well will be considered.

Dr. Sir Ziauddin Ahmad: How long will this test take?

The Honourable Sir Andrew Olow: I do not know; it is not in the hands of the Railway Department, I imagine.

AMALGAMATION OF THE OFFICE OF THE CONTROLLER OF THE RAILWAY ACCOUNTS AND THE CENTRAL STANDARD'S OFFICE WITH THE RAILWAY BOARD.

356. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state if Government propose to amalgamate the Office of the Controller of the Railway Accounts with the Railway Board in the interests of economy?

(b) If the answer to part (a) be in the affirmative, do Government propose to take similar action in respect of the Central Standard's Office also? If not, why not?

The Honourable Sir Andrew Olow: (a) While the amalgamation of the office of the Controller of Railway Accounts with the Railway Board will result in economy, it is being effected primarily because it is the logical corollary of the transfer of the Accounts Department on State-managed railways to the control of the General Managers.

(b) This does not arise.

PROVISION OF ARMED POLICEMEN ON TRAINS IN SIND SECTION OF NORTH WESTERN RAILWAY.

357. *Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that Railways pay the cost of the Police employed in running trains for the safety of travelling public;

(b) whether it is a fact that on the Sind section of the North Western Railway, one unarmed policeman accompanies each train;

(c) whether the Honourable Member is aware that only a few days ago, a daring dacoity took place in day-light in a running train between Sann and Amri, when dacoits looted property and removed the ornaments of women passengers;

(d) if there was any policeman running with the train, and whether he was able to do anything;

(e) whether any passenger was killed; and

(f) whether the railway authorities propose to provide armed police and adopt other methods to avert such incidents on the Sind section?

The Honourable Sir Andrew Clow: (a) No.

(b) I understand that before 1st March, 1941, one unarmed constable accompanied selected trains, but that since then patrolling constables are working in squads.

(c) No.

(d) and (e). Do not arise.

(f) The provision of armed police patrols is not a function of the Railways.

Mr. Lalchand Navalrai: May I know if the Honourable Member has learnt that there has been a dacoity at Benares side and will he see that more arrangements are made to protect against these dacoities on running trains?

The Honourable Sir Andrew Clow: I have explained that there was no dacoity in this case.

Mr. Lalchand Navalrai: I am talking of another that took place recently near Benares.

The Honourable Sir Andrew Clow: I submit that that does not arise out of this question.

Mr. H. A. Sathar H. Essak Sait: Sir, I had the authority yesterday from Nawab Siddique Ali Khan to put his questions: I gave it.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE RAILWAY BOARD.

358. *Mr. H. A. Sathar H. Essak Sait (on behalf of Nawab Siddique Ali Khan): (a) Will the Honourable the Communications Member please state how many temporary or officiating appointments in the grades of Assistant, Stenographer and Clerk have been made in the Railway Board since the 1st July, 1939?

(b) How many of the persons appointed in such vacancies were Hindus?

(c) How many of them were Muslims?

The Honourable Sir Andrew Clow: (a) Five Assistants, 17 Stenographers and 99 Clerks were given temporary appointments. Officiating appointments were made of 50 Assistants, 10 Stenographers and 27 Clerks.

(b) Of those appointed temporarily two Assistants, 7 Stenographers and 64 Clerks were Hindus and of those appointed to officiate 43 Assistants, 5 Stenographers and 18 Clerks.

(c) Of those appointed temporarily three Assistants, three Stenographers and 22 Clerks were Muslims and of those appointed to officiate five Assistants, one Stenographer and 9 Clerks.

Mr. President (The Honourable Sir Abdur Rahim): The answer to the next question of Nawab Siddique Ali Khan will be laid on the table.

Mr. H. A. Sathar H. Essak Sait: But the earlier questions were not asked, Sir.

Mr. President (The Honourable Sir Abdur Rahim): That does not matter. This is the sixth question in the order in which the questions are put down on the list.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE EXTERNAL AFFAIRS DEPARTMENT.

†359. *Nawab Siddique Ali Khan: Will the Secretary for External Affairs Department please state:

(a) how many temporary or officiating appointments in the grades of Assistant, Stenographer and Clerk have been made in the Department of External Affairs since the 1st July, 1939;

(b) how many of the persons appointed in such vacancies were Hindus; and

(c) how many were Muslims?

Mr. O. K. Garoe: (a) 13 posts of Assistants, one post of a Stenographer and 13 posts of clerks.

(b) and (c). The appointments were filled by:

16 Hindus.

6 Muslims.

5 Other minority Communities.

POSTPONED QUESTIONS AND ANSWERS.

DEFICIENCY IN THE NUMBER OF MUSLIM EMPLOYEES ON INDIAN RAILWAYS.

295. *Mr. H. M. Abdullah: (a) Will the Honourable the Railway Member be pleased to state whether all Indian Railways are following the rules for direct recruitment contained in the Resolution of the Government of India of July, 1934? If not, why not?

(b) Is it a fact that Government can enforce the terms of this resolution on the four State-managed Railways only?

(c) Is it a fact that these State-managed Railways do not serve the entire Indian continent?

(d) Is it a fact that it has been admitted in paragraph 8, section IV of Annexure I to the Home Department Resolution No. F. 14/17B/33, dated 4th July, 1934, that recruitment to subordinate posts on the Railways is made by local areas and not on an All-India basis?

(e) Is it a fact that an average percentage of Muslims in the population of the areas served by the State-managed Railways is over 85, but that the percentage fixed for Muslims in direct appointment to gazetted services on those railways is only 25, and it is only 33 in the case of subordinates?

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

(f) Is it a fact that Muslims have been given less than their due share in accordance with population on the South-Indian Railway, Assam Bengal Railway, and the Bombay, Baroda and Central India Railway, by approximately nine per cent.?

The Honourable Sir Andrew Olow: (a) All the State-owned Railways follow the rules: the latter part does not arise.

(b) Yes, but the Class I Company-managed Railways have all agreed to comply with the same rules.

(c) and (d). Yes.

(e) Yes, but there is no reason to consider the State-managed Railways in isolation in this matter.

(f) No; although the original orders did allot to these three Railways a percentage less than the population rating a subsequent revision raised the percentage allotted to the South Indian Railway from 6 to 16.7 per cent. against an estimated population ratio of 7.07 per cent. I would, however, add that it was not the intention to approximate the reservation on every individual railway to the population ratio.

Mr. Muhammad Nauman: With reference to part (a), may I know whether, in following the rules, the Railway Administrations send quotas given to the different communities, or do the Railway Board give them the quotas?

The Honourable Sir Andrew Olow: The general quotas for the different railways are fixed here—like that of 60 per cent. on the North Western Railway, for example.

Mr. Muhammad Nauman: What I wanted to know is this: suppose the East Indian Railway was to appoint 200 people on the grade of Rs. 50–200, do they send any report to the Railway Board whether the Muslim have got a proper share in those appointments?

The Honourable Sir Andrew Olow: Regular returns of the appointment sent communally are published.

Maulvi Muhammad Abdul Ghani: May I know whether it is a fact that the Railway Board, in fixing the proportion of the Muslim representation over all railways, include the Company-managed railways, and whether this was communicated to them?

The Honourable Sir Andrew Olow: The percentages were fixed here. Different percentages were fixed for different railways in order to give a over-all percentage equal to that fixed by Government.

Mr. Muhammad Nauman: What I wanted to know was whether Company-managed railways were also acting upon the instructions of the Railway Board, and whether the Railway Board is satisfied that they are also accepting the Resolution of 1934, or not?

The Honourable Sir Andrew Olow: I have answered that in part (c) of the question.

DEFICIENCY IN THE NUMBER OF MUSLIM EMPLOYEES ON INDIAN RAILWAYS.

296. *Mr. H. M. Abdullah: (a) Will the Honourable the Railway Member be pleased to state whether the total reservation, for India as a whole, of 25 per cent. for Muslims in direct recruitment, was fixed to approximate to the ratio of Muslims in the total population of India?

(b) Is it a fact that so far as Railway services are concerned, the rules contained in Annexure II of Home Department Resolution No. F-14/17-B./33, dated 4th July, 1934, apply to State-managed Railways only?

(c) What is the total number of State-managed and Company-managed Railways of all classes, separately? Of these, how many have been asked to adopt similar rules for the services on their Railways and how many have actually done so?

(d) Have Government set up any machinery to ensure that Company-managed Railways, who may have agreed to adopt similar rules for the services on their Railways, are actually doing so?

The Honourable Sir Andrew Olow: (a) Yes.

(b) No, the rules are followed on the Company-managed Railways also.

(c) There are four State-managed and seven Company-managed Class I Railways, four Company-managed Class II Railways and sixteen Company-managed Class III Railways. As regards the second part, all Class I Company-managed Railways were asked and have agreed to follow the rules.

(d) Government receive regular returns from Company-managed Railways.

UNSTARRED QUESTIONS AND ANSWERS.

CO-OPERATIVE CREDIT SOCIETY ON THE EAST INDIAN RAILWAY.

125. Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Railway Member please state the places where the capital of the co-operative credit society on the East Indian Railway is invested and at what rates of interest?

(b) Is it or is it not a fact that the co-operative society charges five per cent. interest on loans advanced to its members?

(c) What percentage of the capital can be advanced to members as a loan?

(d) What has been the dividend given to the members for the last five years?

The Honourable Sir Andrew Olow: (a) to (d). The Central Government cannot accept responsibility for the working of Co-operative Credit Societies. These are not part of the administrative machinery on railways and work subject to their Articles of Association and the directions of those in whose hands the management is vested.

Departments of the Government of India, and relieve the typists of the Railway Clearing Accounts Office of this hardship? If not, why not?

The Honourable Sir Andrew Olow: (a) The position generally is that, in those Departments of the Government of India and its Attached Offices where the duplicating machines are not worked by electricity, duplicating work is done by duffries whereas, in other Departments where the machines are worked by electricity, the work is done by Gestetner Attendants who are classified as superior staff.

(b) Yes.

(c) and (d). The duplicating machine in use in the Railway Clearing Accounts Office is worked by electricity and the question of differential treatment of the typists of that office does not, therefore, arise. As the work requires careful and intelligent handling, Government do not propose to entrust the work to duffries in that office.

PROMOTION OF INSPECTORS OF STATION ACCOUNTS AND OF THE STAFF OF THE TRAFFIC ACCOUNTS BRANCH TO GAZETTED POSTS ON EAST INDIAN RAILWAY.

129. Mr. Muhammad Azhar Ali: (a) Will the Honourable the Railway Member be pleased to state whether any provisions have been made in the rules for the recruitment and channels of promotion of Inspectors of Station Accounts on the East Indian Railway? If so, what are they?

(b) Are Inspectors of Station Accounts eligible for promotion to 'the gazetted service'? If so, to which posts?

(c) Have there been any such promotions during the past five years? If so, how many and to which posts?

(d) Is it a fact that staff from other branches of the Accounts Department have been promoted to gazetted posts in the Traffic Accounts Branch? If so, are staff from the Traffic Accounts Branch eligible for promotion to gazetted posts in those other branches?

(e) If the answer to the second part of part (d) be in the negative, will the Honourable Member please state why the men in the Traffic Accounts Branch are blocked in their avenue of promotion?

(f) Is any action proposed to be taken? If not why not?

The Honourable Sir Andrew Olow: Information has been called for and a reply will be laid on the table of the House in due course.

LABOUR CONTRACTOR AT BURDWAN, EAST INDIAN RAILWAY.

130. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state whether the labour contract which was formerly given to the Station Master, East Indian Railway, Burdwan, has now been given to an outsider?

(b) Is it a fact that the contractor is paid much more than what was given to the Station Master? If so, why?

(c) Is it also a fact that the contractor has not paid the box-coolies wages for two months?

(d) Have the box-coolies reported the matter to the local authorities and the Railway Board and have threatened to strike work?

(e) Is the Honourable Member prepared to consider the advisability of removing the contractor and reverting to the old system?

The Honourable Sir Andrew Olow: (a) Yes, in 1938.

(b) No.

(c) I understand the contractor withheld payments temporarily as license fees had not been paid him by the coolies but that a settlement has since been reached.

(d) I understand a report was made only to the local authorities; I have no knowledge of a threatened strike.

(e) No; the appointment and removal of contractors is a matter for the railway administration.

COMPETENCY OF THE STATION SUPERINTENDENT, HOWRAH, TO GRANT UNRECORDED LEAVE TO HIS SUBORDINATE STAFF.

131. Mr. Muhammad Azhar Ali: (a) Will the Honourable the Railway Member be pleased to state whether the Deputy Station Superintendents on the East Indian Railway at Howrah are given every other Sunday off duty? If so, is the same concession given to the other members of the staff who perform the same number of hours of duty daily?

(b) If the answer to the second part of part (a) be in the negative, is the Honourable Member prepared to remove the distinction?

(c) Is the Station Superintendent, Howrah, empowered to grant unrecorded leave to the non-gazetted staff posted under his supervision?

(d) Is this privilege enjoyed by all the staff at that station? If not, why not?

(e) Is the Station Superintendent empowered to place one of his Deputies on special duty during the work which normally falls upon him?

The Honourable Sir Andrew Olow: (a) to (d). I have called for information and a reply will be laid on the table of the House in due course.

(e) This part of the question is not understood.

RULES FOR PROMOTION IN THE COMMERCIAL DEPARTMENT OF THE NON-GAZETTED STAFF ON EAST INDIAN RAILWAY.

132. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state whether any modifications have been made in the rules which require that non-gazetted staff seeking promotion in the Commercial Department of the East Indian Railway must first qualify by passing the Goods Accounts Examinations, Lower and Higher? If so, what are they?

(b) Do the staff who have not passed the qualifying examinations retain their positions of seniority for promotion till they pass the examinations?

The Honourable Sir Andrew Olow: I have called for information and will lay a reply on the table of the House in due course.

RULES FOR RECRUITMENT AND CHANNELS OF PROMOTION OF CLAIMS CLERKS ON EAST INDIAN RAILWAY.

133. Mr. Muhammad Azhar Ali: (a) Will the Honourable the Railway Member be pleased to state whether in the rules for the recruitment and training of non-gazetted staff framed by the Railway Board and in operation on all State-managed Railways, provision has been made for the recruitment and channels of promotions of Claims Clerks on the East Indian Railway?

(b) If not, what are the rules governing their recruitment and the channels of their promotions?

(c) Is the post of Claims Inspectors a selection post?

The Honourable Sir Andrew Olow: (a) and (b). No separate provision exists in the rules issued by the Railway Board in respect of Claims Clerks, but I am enquiring if the East Indian Railway have issued any rules. A further reply will be laid on the table in due course.

(c) Yes.

RULES FOR RECRUITMENT AND CHANNELS OF PROMOTION OF NON-GAZETTED STAFF IN THE RESEARCH DEPARTMENT OF EAST INDIAN RAILWAY.

134. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state whether in the rules for the recruitment and training of non-gazetted staff issued by the Railway Board and in operation on State-managed Railways, provision has been made for the recruitment of non-gazetted staff in the Research Department and the channels of their promotions?

(b) If not, what is the position in regard to recruitment and promotion in the Research Branch of the East Indian Railway?

The Honourable Sir Andrew Olow: (a) and (b). No separate provision exists in the rules issued by the Railway Board in respect of non-gazetted staff of the Research Department of the East Indian Railway, but I am enquiring if that Railway has issued any rules. A further reply will be laid on the table in due course.

TRAIN EXAMINERS AND ASSISTANT TRAIN EXAMINERS ON EAST INDIAN RAILWAY.

135. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways be pleased to state:

(i) the old and the revised scales of pay; and

(ii) the number of employees in each grade of Train Examiners and Assistant Train Examiners on the East Indian Railway?

The Honourable Sir Andrew Olow: The information available with Government is contained at page 70 of the Establishment Rolls of the East Indian Railway for the year 1939-40, a copy of which is in the Library of the House.

RULES FOR RECRUITMENT AND CHANNELS OF PROMOTION OF TIME-KEEPER AND SHED SERGEANT AT THE HOWRAH GOODS SHEDS OF EAST INDIAN RAILWAY.

136. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state whether in the rules for the recruitment and training of non-gazetted staff issued by the Railway Board, provision has been made for the recruitment and channels of promotion of Time-Keeper and Shed Sergeant at the Howrah Goods Sheds of the East Indian Railway? If so, what are they?

(b) Is it a fact that the employee selected must have previously been trained in Fire Brigade duties?

(c) Is it a selection post?

(d) Is the Time-Keeper and Shed Sergeant in charge of the Fire Brigade arrangements at the Howrah Goods Sheds?

The Honourable Sir Andrew Olow: (a) No separate provision exists in the rules issued by the Railway Board in respect of the Time Keeper and Shed Sergeant of the Howrah Goods Shed. The second part does not arise.

(b) and (d). I have called for information and will lay a further reply in due course.

(c) No.

SENIORITY OF NON-GAZETTED STAFF IN THE OPERATING AND COMMERCIAL DEPARTMENTS OF EASTERN BENGAL RAILWAY.

137. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state whether substantive pay of a non-gazetted employee in the Operating and Commercial Departments of the Eastern Bengal Railway is the determining factor for the fixation of seniority for the purpose of promotion to higher posts? If not, how is seniority determined?

(b) Has the staff been advised how seniority is determined? If not, why not?

(c) Will the Honourable Member be pleased to state whether any of the posts in the Operating Department can be held by staff from the Commercial Department and *vice versa*? If so, what are the posts?

The Honourable Sir Andrew Olow: (a) Government do not get information on these matters of detailed administration.

(b) While Government have no precise information, the staff in any grade are normally aware of the method by which seniority is determined, and a member of the staff can ascertain the position he holds.

(c) The administration is competent to transfer suitable men from one Department to the other when this is in the interests of the public service; the Railway Board have not prescribed any posts to which such transfers may be made.

PROCEDURE GOVERNING THE ISSUE OF SERVICE CERTIFICATES TO NON-GAZETTED EMPLOYEES ON STATE RAILWAYS.

138. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state whether it is provided in the rules that service certificates issued to permanent non-gazetted employees with over one year's service must be countersigned by the head of the department?

(b) If not, what are the rules governing the issue of service certificates, and do certificates contain an account of the reasons of termination of service, ability and conduct? If not why not?

(c) Is the same printed form used for all purposes?

(d) Is the procedure uniform on all State-managed Railways? If not, what are the conditions on each Railway?

The Honourable Sir Andrew Olow: (a) Not as far as I am aware. The rule cited in the reply to part (b) provides for the grant of certificates by the Head of a Department or other gazetted officer authorized by the General Manager.

(b) The rules issued by Government are contained in paragraph 1620 of the State Railway Establishment Code, a copy of which is in the Library of the House. Paragraph 1620 (1) has recently been amended and now reads as follows:

"A service certificate may be granted to a non-gazetted railway servant on the termination of his service, by the Head of a Department or other Gazetted Officer authorised by the General Manager. In respect of labour employed in workshops such certificates should be issued in form 19 (a) which may be used, at the discretion of the General Manager, in respect of other non-gazetted staff also. The instructions regulating the completion and issue of such certificates are left to the General Manager to prescribe. The grant of the certificate may be dispensed with in cases where service books are maintained and the service book is given to the employee when he quits the service."

As regards the second part of the question, the form now recommended for general adoption contains provision for these entries. The last part does not arise.

(c) The form recently prepared has been recommended for general adoption.

(d) Government have no details of the procedure on the different Railways, but they understand that this varies.

CHECK BY THE ACCOUNTS DEPARTMENT ON THE EARNINGS OF STATIONS AND GOODS SHEDS ON EAST INDIAN RAILWAY.

139. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways be pleased to state whether the work performed by Inspectors of Station Accounts on the East Indian Railway is a part of the internal check of traffic earnings?

(b) Is it a fact that the divisional system applies only to expenditure accounts and not to accounts of earning?

(c) Is a complete check made by the Accounts Department on the earnings of stations and goods sheds? If not, what is the percentage?

The Honourable Sir Andrew Olow: (a) and (b). Yes.

(c) No. The percentage of checks varies from 10 per cent. to 100 per cent. according to the importance of the class of voucher to be checked.

STATEMENT LAID ON THE TABLE.

Information promised in reply to starred question No. 193 asked by Sardar Sant Singh on the 20th November, 1940.

LOSS OF PROSPECTS OF GUARDS IN GRADES I AND II BY THE ABOLITION OF GRADE IV ON THE NORTH WESTERN RAILWAY.

Statement showing the sanctioned strength and actuals in Grades III and IV of Guards employed on each Division on 1st April, 1929.

Division.	Grade III.		Grade IV.	
	Sanctioned strength on 1st April, 1929	Actuals on 1st April, 1929	Sanctioned strength on 1st April, 1929	Actuals on 1st April, 1929
Delhi	110	71	33	51
Ferozepore	40	39	9	8
Rawalpindi	58	64	35	34
Karachi	31	72	27	28
Multan	55	54	13	13
Lahore	50	61	40	47
Quetta	11	10	22	21

THE DELHI RESTRICTION OF USES OF LAND BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I present the Report of the Select Committee on the Bill to regulate in the Province of Delhi the use of land for purposes other than agricultural purposes.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the motion to take the Finance Bill into consideration.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, in order thoroughly to appreciate what is known as the Pakistan scheme, it is absolutely necessary that certain elemental realities should be understood. India is not a country, it is a vast continent. Its population, excluding the Chinese Empire, is greater than the population of the rest of Asia. The last census told us that the population of India was something like 35 crores. The forecast of the census this time is that the population has risen to 40 crores. Of these 40 crores, one-fourth at least are Muslims, that is ten crores. We remember that once upon a time Pandit Jawaharlal Nehru had declared that in India there were only two powers to be reckoned with, the National Congress and the British Government. Up arose Mr. Jinnah with his historic response. He said there is another power, and that is the Muslims of India, who have got

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their own traditions, their own culture, their own religion, their own characteristics, and, accordingly, they are a separate nation; and they have made up their mind not to hand over their destiny to the decision of others: they will decide it themselves. Since then a controversy has been raging whether the Muslims of India are a separate nation, or whether they are merely a part of the entire population of India, subject, according to the laws of western democracy, to the principle that the majority shall rule and the minority shall bow down its head before the decisions of the majority; and as the Hindus happen to be the overwhelming majority in India, the democratic result is that the Muslims may be a very powerful minority, but still they are subject to the domination of this overwhelming majority.

The Indian National Congress, it must be admitted, is the most powerful political organization in India. The Congress, from the housetops, from the platform, and from the press has been declaring at the top of its voice that India is populated by only one nation, the Muslims of India are a part of this nation, and that this part shall have to respect the decisions of the whole. The rights, privileges and prerogatives of the Muslims, whatever they may be, will be respected by the Congress, but the Congress shall be the sole authority of determining the necessary safeguards, and the rule shall be the rule of the majority. It further declared that India shall have the right of framing its own Constitution. This Constitution shall be framed by a Constituent Assembly including Muslims among the Hindus as the sacred laws of the West, the democratic principles of the West, dictate such a course. This Constituent Assembly shall frame the necessary laws, and the type of Government in India shall be unitary, and the Centre shall be the repository of all power. All the provinces in India shall be subject to the Centre in respect of decisions regarding defence, foreign affairs, high finance, excise duties and similar other reserved departments. The principle laid down by the Congress has been supported by the Hindu Mahasabha, and even by those people who call themselves moderates. On the other hand, the Muslims say that in this sub-continent we are a distinct nation. We cannot be amalgamated in the Hindu majority, and we cannot lose thereby our distinct national entity. We are not prepared to bow down before the decisions of any Constituent Assembly in which the dominating power shall under all conditions be that of the Hindus. Any law made by this Assembly will not serve our purpose. We do not believe in the western type of democracy in which the Congress believes, in which the Mahasabha and the moderates believe. "East is East and the West is West and the twain shall never meet". Conditions in India are entirely different, and, therefore, here we shall have to frame a law which will suit our genius and our requirements. We also do not believe in a unitary type of Government inasmuch as it presupposes the domination of the Centre, and according to the principles laid down by the West, the Centre under all conditions will be dominated by non-Muslims. To solve this riddle there is only one way. We propose that in the North-West of India and in the North-East of India, two regional zones shall be created. The North-West zone shall consist of the North-West Frontier Province, the Punjab, Sind and Baluchistan where the Muslims happen to be in a majority, though not an overwhelming majority as the Hindus enjoy in Madras, in the United Provinces, Central Provinces, Bihar, Orissa and Bombay, but still a

majority of 55 or 56 per cent. No one can gainsay that. It is a fact, it is a fundamental truth, it is an elemental reality. These free States having full self-Government, full powers and fully autonomous, shall make their own laws and frame Constitutions suited to their genius. In the North Eastern zone, Bengal and Assam are in the same category. We want these two regions to be independent States, with full power to govern according to their own notions of justice and fairplay. In these zones the non-Muslim minorities shall live a free life. All their prejudices will be respected, all their prerogatives will be respected and every opportunity will be given to them to develop their individuality, their nationality according to their own traditions, according to their own culture. The same liberty we concede according to this plan to other parts of India where the Hindus happen to be in a majority. Naturally, it will be asked, what will be the fate of the Mussalmans in those territories? Our reply is that we expect the same justice to be meted out to them as shall be granted to the Hindu elements in the two regional zones known as the Islamic States.

Sir, we have been labouring under a great handicap for a very long time under what are known as the British Indian laws. Take, for instance, the law of limitation. According to this law, a mosque, if it happens to be in the possession of a non-Muslim for 12 years, shall, after the period of 12 years elapses, *ipso facto* be transferred to the ownership of the possessor. Now, Sir, this is a law which is fundamentally against the teachings of Islam. A mosque is the house of God, and as such it is the property of God, and no one, even after 120 years or thousands of years can become the owner of such a mosque which is the property of God. The question of Shahidgunj, when it cropped up, brought this stern reality before the world. The mosque was dismantled and the League in its historic meeting at Lucknow declared that the dismantling of this House of God under the protection of British bayonets was an act of interference in our religious liberty, and if the mosque was not restored to the Muslims, the Government of India and the Muslim League would come to grips, and as long as it was not restored to us, the unrest would continue. Emerson has written an essay on the law of compensation. The law of compensation is there. I was reading only the other day that over a thousand Churches had been blown up by those scientific savages whom we know as Nazis. Therefore, there was one Shahidgunj here and there are a thousand churches there, and now the Britishers are in a position to appreciate the state of our mind.

Then, there is another law entitled the Sarda Act. It was against the principles and the teachings of Islam, against the essential and fundamental requirements of the Muslim community. But this measure was rammed down our unwilling throats and placed on the Statute-book. These are only two instances, but I can multiply them by many more. So, we Muslims want that in this vast sub-continent of India there will be at least some regions in which we shall have our own constitution, our own personal laws, and we shall develop spiritually, mentally, morally and physically under our own Constitution. Between these two great zones, the North Western zone and North Eastern zone, and the Hindu zone comprising the rest of India which is a bigger slice, there can be an honourable understanding, and brotherly and friendly relations can be promoted between the two communities, and the deadlock which has been created by past incidents can be removed and political harmony can be

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re-established. If such an understanding is arrived at, the political unity of India which is another problem can also be solved. A common meeting ground between these two powers can be provided for in Delhi. The representatives of these free States shall come here, join their heads together, offer their advice to the States of India as regards matters which are of common interest. You may call it the Central Government if you like, but this Central Government shall be divested of all real powers. The residuary powers of the Central Government shall be transferred to the free States of India, Muslim States and Hindu States, and the Central Government shall have only a consultative capacity. There will thus be a binding force between otherwise loose and scattered territories extending throughout the length and breadth of India.

Now, one would like to know what is the attitude of the Britisher with regard to this tussle that is going on between Hindus and Muslims? A revolution is in the air. Every Hindu, every Muslim in India wants freedom, clamours for complete independence, and the Britisher has taken note of it. The Britisher knows perfectly well that after this terrible war is over, the world shall have changed its shape. It may not be the same world as it was when the unfortunate catastrophe befell the world. He has, accordingly, in order to gain the sympathies of this country, declared from time to time that after this war is over Dominion Status of the type of Westminster will be conceded to India. But neither the Congress nor the Muslim League believe in this Dominion Status. Besides, these two powerful organisations do not trust him, because he does not trust us. It is trust that begets trust, it is mistrust that begets mistrust. Then, from Mr. Amery, the Secretary of State for India to the Viceroy, and from the Viceroy down to the ordinary English civilian, they say, "We are ready to do everything for you, but you do not want to have this thing being done. You first settle your differences, compose them, and then come to us." But the predecessor of the Honourable Sir Muhammad Zafrullah Khan, in this House, namely, Sir Nripendra Nath Sircar, made a very happy remark the other day in Bombay. Since when, he said, have the Government of Great Britain and the Government of India been so solicitous and been so anxious to have the agreement of the Muslim League and the Congress, Hindus and Muslims, before doing anything? Was the Act of 1935, Sir Nripendra asked, passed because Hindus and Muslims agreed to it? They never agreed to it and the Government practically forced their decision upon India. If any respect had been shown to the feelings of the people of this country, there would have been no Act of 1935. But, now they say, first compose your differences. Time is the best of teachers, is the most eloquent of teachers, Hindus and Muslims will realise how they have bungled in the matter and they shall come to some sort of settlement. But, meanwhile, where is Great Britain? It is up to Great Britain to see that these two jarring elements, these two warring forces come together. What have they done to bring them together? The Governor General certainly, on the 9th August of last year, made certain proposals and invited the leaders of the Hindu and Muslim parties, had a heart to heart talk with them. But what was the result? Nothing. The offer of the Viceroy of the 8th August was this. It is proposed that the Executive Council of the Viceroy shall be expanded and a number of Indian gentlemen taken on into it. This was in essence the nature of the offer. But the Congress would not accept it, the Muslim

League would not accept it. They said, the gentlemen who would go into these Viceroy's Executive Council shall be bereft of all real powers, they shall not be responsible to the Legislature, and, therefore, it was no use accepting the offer. So, they made up their mind. They resigned from the ministries of the various Provinces over which they had been holding sway. They left this Assembly and they are now in jail. The Muslim League's attitude was somewhat different. It did not go to jail, but it declared in the clearest terms that it was not satisfied with the offer.

This Finance Bill is a war measure. I should like to say a few words about the war. The most tremendous calamity that could have befallen humanity has befallen Europe, and not only Europe, but the whole of the world. India is a part of this world, and it must be taken for granted that India has to face the music. We Muslim Leaguers, just like the other parties in this country, if you want to analyse our feelings and if you want to know what we think of you, should tell you that we want you to win. We want England to win. We have been connected for many many years with Britain, and however harsh its treatment, however bad its system of laws which are of a most dictatorial nature, still we have been living together here. In this world, even a great power like England cannot hope to attain its object and achieve its aims till it is supported by a big power. Had not America joined the fray and had not they passed the Lease and Lend Bill, the position of Britain would have been grave indeed. The international situation is a very critical one. England is on one side and the whole of Europe on the other, and the ports of Europe from Narvik right up to Gibraltar and from Gibraltar right up to Salonika are now under Nazi domination. Britishers are proud of declaring that it is the English Channel which has saved them from invasion. Similarly, Hitler might say that if there is the English Channel, the Irish Sea and the Atlantic surrounding Britain, so the Baltic Sea, the English Channel, the Atlantic and the Mediterranean guard Germany. Now, the war is going on terribly. Every day we read of the bombs that are being rained upon Britain by Germany, and Britain also is doing something. We admire the spirit and the courage and the patience and the grit of the great British people. Millions and millions, billions and billions and trillions and trillions are being spent upon this war, and God knows when it will end and how it will end. If the condition of India had been different, we might have foretold the definite result of this war within a definite period. 400 millions of people are not a joke. They are a power to be reckoned with. But has Great Britain done anything to mobilize this tremendous resource in men, money and war materials? Has Britain done anything to harness the industrial and agricultural wealth of India?

If the heart of the people,—and when I talk of the people, I talk of the intelligentsia,—had been with you, Germany would have paused before it decided to attack you, but you know that the Congress which represents the overwhelming majority of the Hindu intelligentsia of India are not with you. They openly say: "down with war". They follow the policy of Gandhiji. Gandhiji's ways, like God Almighty's, are inscrutable. I cannot get into his heart and I do not know why he has pursued this line of action. Why has he asked the Members of the Legislative Assembly to walk out? Instead of doing their little bit here, they go to jails. I cannot understand this. Gandhiji, my friends will remember, wrote a letter to the Englishmen. He said: "If you take my advice, you throw down

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your swords and bayonets. Give up this violence. If the Nazi comes, let him enter your homes, let him take possession of all that you hold most dear, and then the German conscience which is asleep will awake." This was the advice proffered by the leading man in India or as some say, the leading man in the world, to the British people. The British people happen to be a very hard-headed set of individuals.

An Honourable Member: Hard-hearted also.

Maulana Zafar Ali Khan: So far our experience here is concerned, they are hard-hearted also. Nobody will agree with Gandhiji, with due respect to him, in the attitude that he has adopted. So far as the Muslim League is concerned, they realise that they owe some duty to the world, as to India. Hence their attitude has been quite different. They do not want to embarrass the British Government at a time when they are in a desperate fix. So they have not opposed recruitment. They have not taken to civil disobedience. They have remained neutral, although their neutrality is of the benevolent type and not of the malevolent variety. They have allowed some of their members to do what little they can to help the Britisher in his great trouble. Sir Sikandar Hyat Khan, the Premier of the Punjab, who happens to be a member of the Muslim League, has done more militarily than anybody else could have done. When these people who talk of no war and shout anti-war slogans, and, in the same breath, call upon the British Government to part with power, I really cannot understand how their demands can be met. I had once a talk with an Englishman belonging to the Upper Ten. I told him in plain words—the Britisher has a peculiar knack of turning his friends into his foes. In 1914, when the Great War was going on and Turkey was engaged in a life and death struggle over the Khilafat question, we Indian Mussalmans went to Constantinople, handed it over to the Britishers and their allies, the French. We, the Mussalmans of India, went to Palestine, our first holy house, and we handed it over to the tender mercies of the British, who in their turn handed it over to the tender mercies of the Jews! We shed our life-blood, we gave what little assistance we could give financially to them, but, when the time came for recompense, the fruits fell into the lap of those who have been constantly opposing them and going on with their campaign of civil disobedience. Having listened to me patiently the gentleman laughed, and said, "we are a commercial people"—or in your phraseology "we are the *banias* of the West. What will be gained by associating ourselves with the Mussalmans. What will the Mussalmans give us? Have they got any Bank in India worth the name, have they got the means of propaganda, have they got a single first-class paper, have they got wealth, and, after all, have they got unity amongst themselves?" To all these questions he offered the reply himself in the negative, and said: "When you have not got all these things, and all these things we can get from the Hindus, and, therefore, the Hindus are not with you, what can we do?" So Sir, we the Mussalmans are again in the same fix. Realising, as we know, our responsibility to the world and especially to the Islamic world of which we are a part and parcel, we say the Mussalmans of India are a part of that great nation which extends from the Atlantic Ocean to the Pacific Ocean. Turkey is a part of it, Afghanistan is a part of it, Persia is a part of it, Iraq is a part of us. These powers, I am glad, are with Britain in her struggle, and we in India,

whatever our differences with the Britishers in the past are, with you; and even now we do try to do something for you. But, as that English gentleman said, in effect "why should a rich man join hands with the poor?" My contention, however, is that it is the poor man who has changed the face of the world from time to time. Will Seth Birla, with his millions, go to Abyssinia and fight for you and shed his blood as the son of Sir Sikandar Hyat Khan, Shaukat Hyat Khan, did? And then when the time comes for the fruit to be reaped, Seth Birla will expect that that will tumble down into his lap. Sir, the Muslim League's attitude is quite plain. We are not embarrassing the British Government in its terrible calamity which is confronting it; it is, therefore, that we are prepared to postpone the realization of our great, agreed demand, our great object, the Pakistan scheme as it is called, till after the war is over. After the war is over, let me tell you, Sir, that we are a nation of ten crores and when a nation of ten crores has made up its mind to do a thing it can work wonders. We shall achieve it, we shall attain it. Let me ask my Bengali friends: "Go back to the year 1912. Take one leap back in your mind's eye to those years when Sir Bamfylde Fuller had partitioned Bengal into two parts"

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): He was made a victim of the partition; he was not the maker of the partition.

Maulana Zafar Ali Khan: And then the Bengalis rose against him, and there was bomb-throwing, and there were other unconstitutional demonstrations. The effect of those demonstrations was such as to disturb the mental equanimity of the Britishers who had to give up Calcutta and had to come to Delhi and raise new edifices at a cost of twenty-five crores of rupees and the Britisher, however, still went on proudly declaring that "once Bengal has been partitioned, the partition shall not be annulled". But the Bengalis said, "it shall be annulled",—and, Sir, it had to be annulled when the King-Emperor came here in person and declared in Delhi that the partition of Bengal "is revoked". So do you think, Sir, that the ten crores of the Muslims of India, when once they have declared and committed themselves to a certain policy, that policy shall not be carried out? That policy shall be carried out; and after the war is over, we shall see to it that everybody sees eye to eye with us.

In this connection let me take you from Delhi to Bombay, where a meeting of those amiable gentlemen whom I would call "the invertebrates, the arm-chair critics", met, with Sir Tej Bahadur Sapru as President and Sir Nripendra Nath Sircar, a gentleman of the same political persuasion, as his right hand man. They met and called upon the British Government and the Indian Government to settle this deadlock by creating a new Executive Council, where there shall not be any Britisher, from which my friend, Sir Reginald Maxwell, shall have to go, and my friend, Sir Jeremy Raisman, shall have to go, and my friend, Sir Andrew Clow, shall have to go, and my friend, Mr. Tyson, will have to go

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): He has not understood the proposals, Sir.

Maulana Zafar Ali Khan: . . . and my friend, Mr. Ogilvie, whom I do not see just now—shall have to go, and H. E. the Commander-in-Chief

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shall have to go (Voices: "No, no"), and we shall have our own Commander-in-Chief, our own Finance Member, our own Education Minister, and so on, and we shall carry on the administration of India as we like . . .

An Honourable Member: There shall be no taxation.

Maulana Zafar Ali Khan: Sir, this reminds me of a story. A large number of mice met together in a conclave and there was a beautiful dais on which was seated a big mouse, and speeches were being delivered. One of the mice said: "When the cat comes, I shall pull his ears." Another said—a very daring fellow: "I shall jump on the back of the cat and pull out his hairs". The big mouse listened to all these speeches and said: "Well, you will do all these things, but I say, who shall catch the mew of the cat?" So these amiable gentlemen in Bombay may pass their resolutions—but how are these resolutions to be carried out? Sir Chimanlal Setalvad and Pandit Hriday Nath Kunzru were sensible people and they took the wind out of the moderates' sail and told them: "Well, the best thing is to go to the Congress and to the Muslim League—because they alone represent the greatest, the biggest political organizations in the country; we may be patriots, we may be able to make very fine speeches and resolutions, and we may believe that an untold number of unattached people, whom the Britisher wants, can rally round them—but they do not realize that anybody who talks of certain people coming forward in the role of politicians at the bid of the Britishers will not live for one day?" So there the talk ends.

Unfortunately, the Congress Members are not here. If they had been here, the Muslim League and the Congress joining hands would have made an effective demonstration of the Opposition which this Bill rightly deserves. This Bill can be opposed on various grounds. The first ground is that it is economically and financially unsound. In the general discussion I pointed out that the people were not for new taxation being imposed upon them. 84 crores is the cost of the war and the deficit is 20 crores. The deficit of 20 crores out of 60 crores has been met by imposing new duties and new taxes, such as, a duty on match and a duty on silk, and so on and so forth. But the deficit of 18 crores will be met by borrowing. The whole country demands that there shall be no fresh imposition of taxes unless the Government takes the country into its confidence. You have not done so and we do not know how you are spending the money. We do not know how far this money is being spent on the real defence of India and how far it goes to England which is a Croesus rolling in wealth. Whatever may be its difficulties, it can overcome them. But such is not the case with us in India. For a paltry sum of six crores this discussion is thrust upon us. We want you to have any amount of money but we also want you to take us into your confidence. That you do not want to do, but a time will come when you will have to take us into your confidence. Meantime, let me tell you again that the country does not want this new taxation. If you want the money, raise it by a loan. If you consult the various Chambers of Commerce and the representatives of industry, you will find that this is their studied opinion and this is also the opinion of this side of the House, however

poor and however thin it may be. You may disregard it today but ultimately you will have to reckon with it. So much for the financial and economic side of the Finance Bill.

Then, there is another thing. You want us to vote supplies. Why do you want us to vote supplies? Why should we vote with you? You disregard us you under-rate us and you snub us from time to time. Is that why we should vote with you? Our Party has decided not to vote supplies to you. (Interruption.) Our differences, I know, will be composed and I hope that these differences will be composed soon. But I want to take the constitutional advantage of the opportunity that has been given to me by referring to certain matters which are exercising the minds of the Mussalmans of India.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should bear in mind that this is the third day of the discussion and there are other Members who wish to speak.

Maulana Zafar Ali Khan: Sir, I was given to understand that on this occasion any Member can speak for any length of time. He may go on for a day or two days or even three days.

Mr. President (The Honourable Sir Abdur Rahim): But today is the third day of the discussion.

Maulana Zafar Ali Khan: If my friends think that my utterances are very insipid, I will bow to the superior authority of the House and of the superior authority of the Honourable the President. But if my friends are interested in my remarks, I will ask the permission of the Honourable the President to proceed with my speech.

Sir, I proposed a cut to discuss the unconstitutional and illegal method of a certain Assistant Collector of Delhi. The permission was given to me. As there was very little chance of discussing that cut, I think this is the proper time to bring that matter to your notice, otherwise the grievance shall go unredressed.

Mr. M. S. Anay (Berar: Non-Muhammadan): Unheard!

Maulana Zafar Ali Khan: A gentleman, whose name is Mr. Khursheed Ali, and who is the *Sajjada Nashin* of a famous Dargah, the Dargah of Roshan Chiragh of Delhi, was asked to be present in the court of Mr. D. D. Coupla, Assistant Collector, First Grade, Delhi. Without rhyme or reason for some action of this gentleman, however innocent, the Magistrate got up, and, taking advantage of his high position, called this gentleman *Harami*. Now, he is a Syed and a *Sajjada Nashin* and is looked upon with great respect by thousands of his disciples. He could not tolerate the word *Harami* being applied to him in an open court. But what could he do? Had he been outside the court of law, and had Mr. Coupla made the same remark, he might have beaten him, he might have given him sound thrashing, and he might have administered a kick to his posteriors, but he was in a British court of justice. Therefore, he had no remedy but to proceed to the Chief Commissioner and ask him to sue this man for a deadly insult. The permission was not given to him. So, he wrote to me and said that as Mr. Asaf Ali was not in the Assembly to represent Delhi, he looked upon me as a representative of Delhi and

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therefore, he asked me to bring the matter to the notice of the Government. So, I respectfully ask the Home Member to intervene on his behalf and do something to remedy this most scandalous grievance.

Then, there is another matter

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is going to discuss such individual cases, the Chair would tell him that such matters cannot be discussed even on the Finance Bill.

Maulana Zafar Ali Khan: Sir, I have a mind to discuss the grievances of the Mussalmans of the Central Provinces, especially the Mussalmans of Burhanpur. But as you have said that we should not discuss individual cases, I will not discuss the individual cases, but will refer to one small matter. The Central Provinces, from which my Honourable friend, Mr. Aney, hails, is the hot-bed of corruption in certain instances. My friend, Nawab Siddiq Ali Khan, is not in the House. He was clapped into jail for the simple offence that he raised his voice against the doings of a certain policeman. He was treated as an ordinary felon is treated. He was sent to jail, he was treated as a "C" class prisoner. The authorities evidently failed to remember that he was no mere titled Nawab. He is a hereditary Nawab, and he was also a Khan Bahadur. So, in disgust at this treatment, he surrendered his title of Khan Bahadur and he is no longer a Khan Bahadur. He is plain simple Nawab Siddique Ali Khan.

The Honourable Sir Reginald Maxwell (Home Member): May I explain, Sir, that the gentleman in question is not a Nawab. That is merely part of his name.

Maulana Zafar Ali Khan: We in this House give him that title.

Mr. M. Ghiasuddin (Punjab: Landholders): It is his family title.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): He is known as Nawab in his place, and even the locality in which he lives is called Nawabpura.

Maulana Zafar Ali Khan: A lot of correspondence passed, and eventually my Honourable friend, Mr. H. A. Sathar H. Essak Sait, went there with a deputation to see the Governor of the Central Provinces. The Governor very kindly and in a very patronising manner said that Nawab Siddique Ali Khan should be released from jail and this was done after he was made to undergo all the indignities of jail life. This is what happened in the Central Provinces.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): You will find the same in all the Provinces.

Maulana Zafar Ali Khan: Now, I come to the case of Buhranpur. In Buhranpur the Muslims were greatly perturbed when they found the military had encamped within the precincts of the *Idgah*. I brought a motion for adjournment of the House in this Legislature and the Defence

Secretary, Mr. Ogilvie, very kindly assured me that although apparently it looked impossible that British Tommies should go into an *Idgah* and desecrate holy places, yet he would make enquiries. He did make enquiries as promised and it was found that the authorities were at fault and the chief man who was responsible for this trouble was a Hindu official who had no proper regard for the feelings of the Muslims. The Deputy Commissioner of the place, as well as my Honourable friend, Mr. Ogilvie, said in this House that nothing of the sort would ever occur again. For this assurance, we are thankful to him. After this *Idgah* incident was settled, there was a row between the Hindus and the Muslims in Burhanpur. Indeed in that trouble, both sides were equally culpable, but whereas a fine was imposed on the Muslims, no fine was imposed on the Hindus and, therefore, the feeling is rankling in the minds of the people of Burhanpur that Government are partial towards a particular community.

Mr. President (The Honourable Sir Abdur Rahim): Provincial matters cannot be discussed here.

Maulana Zafar Ali Khan: I simply wanted to bring to the notice of the Government

Mr. President (The Honourable Sir Abdur Rahim): Then there will be other cases which other Honourable Members would like to bring to the notice of the Government. Provincial matters cannot be discussed here on the floor of this House.

Maulana Zafar Ali Khan: There is another little point. I usually do not take interest in these matters concerning appointments.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member not to discuss any provincial question here.

Maulana Zafar Ali Khan: I am going to refer to the Reserve Bank and not to any provincial questions. I am simply referring to the glaring fact that in the Reserve Bank, out of a total number of 172 incumbents in the higher grade services, junior and higher, the Muslims are not allotted their proper share. They are only nine.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member referring to the Government of India?

Maulana Zafar Ali Khan: No, Sir, I am referring to the Reserve Bank of India.

The Honourable Sir Jeremy Raisman (Finance Member): May I point out to the Honourable Member that it is not the concern of the Government of India.

Maulana Zafar Ali Khan: Something should be done to satisfy the natural aspiration of the Muslims. Efficiency is not the monopoly of any particular community.

After all is said and done, I must once more point to the House that the war is reaching our very doors. The only power that has acted as a

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barrier between the German advance on India and her neighbours is Turkey. Thank God, Turkey stands firm. Whatever may be the exigencies in the near East of Europe and Turkey may have to change her policy to a certain extent, so far as its definite pledge to Britain is concerned of joining her in times of her trouble, being her Ally through thick and thin, I think Turkey will keep her pledge. However powerful the German army may be,—it has been conceded even by the Britishers themselves that the German army is the finest in the world,—I am sure no power—German or any other—will be so fool-hardy as to knock their heads against the Chattalja defences and cross the Dardanelles, and if ever they should do so, they will rue it. The Turks have been fighting for the last 600 years and they can give a very good account of themselves.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member might leave it to the Turks themselves.

Maulana Zafar Ali Khan: They are very good fighters and they will show the world how battles are fought. For the past twenty years, God gave them a chance to take rest and equip themselves. They have been preparing. They have got an army of two million men and the whole population of twenty million Turks are soldiers. The people are with the Government.

Then there are Persia and Afghanistan. But where are we? We should realise our duty and be up and doing. So, if the unfortunate political deadlock is somehow removed and God Almighty instills into the mind of the Congress that the way in which it is acting is not to the good of India, some sort of honourable settlement and understanding can be arrived at between the Muslims and the Hindus. In my opinion there are only two powers in India worth reckoning and worth considering,—the Congress and the Muslim League. The Hindu Mahasabha is

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said all that before; he is only repeating himself now.

Maulana Zafar Ali Khan: I was looking at my friend, Bhai Parma Nand, who is the leading light of the Hindu Mahasabha. He declared in a signed article a month ago that 20 years ago he was of the opinion that the only way in which the Hindu-Muslim problem can be solved is for the Muslims of India to clear out of India bag and baggage beyond the Indus. But the Muslims are a very hard nut to crack, as he has found that to his cost, and so he said he has now changed his opinion and he wants them to sit at a round table conference and settle their differences. Still the decision can only be taken by the two powers,—the Congress and the Muslim League. And the Knights who met day before yesterday at Bombay decided that the matter should be referred primarily to the Congress and the Muslim League, and not to Government direct. And if these two come together I think all our difficulties will be solved in no time. Sir, I have nothing further to say.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Sir, it is a chilly atmosphere in which we have been working for the last few weeks and I have found great difficulty in working myself

up into a proper budgetary frame of mind. My Honourable friend, the Finance Member, in dealing with a criticism of the Budget stated that his method was that of the Turkish bath and not of the surgical table. I think the Finance Member's description of his technique is a very apt one. We who are passing from one room into another of his Turkish bath find ourselves getting hotter and hotter, and I have no doubt that by the time he has finished with us we shall have dropped a great deal of our fat.

Now, Sir, before I deal with the specific proposals which have been placed before us I should like to make a few general observations. Critics of the Budget during the last two or three years may be divided into two sharply defined categories. There are those who believe in the policy of soaking the rich, and who think that no matter what burdens are imposed the process has not gone far enough. There are others who are apt to think that any burden placed upon the capitalist classes is a burden upon trade and industry which is likely to cramp all initiative and enterprise. So far as I am concerned, I shall try to steer clear of these partisan attitudes. I think, Sir, there has been in the last few weeks a general recognition of the fact that in these abnormal times it is quite impossible to escape heavy burdens, and the Finance Member is to be congratulated, that he has avoided the temptation of pursuing the path of so-called financial rectitude, and has taken his courage in both his hands and has struck a balance between taxation and borrowing in order to fill up the deficit. I think this fetish of financial rectitude has been pursued too far, and I hope the Finance Member will realise that the capacity of the country to bear additional burdens is coming almost to an end, and that if and when the occasion arises for finding money wherewith to fill more gaps, he will bear in mind the principle that the whole of the burden ought not to be laid on the shoulders of the present generation. While I am in the mood of congratulating my Honourable friend I would also like to pay a tribute to his handling of our sterling debt, and I think the transaction that he has put through of repatriation on a very considerable scale of our sterling debt deserves to be commended. There is only one point, however, on which I seek information, and that is whether this was the right time to repatriate on such a heavy scale, and whether the transaction could not have been done at an earlier stage with greater advantage to the country.

There is one other general remark and that is that I do not think that direct taxation can go much further. Volumes have been written about direct and indirect taxation, but this much at any rate is indisputable that we have had a great deal more of direct taxation than indirect in the last few years, and that process cannot go on indefinitely. I say there are vast fields of indirect taxation which still have not been cultivated, but unfortunately, as everybody is conscious, neither the Central nor the Provincial Finance Members have the courage to tackle the political issues which are bound up with the question of indirect taxation. I must say that many in this Legislature also are lacking in the courage to face the issue as it should be faced. The Finance Member looks blankly at me; I do not know whether he has understood my remarks.

The Honourable Sir Jeremy Raisman: I have understood them very well.

An Honourable Member: Blankly or blandly?

Sir H. P. Mody: Both. He is an extraordinary combination of blankness and blandness!

There is another observation with regard to the financial position of the country which I should like to make and that is that we are in the very unhappy position of finding more and more monies for Provincial and Central taxation without reaping the full advantage of this expenditure; in other words, we get the most inadequate return for the taxation which is being imposed. Most of the money that at any rate is raised in the Centre is being devoted to objects which do not promote the moral and material condition of the people of this country.

Now, I am not going to go over the same old arguments which have been repeated ten thousand times about military expenditure and the like. All that I want to say is that whatever the necessity for military or civil expenditure, the fact remains that a very inadequate share of the revenues of this country is being devoted to nation-building activities; and, therefore, while taxation increases, the moral and material position of the country does not improve *pari passu*. The time has, therefore, arrived for making a new approach to the problem of the close relation which should exist between taxation and national wealth, and we must find out how much of the money that is going out of our pockets is contributing to the material and moral welfare of the country.

I shall now come to a consideration of the actual imposts which have been proposed in the Budget, and I would start off by saying in the words of the couplet:

"Whoever hopes a faultless tax to see
Hopes what never was, or is, or ever shall be."

That, I think is a dogma which has been abundantly made clear to us in this House during the last few years. One section or other has got something or other to say about particular items of the Budget, and I should like to see the Finance Member who will produce a budget which will be acceptable to every section of the House.

Dr. P. N. Banerjee: The Finance Minister will.

Sir H. P. Mody: The first item I shall take is the question of the duty which has been proposed on artificial silk yarn. I support the contentions advanced by my Honourable friends, Mr. Ramsay Scott and Mr. Boyle, and I will not repeat what they have stated in furtherance of their contention that the duty ought not to be imposed, or that if it is imposed there should be a corresponding duty on the art. silk fabric. I have always been one of those who have opposed the duty on art. silk yarn as being on a raw material, and my contention all along has been that I do not think any national interest is being served by the duty. All I would like to say is that there are thousands of power and hand looms in this country which will be affected in the home and export markets by this increase in the duty, without there being a corresponding benefit to any particular interest. My suggestion here is this—and it is a practical suggestion that I am making for the consideration of the Finance Member—that if it is merely a question of revenue, then let him halve the increase and put on only one anna on yarn, and let him put an additional anna per yard on the imports of art. silk cloth. That will yield him all the revenue that he expects to derive from this impost, and at the same time he will

have the satisfaction of feeling that an industry which is spread out widely in this country has been duly protected. This is a suggestion which I commend to his earnest consideration.

Then I come to the question of the excess profits tax. The appetite of the Finance Department, as everybody knows, always grows with what it feeds on, and when a year ago they came forward with the comparatively modest proposal to tax only 50 per cent. of our war profits, I knew there was a snag somewhere. I felt that this moderation was largely in order to make the victim feel that not all the blood would be drawn out of him, but that a little would be left for proper circulation. Now that the 50 per cent. surcharge has become an accepted fact, the Finance Member has come forward with a proposal to increase it to 66 $\frac{2}{3}$ per cent. Whatever other people may say, I am not going to cavil at that; but my whole point is, and I would like to invite the very serious consideration of the Finance Member to it, that he should not in any case tax profits which do not arise out of the war, whether directly or indirectly. I know of many establishments and industries which will find themselves taxed very heavily in spite of the circumstance that their profits have not shown any improvement due to any war conditions. I recognise that in the original Bill, and also at the instance of the Select Committee, many safeguards have been introduced for the taxpayer. But even then I feel that there are many loopholes still left, and it may become quite possible that a large number of industrial establishments may find they have to pay excess profits tax on profits which did not arise out of the war; and I want definite instructions to be issued that in no such case will any attempt be made to levy the tax simply because the profits happen to be in excess of the standard period. In this connection, I would like to remind my Honourable friend of the words he himself has used very recently when he said that critics must not gloss over the fact that it is excess profits arising out of the war that are to be taxed. We are quite happy if it is war profits that you are going to tax and we shall pay you not merely the 50 per cent. but the 66 $\frac{2}{3}$ per cent. also with a smile, so long as we are making profits out of the war.

The Honourable Sir Jeremy Raisman: Since my Honourable friend has quoted some remark which I made, perhaps I might remind him that I made it perfectly clear at the time of the passing of the Excess Profits Tax Bill that it was quite impossible to attempt to define or differentiate between profits arising out of the war and other forms of profit arising during the war period.

Sir H. P. Mody: Then my answer is that it is an immoral taxation. If you are going, under the guise of taxation of war profits, for which there is ample justification, also to lay your hands on profits which do not arise out of the war, then I say that there is no moral basis for it. I quite realise having sat on the Select Committee myself and taken a very active part in its deliberations, the difficulty of distinguishing between war profits and what are not war profits. But I say that so long as the principle is recognised that it is war profits that will be taxed, then I am sure the Department will do its best to see that it does not inflict a tax on profits not arising out of the war.

Mr. M. S. Aney: Does the Honourable Member not think it feasible to make an attempt at distinction also?

Sir H. P. Mody: It is very feasible and it can be made, and that is precisely my point.

An Honourable Member: How?

Sir H. P. Mody: The Central Board of Revenue has ample authority, and if it is established in a particular case that the profits during the standard year were, for some reason or other, not sufficient, then they ought not to be regarded as normal, and an allowance should be made accordingly.

There is just one other point that I would like to urge, in this connection, and that is that after all we do not know how much the excess profits tax will yield on the 50 per cent. basis. My Honourable friends will remember that I offered to underwrite the whole of the tax for three crores of rupees. The offer was not accepted. I am now prepared to underwrite for six crores of rupees.

Dr. P. N. Banerjee: Make it nine crores.

Sir H. P. Mody: Nine crores, if you like.

Now, Sir, from excess profits tax to matches would almost appear to be a descent from the sublime to the ridiculous; but it is not so. My only point with regard to the excise duty on matches is that there is reason to think that profiteering may defeat the intentions of the Finance Member and the Legislature. As a matter of fact, some degree of profiteering has already taken place, and the suggestion that has been made to me by those in the trade is that if, instead of the one rupee duty which is proposed to be levied, it was fixed at twelve annas, then it would be possible for boxes containing forty sticks, which is the most popular unit in this country,—95 per cent. of the boxes sold in this country being those of forty sticks,—to be sold, on the basis of two for three quarters of an anna, and it would also enable a box of sixty matches to be sold for half an anna. My further suggestion is that if the Honourable the Finance Member finds that he is not able to do without the full one rupee that he proposes to levy, then he should arrange in consultation with the trade that different units may be evolved, so that the consumer who buys in one and two boxes may not be unduly penalised.

I now come to the question of tyres. Discussing the matter with my friends, I find a great deal of want of sympathy towards tyres and tubes.—I do not know why. My only point is,—and I shall be happy if the Honourable the Finance Member is in a position to contradict me,—that this is the only industry which has not been protected, to which an excise duty has been applied. Excise duty is generally applied to protected industries, industries which have benefited by the aid given by the State, and the tyre industry seems to me to be the only exception to this rule. Now, it may be that the industry is doing very well, but the impost is likely to cripple its competitive capacity *vis-a-vis* foreign countries, particularly our old tried and trusted friend, Japan. Therefore, here again if the revenue aspect of the case is to be the dominant one, my suggestion is that there ought to be a corresponding import duty on the tyres and tubes that are coming from abroad. I do not see why it is not possible to give effect to this suggestion, which will yield in fact additional revenue and at the same time protect an industry which has every claim to sympathetic consideration.

My last point arising out of the Budget is that I would like the Income-tax and the Finance Act to be amended with a view to ensure that companies which receive dividends from other companies have not to pay super-tax and surcharges on those dividends. Exemption has been made in the case of investment companies, and that is all to the good, but I do not see why the exemption given to investment companies should not be extended to all companies, and why dividends should be taxed a second time in the hands of companies which receive them. That, Sir, is all I have to say upon the proposals in the Budget.

One other point that I would like to make here is that I hope the Finance Member does not regard his proposals as unalterable, and that not a comma or a dot could be changed. I do not think that attitude should be adopted towards this House, and particularly to a House which is constituted as it is just now. In the past the excuse was that the proposals which the Legislature put forward and carried through were of such a radical character that it was not possible for the Finance Member to agree to any one of them. The position today is different. The Honourable the Finance Member is in the happy position of carrying through without the least difficulty in this House whatever he wants done, and, therefore, I suggest to him, with confidence in his sense of fairness, that he should listen to non-official criticism and see what he can do to try and meet them, wherever he can do so without detriment to the national interests.

There are certain other considerations arising out of the discussions which have taken place so far. I have heard several Members talking in a loose sort of way about excise duties, particularly the redoubtable gentleman whom I do not see in his seat just now,—Dr. Sir Ziauddin Ahmad, President of the Ticketless Travellers' Association! We have an affection for our friend, largely because he is the champion of all the worst causes that I have heard advocated anywhere; and he advocates them with a fervour which compels our admiration. Now, Sir, the reason why I am referring to the matter is that the Finance Department have an engaging habit of turning a deaf ear to anything which does not fit in with their preconceived ideas, but when some suggestion or other is made which strikes a sympathetic chord in their hearts, then they prick up their ears and begin to listen, and it may be that even Dr. Sir Ziauddin's suggestions may some day be acted upon. Therefore, Sir it becomes incumbent upon me to utter a note of warning to the Honourable the Finance Member not to flirt with the idea of excise duties all round. I say there are certain financial canons which have got to be observed before any excise duties can be applied. Two of them, as I conceive them, are that an industry to which an excise duty is sought to be applied must be duly protected in its own home market; and the second is that the industry must have done well over a period of years, with the result that it has behind it a good strong financial position, before the Legislature can be asked to tax it. I would like these two canons to be borne in mind, and care taken to see that the moment an industry or concern starts making a profit, Government does not pounce upon it, because that I would regard as an altogether unfair method of taxation. By all means if the industry has done well over a period of years, you can take a fair share out of it.

I come to the very big issue raised in the course of the discussion, and that is about industrialisation, with particular reference to the war

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effort. My Honourable friend, the Finance Member, said, that a good war time policy may conceivably be a bad peace time policy. We also talked of moral issues. He seemed to be happy at the thought that, like Great Britain, India had been hugging peace to her bosom, what time the totalitarian powers were doing their best to destroy it. Well, Sir, I would have no quarrel with the Honourable the Finance Member if he took his stand on the obvious argument that this Assembly and public opinion in the country have been continually fighting against military expenditure, and that they would not have tolerated an increase in armaments until the war had come to our very door. That argument I can understand, and it would have been a legitimate argument, but when he talks of moral issues and seems to derive a sort of satisfaction from the contemplation of our unpreparedness along with the rest of the British Empire, all I would say is that those who were ruling the destinies of Great Britain in the critical and fateful years which preceded the war will have a lot to answer for before the bar of History.

The Honourable Sir Jeremy Raisman: I think I made it perfectly clear that it was not merely the Government, but it was the public opinion at the time which was responsible.

Sir H. P. Mody: That is an argument which I do not admit I am not talking now of India, I am talking of Great Britain, and I say it is no use sheltering yourself behind public opinion which you have failed to lead resolutely, and it is a libel on the British public to say that it would have stood against the policy of greater preparedness for this conflict in which the whole of the civilized world has been plunged. The British people have shown in this hour of trial what enormous sacrifices and what heroism they are capable of, and it is no use saying that they would not have stood for a better defence of their country if the issues had been properly placed before them, and I repeat that those who were in charge of Great Britain's destinies will have a lot to answer for at the bar of History.

What is going to be our post-war policy? There were some ominous hints thrown out in the speech of my Honourable friend, the Finance Member. If I have taken a wrong view of what he has said, I shall be very happy to be corrected, but actually the arguments that he employed would indicate that it may be that after the war is over, we may go back to the same old conditions of *laissez faire*. My friend talked of the burden on the taxpayer in a way which suggested to me that it is possible after the war there may be a drift back to the same concept of Government's duty towards the industrialisation of the country as has prevailed all these years. On that I would like to know whether the lessons of this war are going to be lost altogether. I am not one of those who is enamoured of tall phrases and picturesque words,—national planning, planned economy, and the like,—I whole-heartedly distrust phrases, I want clear cut ideas, and the resolute application of those ideas. (Interruption.) I say there are a great many things which this war has brought sharply to the attention of the Government and the public and they will require to be looked into before very long.

For one thing, very serious gaps have been disclosed in our financial armour. We have not completely rounded up industries. To take a small

example, take the case of the boot industry. We have the leather, we have the tanning, we have everything that is required to

An Honourable Member: We have legs.

Sir H. P. Mody: ... make a fully-rounded leather industry. But what do we find? Government are placing very large orders and some boot factories are working entirely for them. That is all to the good, and it is help to the industry which was badly needed. But what is the position? Things like eyelets and grinders, whatever they may mean,—have to be imported, with the result that many more boot factories which could have made boots for the Government are prevented from doing so, perhaps because there is a ban on the imports of eyelets and grinders except under a special licence from the Government. This is only a small instance. But thinking of the big things we want an integrated chemical industry, we want machinery.

Mr. M. S. Aney: The Honourable the Commerce Member shakes his head that there is no ban on the import of eyelets and so on.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): There is no ban, but the difficulty is to get them. There is a shortage.

Mr. H. P. Mody: That is still worse for you. If grinders or eyelets could have been manufactured in the country there would have been no difficulty. This, on the contrary, instead of being an answer to me, emphasises what I have been saying that here is what ought to be a completely self-sufficient industry held up by tiny little things like hooks, eyelets and grinders.

An Honourable Member: It will have to be started.

Sir H. P. Mody: What I am saying also applies to bigger issues. I do not want the Finance Member to be lost in eyelets and grinders.

The Honourable Sir Jeremy Raisman: I did not mention them. The mote is in your own eyelet.

Sir H. P. Mody: If there is a mote in my eyelet it shall be removed, but I hope that at the same time the beam in the eye of other people will also go away. What I was saying was that we want an integrated machinery and machine tool industry, a chemical industry, and many other key industries which we regard as useful in peace and essential in war. These industries in peacetime cannot all be floated without some form of State assistance, either in the shape of orders, or in the shape of subsidy, or in the shape of guaranteeing the capital, and I say it is in the larger national interest that even at some expense to the State these essential industries should be set up in India, and it will be a very short-sighted view to leave them to private enterprise. If they are left to private enterprise, the next war will be upon us and will find us in the same unhappy position in which we are today.

Mr. M. S. Aney: This is a war to end war.

Sir H. P. Mody: Yes, so was the last one.

There are other directions in which I want a clarification of the intentions of the Government.

The Honourable Sir Jeremy Raisman: What about your intentions?

Sir H. P. Mody: My intentions are to pay you honestly all that you want to tax me for, and if your exactions become too great, then I shall try and see whether dishonesty is not the best policy! I was saying that it is time that Government thought in terms of what they will have to do after the war is over. It is obvious that the large Ordnance Factories which have been set up, the munitions and other types of factories which have been set up, will have to be disbanded, and the technical labour and skill which have been gathered from all corners of the country will have to be dispersed, and there will be serious unemployment. The question for Government to consider at this stage is whether it has got some sort of policy to deal with that situation. I know how extremely difficult it is going to be for this country, as well as for every other country, and I am quite aware that there are no clear cut solutions and formulae for such a situation. I am not one of those foolish people who think that Government have only to will a thing and it can be done. I recognise the difficulties but it is time Government thought about them. It may be that Government may find it necessary at this stage to say to themselves and to the Provincial Governments that nothing but the most necessary capital expenditure should be incurred in respect of any public works.

Then we want to know whether any attempt will be made to preserve the export markets which have been built up through the stress of the war, and apart from appointing Trade Commissioners—and that I regard as a very welcome step—whether anything will be done to preserve, to a certain extent at any rate, the trade which we have built up through this war.

I also want to know whether the fiscal system is going to be reformed. The Finance Member will remember from his long association with us, if not in this very seat, in other seats,—he will remember the cry that has gone forth all these years that the tariff policy of this country ought to be based upon different principles from what it has been in the past. The Fiscal Commission laid down certain canons which I submit have served the country very well, but they are out of date, and what is now required, more than any change even in the principles, is that a far more speedy machinery should be set up in order to deal with cases of trades and industries which are faced with difficulties after the war.

Then, I want to know whether any policy is going to be laid down with regard to cheaper transport for trade and industry, whether the railway system of this country is to subserve commerce and industry to a better extent than it has done hitherto.

Finally, I want some consideration given to the case of the smaller industries for whom my Honourable friend, Mr. Ramsay Scott, pleaded. I think if some measure were introduced for their safeguarding at this stage, it would be a very useful thing. In this connection, I would like to say that the Industrial and Scientific Research Board which has been set up recently has shown what an enormous amount of good can be done in the sphere in which it is working, and I am sure that if more funds are found

for it a great deal have been done to promote the smaller industries of this country. In this connection I would like to congratulate my Honourable friend, the Commerce Member, upon the energy and vision he has shown.

Now, Sir, in no consideration of the Financial Statement, a reference to the political situation does not become inevitable. Reference has been made by the Speaker who preceded me to the Bombay conference. He made very slighting references which, I think, were wholly misconceived, and whatever results the Bombay conference yields, I maintain the attempt was well worth the making. I have found myself in agreement with a great deal of what was stated at the Conference, but there is one important matter in which I differ, and that is with regard to the political demands which were made. I think, Sir, that we cannot possibly ignore the realities of the situation, that cannot run away from the fact that there are very sharp dissensions and differences between political parties and communities, and, therefore, to say that His Majesty's Government should declare here and now that Dominion Status such as that enjoyed by the Dominions after the war will be conferred without any equivocation or qualification, and regardless of what happens in this country, does not seem to me to be a very reasonable demand. At the same time, Sir, I think that His Majesty's Government, in spite of all the declarations they have made, have not made the one declaration which is required, and which would afford a guarantee of their good faith and that is that they should categorically declare that as soon as may be after the war, if the different political parties and groups in this country put up an agreed solution of the constitutional problem Parliament would be asked to implement it. A great deal has been said by the Secretary of State and by His Excellency the Governor General, but there has been no such categorical declaration, and I hold that if it were made it would have a profound effect on the political situation. It would be a definite declaration to the whole world, and to Indians in particular, that the demand for self-government is capable of satisfaction if there is an agreed solution in this country. This would introduce a much needed element of reality into our political discussions. People talk about the declaration of August 8th, and the many declarations that have followed, but I fail to see in any single one of them a categorical, clear-cut declaration that His Majesty's Government will ask Parliament to implement any agreed solution of the constitutional problem that the political parties in this country may put up. I regard that as a matter of considerable practical importance, apart from being one which in common fairness His Majesty's Government ought to agree to.

Mr. M. S. Aney: Implement without any modification? That is what you mean?

Sir H. P. Mody: We have been promised conferences and consideration of schemes of Dominion Status after the war, but a clear cut declaration that Parliament would be asked to implement such a constitution has not been forthcoming all this time.

Then, Sir, I would like to say that regardless of the political deadlock in this country, there are certain things which require to be done straight away. In particular I would say that Government ought to associate representative Indians more closely with the war effort. They must not forget that in spite of the fact that the two major political parties in this country

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have either non-co-operated or held aloof from the war effort, India has been pouring out men, munitions and money in as abundant a measure as is required by the exigencies of the situation. There are hundreds of thousands, and if it came to that, millions of men who will be coming forward to go into the battlefield. Munitions are being manufactured. All the industrial resources of the country have been harnessed in the war effort, and everything possible is being done to help it along, even without the approval or backing of the major political parties, and as regards money, while it may be that certain sections of the people are holding aloof because of political reasons, and I may say in this connection that political reasons have come in very handy to them, a very considerable amount of money has been poured out by way of voluntary gifts, and that being the case what right have Government to shelter themselves behind the fact that the major political parties are not co-operating. I say that a War Advisory Council in some shape or form ought to be set up immediately with a view to associate people who are helping the war effort regardless of political differences.

Pandit Lakshmi Kanta Maltra (Presidency Division: Non-Muhammaddan Rural): You are getting on without them.

Sir H. P. Mody: In this connection, through the mouth of my Honourable friend, Mr. Ogilvie, a statement was made that the Commander-in-Chief was contemplating the setting up of some machinery. I hope that the machinery will not be of such a character that a few Indians representative or otherwise, will be asked to meet at specified intervals, told how much was being done in the way of raising men, munitions and money, and then asked to go away with a 'Thank you'. I want a real association of representative Indians in this war effort.

Reverting for a moment to what Mr. Ogilvie said about taking a party of Members to the theatres of war in the Middle East, I should just like to know on what principle he is going to select the Members of this House. Will it be by communal representation? Will there be a weightage for minorities? Will there be a just balance between martial and non-martial members?

An Honourable Member: What about you? Are you martial or non-martial?

Sir H. P. Mody: Well, Sir, Punjab has been proudly proclaiming that it is the home of the martial races, but my forefathers conquered the world 2,000 years ago! I think that gives a better claim to the Parsis to be regarded as a martial race than to any one of my Honourable friends here. And, finally, Sir, I would like to know whether the size of a Member will be regarded as a bar to his selection!

Sir, I am coming to the end of my speech. I think the time has arrived for the Government of India to give a lead with regard to expenditure on non-essentials. The other day my Honourable friend, the Finance Member, said that abstention from whisky or cigars may well retard the war effort. Well, I have been feeling very virtuous ever since; I have the satisfaction that twice a day I am promoting the war effort in this particular way. However that may be, the time has arrived for a consideration of the scale

of expenditure to which we have been accustomed in the years before the war, because if the savings of the people are to be drawn upon, savings on non-essentials become important, and a clear lead on the part of the Government of India is called for.

The Honourable Sir Jeremy Raisman: If I may correct a clear mislead, if I did say that a man who refrained from consuming whisky and cigars might very slightly retard the economic war effort, I also said that was no reason why he should not pursue that course, if he was morally disposed to.

Sir H. P. Mody: I shall be very glad to know what my Honourable friend himself is doing. If he is going to abstain from whisky and cigars, then I probably might follow suit. There is one point in this connection and it is that while I agree with the Finance Member that the war must be financed largely by loans rather than by gifts, my contention is that so long as the cheap money policy holds the field, the rates of interest which are being offered on Government loans are a sufficient attraction to the public, and carry an assurance that the loans which he puts out from time to time will be subscribed in an abundant measure. And I say that from that point of view, voluntary gifts are, a truer measure of the sacrifice which an individual feels himself called upon to make in these abnormal times.

Sir, I have nothing more to say, except to hope that, in view of the fact that expenditure is bound to mount up day by day, and that a certain amount of extravagance is inevitable in the conduct of a war, when the time comes for filling more gaps, regard will be paid, not merely to so-called financial canons but also to the capacity of the people to pay, and that a just balance will be struck between direct and indirect taxation.

Dr. P. N. Banerjee: Sir, the other day I discussed some of the points raised by the Honourable the Finance Member in connection with the Budget for 1941-42. But I had not the time to discuss all the points raised by him, and I had merely to touch upon some of them without discussing them in full. I will not repeat this afternoon what I said on that occasion, but I will tread new ground and will offer my observations on the points left over.

But before I do so, I wish to remind the House that the expenditure for the coming year will amount to Rs. 126½ crores, and that the additional expenditure is to be met by three expedients,—first,—additional taxation; second,—borrowing; and, third,—trenching upon the resources of the Provinces. I will discuss these three matters in the reverse order. Taking the last item first, I feel bound to observe that the policy which has been adopted in this connection has placed the Provinces in a position of great difficulty. On account of the war, the cost of living has increased and the Provinces have had to make larger payments, particularly to their inferior servants. There have also been various other additional items of expenditure, such as those relating to the purchase of stores. Now, to deprive the Provinces of their legitimate sources of revenue is not justified—unless the Finance Member seeks to justify his proposal on the principle that "everything is fair in love and war".

The Honourable Sir Jeremy Raisman: This is "love".

Dr. P. N. Banerjee: He very cleverly avoided this subject,—hinting only that the Provinces would have now greater revenues at their command—but he has not mentioned the fact that the modification of the Niemeyer formula last year still stands and will stand during the coming year.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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.

Dr. P. N. Banerjee: Sir, when the House rose for lunch, I was discussing the modification of the Niemeyer formula made last year, and I said that this modification had placed the Provinces in a somewhat difficult position. Regarding this item, I also said that the Honourable the Finance Member skilfully avoided mention of the subject by observing that the Provinces would get larger sums out of the income-tax returns.

Coming to the second point, namely, borrowing, I suggested the other day that a 50 : 50 ratio would be the correct division between the burden on the present generation and the burden on posterity. I am entirely at one with the Honourable the Finance Member in the view taken by him that a judicious combination of taxes and loans is the proper method of financing the war; the slight difference which exists between him and me is only with regard to the ratio. I find that in the recent war budget of South Africa it has been decided to finance 40 per cent. of the additional expenditure by means of taxes and the remaining 60 per cent. by means of loans. So, here is a support for my formula. The Honourable the Finance Member did not argue the question the other day, but simply remarked: "I do not agree with Dr. Banerjee." I should like that he should make a fuller exposition of his point of view. He did mention certain conditions, but I would ask him what is the proper ratio between fresh taxes and loans for financing the war in the circumstances in which India is at the present moment. I suggested that a slight addition may be made to the amount that is to be raised by borrowing, namely, to the extent of less than two crores of rupees. I did not ask him to finance the whole of the war expenditure by means of loans or to finance even a large proportion of the war expenditure by borrowing. And why did I suggest that a slightly larger addition be made to the debt of the country? I made the suggestion because I thought that the burden which the Honourable the Finance Member wishes to place on the poor people might be avoided. It is necessary that this additional burden should not be imposed, because that is sure to create greater discontent in the country.

In this connection I should like to welcome the decision of the Government in regard to the repatriation of a substantial part of the external obligations of the country. I should like however, to make it perfectly clear that this decision has been arrived at with the object of assisting the British Government to finance its war needs. It has not been arrived at in order to help India, but incidentally the decision is beneficial to India. I, therefore, welcome it.

The Honourable Sir Jeremy Raisman: That is the reverse of the actual state of affairs. The sterling is already available to His Majesty's Government and it only incidentally puts it on a firmer basis, but the primary advantage is to India.

Dr. P. N. Banerjee: However, let us agree to differ on that point. I hold the view that the burden of an external debt is heavier than the burden of an internal debt, and, when this burden is slightly relieved, that is all to the benefit of the country. It will save considerable amount in the payment of interest charges paid in England, and thus reduce the home charges the large size of which has been one of our standing complaints. Although I welcome this decision, I should like to make it clear that this repatriation should be brought about in such a way that it should not injure the interests of the trade and commerce of the country. There is an apprehension among commercial men that this policy of repatriation may lead to stringency in the money market, and I would request the Honourable the Finance Member and the Reserve Bank of India so to adjust the finances of the country that no recourse to a policy of deflation is needed.

Coming to the first item, I observed the other day that a large amount of additional taxation will be levied during the coming year, and I calculated the figure at 31 crores. It may be a little more. How will the additional expenditure in the coming year amounting to 46½ crores be met? 31 crores will come out of additional taxation, 15½ crores will come out of the additional borrowings, and two or three crores will come from a robbing of the Provinces. Thus there is likely to be some surplus in the budget. But the Honourable the Finance Member told us that the estimate of expenditure is likely to be exceeded, and when this comes out to be true, then perhaps he will place a further burden of taxation on the country. I will ask him to think twice and even thrice before he considers it necessary to place a further burden of taxation on the country. He should devise other means before he takes this step.

But what are the other means available? I suggested the other day that economy and retrenchment should be resorted to before imposing an additional taxation or even before resorting to borrowing. Now, Sir, I have harped on this subject year after year and many Honourable Members on this side of the House have spoken on this subject continuously for a number of years; but Government have always turned a deaf ear to all our proposals. It is true that within the period of the last 20 years, two Retrenchment Committees were appointed, but those Retrenchment Committees suggested retrenchment even in essential expenditure.—I mean expenditure relating to what may be called nation-building activities. The Government accepted the items relating to reduction of nation-building activities to a greater extent than other items of expenditure. A more radical measure has now to be adopted. How can such a radical measure be adopted? It is necessary, first of all, to find out the cause of the very heavy expenditure in the administration of the country. This high level of expenditure has been due in the past to two causes, namely, expenses on account of a large number of highly paid posts at the top,—an unnecessarily large number of posts and the payment of salaries to the higher services on an unduly high scale. These two causes are partly separate and are partly interrelated. I shall now trace the genesis of these two causes. How was it that such a large number of

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persons came to be placed at the top? We generally speak of top-heavy administration. This has become a hackneyed phrase, but it aptly expresses the great evil of the system which prevails in this country. The administration is top-heavy in two respects,—in respect of number and in respect of high salaries paid to the officers.

Now, coming to number, it appears to me that when the British rule was first established in this country, our rulers thought that they were the only people who understood the business of administration and a great deal of superintendence was supposed to be necessary. Although the actual work was done by the natives of the soil, yet the rulers thought that a great deal of supervision and control was needed at the top. Whatever justification might have existed for such an idea at that time, it has outlived its usefulness now. Things have greatly changed, and although I admit that a considerable measure of superintendence and control is still needed, this should not be carried too far. There is a great possibility of retrenchment of personnel at the top.

Coming to the second item, namely, top-heaviness in respect of salaries, it is well known that in the early days of the East India Company's rule, the officers were very corrupt and in order to secure honesty among the public servants, a high scale of salaries had to be fixed. Gradually, however, great deal of honesty came to be secured in the services and the situation has now completely changed. It is no longer necessary to pay very high salaries to the public servants specially to those who occupy the highest posts. If we compare the salaries which are paid in India to the salaries paid in other countries of the world, what do we find? A great contrast. The Members of the Executive Council here draw salaries which are considerably above the salaries drawn by most members of the Cabinet in Great Britain. If we compare the salaries which are paid in India with the salaries which are paid in Japan, we find an enormous difference. Even if we compare the salaries paid in India with the salaries paid in a very rich country like the United States of America, we find a great difference. Is this justifiable? The level of salaries paid in a country should have some relation to the average income of the people. Now what is the average income of the people of India compared to the average income of the people of the United Kingdom and the United States of America? The average income of the people in those countries is 30 or 40 times as great as the average income of the people of India. Is, then such a high level of salaries justified in India? I say, no: And there is no necessity for the payment of such high salaries. Therefore, there is a great scope for economy and if proper steps are taken a very large saving can be made. When this large saving is made it will be possible for us not only to avoid further taxation but to reduce the existing level of taxation and also to provide for many nation-building services which do not exist at the present moment. I, therefore, urge that this matter should receive earnest attention at the hands of Government.

Sir, I am not opposed to taxation,—I am not one of those who regard taxation as a necessary evil. On the other hand, I am one of those who regard taxation as a necessary good, provided that the people of the country possess ample taxable capacity and that the produce of the taxes is spent in promoting nation-building activities,—activities which help the growth and development of the nation. But it is known to everybody

that the taxable capacity of the people of India is comparatively small, and why is it so? The reason is that the people of India are not, industrially speaking, sufficiently advanced. I would, therefore, urge upon Government the necessity of improving agriculture and industrialising the country. I do admit that some steps have been taken in this direction, particularly in recent years, but no definite policy of a vigorous nature has yet been adopted. In the field of agriculture the Imperial Council of Agricultural Research has done good work, but much still remains to be done. They will have not only to do research work but to place the results of the research work before the actual cultivator of the soil. They will also have to provide adequate finance to the cultivators so that they may adopt better methods of cultivation. As regards industrialisation, Government can help in a large variety of ways. Government can help by pioneering, by guaranteeing minimum rates of interest to enterprisers, by adjusting railway freights according to the needs of industries, by affording shipping facilities, and by adopting the right kind of fiscal policy. With the exception of the last point mentioned by me very little has been done by Government in order to assist the industries of the country. And what is the result of their negative policy? The result is that India at the present moment is deficient in respect of many of her needs. There are no large-scale chemical industries in the country, there are no ships constructed here, no aircraft and no motor cars are built in this country.

Maulana Zafar Ali Khan: Sir, on a point of order, is there a quorum in the House?

Mr. M. S. Aney: A quorum was called and taken and for one hour at least nothing can be done.

Mr. Deputy President (Mr. Akhil Chandra Datta): Yes, but at the same time the Chair finds it its painful duty to observe that the Finance Bill being an official measure taken on an official day, it is rather unfortunate that even Government Members should not be in the House and give us trouble for want of a quorum.

Dr. Banerjea will now continue.

Dr. P. N. Banerjea: It is essential, therefore, to develop the key industries of the country and not only the key industries but industries of all sorts,—large-scale industries, medium-size industries and cottage industries; and a well devised plan should be prepared for this purpose. The stress of war has made some little change in the angle of vision of Government. But perhaps it is too late,—I hope it is not yet too late. A Board of Scientific Research has recently been established and a Committee has been appointed for the purpose of considering the utilisation of the results of this research. This Board is engaged at the present moment in considering only those industries which are essential for war purposes. Let us hope this Board will also consider the desirability of introducing industries which are desirable in peace time. In this connection, I should like to say that Government should make plans now for converting war-time industries to peace-time industries; otherwise there will be great difficulty in future. We should have in view definite plans as to how these war-time industries can be converted into peace-time industries when the war is over.

Mr. M. S. Aney: Sir Homi Mody is against planning.

Dr. P. N. Banerjee: He is not against planning, but he does not like that word. He says that catch-phrases are no good, but he does not object to the policy behind the word "planning". This brings me to the question of the deliberations of the Eastern Group Conference. The composition of this Conference was regarded by all public men as unsatisfactory. Some industrialists, no doubt, were asked to come in as advisers to this Conference, but they were not taken into confidence so far as the deliberations of the main body of the Conference were concerned: they joined only particular committees. The deliberations and recommendations of the Conference and the Committees are not likely to be placed before the Indian Legislature but will be forwarded to the British Government. Now, the apprehension is felt by the commercial community of India that the industrial development of the country may be hampered as a result of the deliberations of this body. A Council has now been constituted, known as the Eastern Group Council, which will continue the activities of the Conference and it is believed that as a result of the activities of this Council India's interests may be adversely affected.....

Mr. M. S. Aney: May I just ask a question by way of information?

S P. M. How much of the expenditure of this Eastern Group Conference will be borne by us, and how much by the British Exchequer?

The Honourable Sir Jeremy Raisman: The only expenditure borne by India will be the cost of its own representation on the Council.

Dr. P. N. Banerjee: That the apprehensions of the commercial community have some foundation in fact is clear from the statement made by the Leader of the Australian Delegation to the Conference, Sir Walter Massey Graeme, who observed:

"It is manifestly unwise in time of war for one part of the empire to start some war industry *de novo* and go through all the inevitable teething troubles and delays if another part has got so far past the stage that it can supply the needs of the whole by the extension or development of its existing resources. That is simply a waste of time and effort."

Now, what does this imply? It implies that India need not build any industries which it has not built in the past. Is that the intention of the Government? Yesterday a Member of the European Group, Mr. Gwilt—I do not know how he pronounces his name—Guilt or Gwilt

The Honourable Sir Jeremy Raisman: Not Guilty.

Dr. P. N. Banerjee: He observed that India should not engage in the manufacture of aircraft and the building of motor cars and ships, and he suggested that India should confine her attention to the development of raw materials and export of such raw materials to other countries, including England and America. Is this doctrine acceptable to Government? I am sorry to find that the Honourable the Commerce Member is not here; but I will ask him the question when he comes here . . .

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Suppose he comes when you have finished?

Dr. P. N. Banerjee: I will ask the Honourable the Finance Member to take a note of this and tell his Colleague what I have said. If this advice offered by a Member of the European Group is accepted, what will happen? India will have to revert to the position which she occupied half a century ago, namely, that of a producer of raw materials and an importer of manufactured goods.

The Honourable Sir Jeremy Raisman: The question appears to be hypothetical—"if the advice were accepted."

Dr. P. N. Banerjee: It has come from the Leader of the Australian Delegation, and it has been supported by a Member of the European Group in this Assembly. I am also doubtful about the attitude of the Honourable the Finance Member himself, and I will ask him to make clear what he meant when he drew a distinction between war-time industries and peace-time industries. I hope in the course of his reply he will make this articular point perfectly unambiguous. We, Sir, on this side of the House an never accept this doctrine which is full of disastrous consequences to India. I hope, therefore, that the Government will repudiate this doctrine which is a most pernicious doctrine.

I come now to the tariff policy of India. Last year, speaking on the Finance Bill I observed that the tariff policy recommended by the Commission of 1922 had now become out-of-date and that it was necessary to recast it. I suggested further that a modification of the conditions necessary for the grant of discriminating protection—which were unduly stringent—should be relaxed. Now, I am glad to find that this view has been accepted by an eminent person who is not an agitator, but who has been for the great part of his life in government service, first as a member of the Tariff Board and then as Director-General of Commercial Intelligence. He observes that the complete revision of the basis of India's protective policy is now needed and says: "The conditions laid down by the Fiscal Commission, have not merely become out-of-date in important respects, but the working of discriminating protection has revealed the need for recasting these conditions on simpler and more practical lines. The present conditions are unduly stringent, ambiguously worded and difficult to work. A complete revision of the basis of our protective policy should be taken up without delay."

Sir, while on this subject I should like to refer to a matter which has often escaped the attention of many of my friends. A policy of protection always involves sacrifice on the part of the people. But for what purpose is this sacrifice made? It is made in order that the country may benefit, in order that the people may prosper. But when non-Indians take advantage of this tariff policy and build up industries in this country behind the tariff wall, what happens? The people of the country make the sacrifice, and the benefit goes to non-Indians. Sir, is this a right thing for us to tolerate? We ought not to tolerate it, and the Government ought not to tolerate it. Therefore, when the revision of the tariff policy of the country is taken up, this question should be borne in mind.

I come now to India's war effort. It has been recognised on all hands that India has made a great effort not only in supplying men for the defence of the country, but also in supplying materials needed for war purposes. I am glad that both the British Government and the Government of India

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have appreciated the efforts made by India in this regard. But there is another side to the question. I find that while with one breath an appreciation is made of India's war effort, with another breath India is vilified. Yesterday I put a question in this House in which I pointed out that some notes were given to the speakers in England in which it was emphasised that in India there were great differences with regard to religion and so forth and the old parrot phrases concerning the Indian people's ignorance and religious superstitions and the difficulty of fitting democracy into the indigenous social systems were trotted out. Sir, is that right? This reminds me of my experience in England. I was in England during the years 1914 to 1916,—the first two years of the last war. At that time India's war effort was greatly appreciated in that country, and Indians were regarded as "sun-burnt white" and not black. A few years later I paid another visit to England, and what did I find? The war was over by that time, and Indians had become as black as before, if not blacker than before. In the present instance we find that appreciation and vilification are going on at one and the same time. This is the difference between the last war and the present war with regard to the attitude of the people of England towards us.

Sir, I come now to the political situation in the country. We hear again and again about the unwillingness of the different parties to come together. This is said to be the real cause of the deadlock which exists in the country. But the leaders of all the parties hold the view that the deadlock continues because Britain is unwilling to part with power. That is the real reason. Now, I am not the only person who is of that opinion, but this opinion has been voiced by eminent statesmen in India as well as in England, and also by some of the fairminded newspapers of Great Britain. Only the other day the *New Statesman and Nation*, after making certain valuable suggestions with regard to the solution of the problem, wrote: "Our offer",—namely the Viceroy's offer,—"was not negligible, but while it did imply some growth, perhaps a considerable growth,—of Indian influence on our policy, it fell far short of handing over the reality of power". Further, in concluding this article the same paper observed:

"Something of this kind we should do if our offer to make India a Dominion was sincere. We shall not do it, if we were merely using Mr. Jinnah as a tool who will always relieve us from the obligation to fulfil an awkward pledge. But if we expose ourselves much longer to the suspicion that we are playing the old game of *divide et impera*, we shall risk the loss of India in a far from distant future, and in the meantime we shall postpone and cloud our victory in this war."

Sir, the Government of India have not only not been able to remove the deadlock, but have mishandled the situation in many ways. The result is that what was at one time a mere moral protest and a symbolic revolt, has been converted into a non-violent struggle. I am not in the confidence of the Working Committee of the Congress or of Mr. Gandhi, but it is clear from the expressions which have come from them that neither Mr. Gandhi nor the Working Committee of the Congress desires to embarrass the British Government or the Indian Government in respect of their war effort. But what have the Government of India done? They have adopted a policy of repression. I know that the Honourable the Home Member does not like this word; he does not like that the adoption of repressive policy should be attributed to him. I myself do not consider that when a Satyagrahi is arrested and sent to prison, it should be regarded as a sign

of repressive policy. But how do you account for the monstrous sentence which was awarded to Pandit Jawahar Lal Nehru? How would you characterise the giving of fetters and handcuffs to Satyagrahi prisoners? What would you think of the serious curtailment of the civil liberties and particularly the liberty of the Press? Sir, I am glad to be able to say that in regard to this last matter there has been some improvement of late, but this improvement came only after Mr. Gandhi had suspended the publication of his paper *Harijan*. But even now there are great shackles on the Press which should be removed. And let me contrast the present position of the Indian Press with that in Great Britain, and the view which is held with regard to liberty of speech and freedom of the press in that country. Mr. Duff Cooper made a statement a few days ago in which he said:

"We do not want the B. B. C. to become simply a mouthpiece of Government. I am all in favour of permitting not only individual statements to be made by independent people but of permitting criticism of Government. It is right that there should be criticism."

He is a Minister of the British Government, and he concluded with these words:

"We are all agreed that we should voice continually through our propaganda the desirability of liberty and freedom, things for which we are fighting, and that we should observe throughout the principle of truth."

I hope the Government of India will take a lesson out of the leaf of Mr. Duff-Cooper. I do admit that in war time it is necessary to some extent to curtail the civil liberties of the country, but when such curtailment goes too far, it not only creates discontent but drives some people to despair. It may be said that the curtailment of the liberties of the people has been due to a large extent to over-zealousness on the part of the police administration. There may be some truth in such a statement, but it is the duty of the Government of India to check their officers so that they may not go beyond their legitimate functions in the curtailment of the liberties of the people. We have had complaints from all parts of the country that legitimate activities have been stopped, religious processions have been suspended, and that people have not been allowed even to approach the higher authorities through the post office and the telegraph regarding their grievances. These are complaints which should receive the earnest attention of the Government of India.

Now, while we find that the police in this country is busy with their vindictive attitude towards political prisoners, they are neglecting their ordinary duties. Crimes of all kinds now-a-days go undetected and unpunished. We find that in Sind robbery, arson and murder are the order of the day.

Mr. M. S. Aney: Not now. It was so a few months ago.

Dr. P. N. Banerjee: The Punjab established a new crime record during the last year. In Bengal lawlessness in all forms is rampant. And even in the Capital of India, New Delhi, we find that the police is most ineffective in checking increase in crime. Burglaries and robberies take place very often,—only the other day there was a daylight robbery. In different parts of New Delhi robbery and theft have occurred without the culprits being detected. When a question was put by my Honourable friend, Pandit Lakshmi Kanta Maitra, to the Home Member, the latter said that "a rise in the figures of crime was to be expected corresponding

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to the increase of the population following the decision to take a fewer clerks of the Government of India to Simla." So it comes to this that if some of the clerks do not go to Simla from Delhi, crime will increase. Is that sufficient justification for the growth of crime in the Capital of India? It is a pity that the Home Member, who unfortunately is not here, has taken such a light view of his duties.

Before I conclude, I should like to say a few words about the census. When the Census Bill was being considered by this Assembly two years ago, I suggested that joint enumerators should be appointed wherever there was any need for such appointment. But the Government of India in their wisdom did not pay heed to my suggestion. What is the result? The result is that from every quarter of India we are receiving complaints regarding the manipulation of census returns. The other day my Honourable friend from Bihar referred to such complaints and he referred also to the Honourable Mr. Fazlul Haq who had asked the census enumerators in Bihar to act in a certain manner. I find from the newspapers that the Honourable Mr. Fazlul Haq made very wild statements with regard to the census operations in Bengal. A Town Hall meeting was held which was attended very largely—the attendance was so large that there have been very few meetings in Calcutta of the same sort during the last ten years,—and this meeting was presided over by no less a person than Sir Nripendra Nath Sircar. This meeting was held with the object of condemning the Honourable Mr. Fazlul Haq for his utterances. We have received a statement from Raja Narendra Nath, the Hindu leader of the Punjab, regarding many lapses in the matter of the enumeration. We have also received many complaints from various other parts of the country, and it is a strange thing to find that the European planting community of India has been taking an interest in the matter,—it finds it very necessary to reduce the number of Hindus in Bengal. I do not know what their real object is. But I leave it at that. Now, what is all this wrangling for? This could have been prevented if there had been joint enumerators. But the real remedy lies elsewhere, and I am glad to find that the *Statesman*—which ordinarily is no friend of India—has recognised that the manner in which the census is taken is wrong and that the preparation of the census should be on an entirely different basis. In its leader in one of its recent issues, the *Statesman* says: "We do not believe that they are of the slightest use to anybody except for entirely evil purposes"—it refers to the figures relating to the religions of the different people. It says further. "Much harm is being done in India by a census of religion and we have yet to be convinced that any good results at all have been achieved. The big idea is to swell the figures".

Now, why do people want to swell the figures? The reason is that the representation of the different communities depends upon the census figures. Therefore, the real remedy is to be found in doing away with the present system of representation. We must have joint electorates in place of separate electorates, and the Communal Award, which has been a source of such discontent in the country, must be abrogated. Unless and until political representation is placed on a sound footing, there will be no peace in the country.

Sir, the people of Britain have been passing through a great ordeal. Their sufferings since the commencement of the war have been very great,

but the manner in which they have stood against aggression compels our admiration. We all sympathise with the people of Britain in this hour of dire distress, but we also urge that there should be a change in their angle of vision. Suffering should chasten their hearts. There is a moral law in this world, and this moral law asserts itself in the long run. If Britain even at this late hour does justice to India, India will make the greatest efforts to help Britain to win the war so that ultimately there may be peace and contentment both for India and for England.

Mr. Husenbhai Abdullahhai Laljee (Bombay Central Division: Muhammadan Rural). Sir, large amounts have been spent on defence and larger amounts will be required for defence. The immediate question therefore arises—how are we to get these funds. The Honourable the Finance Member the other day said that it was very difficult to lay down a definite proportion—as to how much should come from taxation and how much from loans. In fact, if I correctly understood him, at present he has laid down the basis at one-third from additional taxation. Sir, I should like to remind the Honourable the Finance Member that this is the beginning of the war. Not only he but every one else is able to see that larger sums will be required and he will also admit that up to now the position has been—and it has been admitted by all—that the taxable capacity of this country has reached the limit where the people cannot be taxed further. Whatever the Finance Member may think, it is quite certain that very large sums of money will be required and a proportion of one-third or even one-eighth will not help us any more to raise those funds. We have also got to consider if there was any justification for levying further taxation for war than what exists already. There has been a general cry all over that the standard of life of the people is nothing as compared with the people in other parts of the civilised world. In fact, it has always been said that we are not able to do anything in the nature of helping the people from the Central revenues and that is a fact. Now, for this House, the only course left is to get this money through loans but before saying that, I would reply to one of the points which the Honourable the Finance Member made that if we put more taxation the money will go into the country and that will create the buying power and raise the standard of the people. Generally that principle could be accepted in many countries but, unfortunately, that principle does not exist in this poor country, for the simple reason that a large proportion of the highly paid officials in this country are people who take away their wealth and their earnings out of the country. There are a large number of business men who take away from this country more than one can imagine and, thirdly, it is also a fact that our industries are in their infancy and there is no help for them from the State.

The other day, the Honourable the Finance Member said that some monies that we get by tax will go to the country. Immediately after a few minutes, he said if we had gone on giving help to the industries, what would have been the present position of the finances? Well, Sir, the correct position is that if we had given help to the industries, every farthing of it would have remained in the country. If we had done so, we should not only find our industries in a flourishing condition but we should also have helped Great Britain and also the world at large. That would have been money well spent. It would have given employment to a large number of people, who badly need it. We just had very good

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advice from one of our friends from Bombay. This is the first time that I have fortunately heard about some constructive programme for the welfare of my countrymen. This is the first time I have heard this suggestion, although I have been in various legislatures for nearly 22 years. My friend said that we must have Trade Commissioners. I quite agree. We must have a special class of Trade Commissioners. I agree that we must have a Trade Commissioner who knows the country and the language of the country where they go; that is quite correct; that is all necessary and must be done, but, Sir, what is the Trade Commissioner to do? My Honourable friend did not give us all the facts and figures, but we know very well that there ought to be banking, but who is going to finance our exports? Who is going to take our exports? Where is the shipping company? Who is going to insure our cargo? It is a well-known fact, Sir, many of my friends may know, and I as a business-man know very well, that it is a very very difficult thing for Indians to negotiate shipping documents for our exports through the foreign Banks, who command nearly 80 per cent. of the capital, from India. There is a vast difference. I ask the Finance Member to make a due inquiry as to the facts,—*vis.*, as to the advances that are made to the European houses to make exports and to the Indian houses. Fortunately for us, we have some very good Indian Banks, but they won't do this work, they won't handle it, and I do not know why. Sir, if at all there was any need for banking in India, it was in the interests of the masses who help the export trade. In Japan I was told that if anybody wanted an export, he had only to go to certain authorities and say, "Here is the order" and an order is made by the Government to a Bank to finance that. The purchaser buys from the mill, the Bank pays, and the manufacturer sends the goods to the docks. The steamer takes it, the Bill of Lading is presented to the Bank, and what happens here? The Bank receives the money and the man who has exported has not to invest as margin more than ten per cent. Not only that, but when the Japanese buy cotton from India, all they have to do is to get the order from the manufacturer and he sends it to a Japanese Bank, which gives his agents here the cash money to go into the district, to purchase the cotton, then ship the cotton and take the Bills of Lading and send them to Japan. I ask—are any of these things existing, so far as the exports from India are concerned? My friends have been telling us, my Government has been telling us, "we are an agricultural country, the mass of the population of this country depends upon agriculture, that we ought to depend upon the exports"—and there is no financing of the exports to be done! The Government are not concerned with that at all! The masses have to do everything. The income-tax has to be paid, that is all they want; the land revenue has to be paid! The produce of the soil you can send that is all right; if not, it is your luck! Your Trade Commissioners are at Geneva and America,—but my friend, Sir H. P. Mody, cannot make shipment of a hundred bales of cotton unless and until he goes to a European Bank, through a European broker in Calcutta if it is wheat or if it is jute all this to negotiate one hundred bales of cotton or jute or even wheat to be taken there.

Sir F. E. James (Madras European): The Central Bank?

Mr. Husenbhai Abdullabhai Laljee: The Central Bank does not do this business—that is my misfortune. It is, therefore, no use telling us that

"we are administering the country in such a manner as every civilized country is doing, in such a manner as would help the agriculturist, in such a manner as would help the masses of the people."

Sir, furthermore, after this banking part is finished, then we come to the shipping. The other day my friend, Sir Abdul Halim Ghuznavi, spoke about the "Conference Liners". I am afraid—I feel and I hope I may be quite wrong—but I do believe that ninety per cent. of our friends did not follow him. There are well-known what are called "combines" which are known as Conference Liners. You cannot make shipments unless you are in good books with the Conference Liners,—and may I ask who they consist of? They consist of shipping a great part from Great Britain, shipping from Germany—shipping from Germany, I repeat—shipping from Italy, shipping even from Japan to some extent, in fact shipping from all parts of the world, combined together, except India! The arrangements are that they will fix their freight, their shipping programme and even ports and the arrangements are that preferably every national who is trading in India will have preference in his own sphere. If a German wants to ship ten thousand bags of rice or wheat from India to Hamburg and finds a German boat, a "Bremen" liner, he will get the preference.

An Honourable Member: No.

Mr. Husenbhai Abdullabhai Laljee: It is indirectly so as Foreign companies are subsidised and who have been helping them. The combination of British merchants, British shipping and the Britishers who are ruling in this country and whose representatives are the Treasury Benches. I ask is it in the interests of the masses, that all this is being done? Not only that, it is not only confined to preference; the rates are fixed and there is what is known as the freight rebate system. The rebate system is nothing short of creating monopolies, with a penal clause. If I don't ship by any of these Conference Liners once and that too when they wish that I should ship my exports by their boats and not by any stray boat, or what they call tramp boats, the result is that a certain sum of money which is kept back from all my consignments with these shipping companies, then they are not only at liberty to refuse to give me my moneys but they refuse to provide me space for my exports. In most civilized countries and even in this country there have been occasions when such monopolies have been forbidden by the Government, and these have been forbidden very strongly when a penal clause is there. I ask my Honourable friend, the Commerce Member, whether he has seen that there exists in any part of the civilized world where Conference Liners can keep a national's money and treat it as a rebate and then to forfeit it as a penal penalty, without consulting the Government or without going to a court of law? Sir, that exists in India. Even today, Sir, I am prepared to tell you that there is a rebate system existing in India and for exports from India,—a virtual monopoly has been given, and the Government have been a party to it because they allowed the penal clause to exist and there is no free shipping for the Indian exporters. Then, Sir, so far as this shipping is concerned for our exports the third thing that is necessary before the Trade Commissioner can send me an order is the insurance. The buyers there or many a times Banks here—it is a well-known fact—will not accept the policies of an Indian company. My Honourable friend,

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Sir Homi Mody, may be the President of such a company and let it be that many eminent Members of this House are the Directors of that company, no, they will say, "we want policies of our own nationals, whether that company be a small company or a big company", and so the buyer, that is, the Bank will not accept an Indian policy. Even my Banks here, the foreign Banks, will not many a time accept Indian policies. Let my Honourable friend, the Commerce Member, make inquiries, whether it is not a fact? The shipping and insurance companies will tell you one and all—ask the brokers—"negotiate the Bills of Exchange with our bankers"?—"Let him inquire whether that is not a fact, and let him inquire of the Trade Commissioners whether the people there will or will not insist upon policies being taken out from their own companies,—and that is why all the foreign insurance companies are in India today,—but this does not exist in other parts of the world. Sir, when I was in Italy, I made special inquiries and I found that no foreign company was allowed to book any business. If you want shipping from Italy, you must insure it by a policy of insurance of their own country,—but alas, so far as this country is concerned, it is the exploitation ground for all, for every country at large,—and still my "poor cultivator", without any help from the Government in any respect or even any special Railway facilities for exports is expected to make exports, to rely on those exports, and he is told, "don't think of any industry, don't think of using your material in your own country, but hope for exports, and therein lies your salvation",—Sir, that is all we are told.

Sir, I really feel that something must be done with regard to this condition of ours. Unless you do that, you will never have the right royal co-operation of the people at large. I am not going to say anything about the great political parties and the great political activities that are going on because I know very little about their inside working. But I do know this that every agriculturist and every businessman in India, when they look at the large foreign imports, do make inquiries as to who is our real *Mabap* with regard to our exports. They do not know anything about it; they are in the wilderness. The concern of the Government is to tax them and nothing else. When I am on this subject, I should also like to say a few words to my friends here and make an earnest appeal to them through you, Sir. During the last war we were promised, that so far as England and India were concerned, they were to be the equal partners; they will co-operate with each other and do good to each other and we believed in it. Now, Sir, after that war what do we find? We find that so far as Indians are concerned, nothing has been done by them with regard to their exports. So far as the imports are concerned, my friends have not satisfied themselves by bringing in only the British goods. I shall be only too glad if they confine themselves to the imports of British goods and nobody will have anything to say against them. The imports of the British goods is hardly 85 per cent. and the remaining 65 per cent. consists of foreign imports from Germany, Japan, Italy and other parts of the world. I feel very much when I find that the imports of these foreign articles is done by my friends, the Britishers, themselves. That gives me real pain. Why are they acting as Agents for all and sundry foreign companies? After the last war, we find the Britishers

working as agents of the German Insurance Companies, working as agents of the German Shipping Companies and working as agents of the imports from Germany and other parts of the world. Is that fair to India?

Pandit Lakshmi Kanta Maitra: Why not? Blood is thicker than water.

Mr. Husenbhai Abdullabhai Laljee: But they are different nations. If you say that they are of the same colour, then I have nothing to say. But is that fair? Are we going to have the same thing repeated? So far as the British imports are concerned, I welcome them. I wish you could stick to your 85 per cent. which will remove your unemployment. Nobody would like to trouble you at 85 per cent. if you do not become *Mabap* of all Europeans. You should be content with 85 per cent. But for goodness' sake, if you have some regard and love for the country from which you take away crores of rupees, do not bring other foreigners to this country. Do not allow every foreigner to exploit us. It is that policy that is ruining India. It is that policy which has made these foreigners fatter and they have become more ambitious. They want something more from you now because you have been helping them. All this is of your creation and because you have helped them, they have become more ambitious. So much so, that you will have to fight with them now because they have asked that your own percentage should now be reduced. This is the real object of this great war so far as we, the businessmen, can see. I do want, Sir, that my friends here will give us an assurance through their own Government that in future they will be satisfied with their imports to 85 per cent. and that they will not work as Agents of Germans and others as soon as the Treaty is signed. My friends are still the agents of the Japanese Insurance Companies. I can name them. Is this fair and equitable?

Well, Sir, I will give some further facts which are really important for all of us. For years we have been getting matches from foreign countries and there was no excise duty or customs duty on them. During the last war we wanted money and so we put some customs duty on them. But the foreigners are much cleverer than our own rulers. They brought their factories bodily into India. Not only that, they have made combines to the effect that no match machinery should be sold to Indians. They give subsidies to the match factories in Europe. This is a fact and the Tariff Board has reported on this subject. And what have the Government done?

Mr. M. S. Anney: They have not studied the report.

Mr. Husenbhai Abdullabhai Laljee: We cannot buy machinery either from Sweden or Germany or any other place for making matches.

The Honourable Sir Jeremy Raisman: I thought the Honourable Member was complaining about foreign imports. Now he seems to wish to be able to have access to them.

Mr. Husenbhai Abdullabhai Laljee: So far as machinery is concerned, it is not a foreign import. We wanted some machinery and we still want them because you won't help us to manufacture here but the Swedish company has come down to India and what do we find? The excise duty is there and we go on increasing the excise duty and yet this Swedish company goes on developing itself under the protection that was intended for Indian companies. In 1924, their import was hardly 25 to 30 per cent. of the consumption and today when they have got their machinery in India they are supplying 80 per cent. of the consumption of India. For whose advantage have you done this? And how nicely they have managed it. A foreign company comes to India and gets the Government of India to put a tariff wall against all other foreign companies and thus makes money. The result is that they get all the money because the excise duty is on the consumer and all foreign matches which used to come from Japan, Germany or Russia are now barred because we have a foreign combines match factory in India. May I ask the Honourable the Finance Member if it is fair to India? When we ask for protection of certain Indian industries, we are told that such a protection is not in the interest of the consumers because they will have to pay more. But so far as this match industry is concerned, it seems that they believe that the matches are not required by the poor people at all. Sir, this is one instance and I can give other instances where, under the protection to industries, the Government have not cared to see who takes the advantage. In the Tariff Board report on matches it is clearly stated that Indian match industry should be protected. I do say that now that this industry has been in India and it has been well controlled by foreigners and well developed at our cost let our Government at once take its control. Let it not be said you are not doing business or that you never did any business. Have you been all along Rajputs? Have you not entered business? The Rajputs never do any business but only rule can it be said. So the English people never do any business and that they are only administrators. That is not what I like. That is not playing fair. You can run the Railways, you can run Workshops, you can run Posts and Telegraphs, you can become manufacturers of salt in India, why can't you become manufacturers of matches in India? After all there are only five factories in India belonging to these foreigners of which four are well organized and one is a small one.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Are they Indian?

Mr. Husenbhai Abdullabhai Laljee: They are Swedish factories under the name of Western India Match Factory Company. They pass for Indian factories, but really the bulk of the capital is Swedish and the profits go to Sweden. Tomorrow the Government can take control of them. There will be no trouble. Just as the Government manufacture salt, so they can also manufacture match. In olden times the question came up as to why the Government should have large number of Preventive Officers. The Government said that on account of salt manufacture, they get an income of seven crores excise from salt and so it was necessary to have Preventive Officers to look to the manufacture and to safeguard the revenue. Look at the match industry. There also you expect excise revenue of about three crores or 3½ crores. Why don't

you take up this manufacture also under your control and appoint Preventive Officers or other chemists and safeguard your revenues? Fifty or sixty lakhs of foreign capital take away an annual dividend of more than 12 per cent. I wish my Honourable friends of the European Group as businessmen would advise the Government to take up this manufacture. Or let one of the Members of the European Group with Indians take up this manufacture as Agents of Government. I may tell the Honourable the Finance Member that at present with regard to the match industry there is a lot of profiteering going on. The percentage that the Honourable Member has fixed are on the basis of 40, 60 and 80 sticks. There is no doubt that he has received a number of representations. As one who has some knowledge of this industry, I may tell the House that during the continuance of the war, there will be more and more scarcity of many articles, especially of chemicals and papers and casing, packings, which, unfortunately, this country does not produce and which we cannot get from Europe on account of the war. Now, Sir, there will also be scarcity of all kinds of paper and other materials. Therefore I suggest that instead of three units of 40 sticks, 60 sticks and 80 sticks, he should fix two units of 50 and 80 sticks. In this way there will be a saving, inasmuch as the amount of blue paper, packing paper and other things which are required for dozens, gross and hundreds of cases will be spared and there will be less shortage of these materials. Even though there is shortage, it will not be to that acute extent and rise in prices as you would have when you fix three units. The one containing 50 sticks would be saleable for two pice and the one containing 80 sticks would be saleable for three pice. Really speaking there is a lot of wastage in having three units of 40, 60 and 80 sticks and, therefore, I suggest that 50 sticks and 80 sticks units would be cheaper and the Honourable the Finance Member would get the same revenue. Of course, I understand that when this suggestion was made in certain quarters from Bengal, they did not like it. In that case, we have also got to consider the position of the masses. Why should the consumer be asked to pay for the extra cost of packing cases, blue paper and so on especially when the excise duty is high and the prices of these materials are so high. It will be more economical to have only two units and you will get the required money. I put this suggestion to the Government. They have got their own experts with experience and if they want, they can devise even a more better system.

When I am considering this aspect of the question, I would also suggest a few things about artificial yarn and silk. Here I agree with the remarks of my Honourable friend, Sir H. P. Mody, that it is important to develop this industry in this country. This industry is giving a lot of employment to our people now. The suggestion of my Honourable friend, Sir H. P. Mody, of one anna on both sets, that is one anna on yarn and one anna on import of cloth would be fair and equitable. I do hope that the Government will adopt this principle, and encourage this industry in this country.

Sometime back I had made a suggestion that so far as our raw produce is concerned, there must be some help given by the Government so that they may not be forced to sell at cheap rates. The result of selling at cheap rates does make a great difference. In 1937 I raised the question of investing the reserves of the Reserve Bank and the question was whether the reserves should be invested in Government paper or otherwise. Many of my Honourable friends said that the reserves of the Reserve Bank should be kept in Government securities. I did not agree with this

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suggestion then, and I do not agree with it even now. After all, all other banks can very well keep their reserves and surpluses in Government paper, for it is the only security which can always help them in times of necessity. But so far as the Reserve Bank is concerned, I submit, Sir, the position is not the same. If at all, God forbid, the Government paper is not in demand or if it lacks the confidence which now exists, then the Reserve Bank is the only bank which can finance all others and at that time there will be no other security so handy and so easy to be realised than foodstuffs. I submit that that has been the policy of some of the foreign governments before this war. They have marked out certain foodstuffs which do not get bad within a couple of years and they carried huge stocks on which advances were made even by the Governments. Not only that, recently I heard, Sir, that even the Germans had their granaries or reserves in all the important places on which they can draw whenever they wanted and on which they are now relying. We can very well find out certain commodities which can keep well for a certain number of years and which we can stock at convenient stations and on which the Reserve Bank can give advance. This will always be readily available for your needs. It is that we, in India, do not at present realise the position that is happening in Europe. Europe and England are now passing through the most miserable and pitiable condition today and it makes one feel that if ever such a state of affairs should overtake India, if ever the communications in India are cut off, if the Railways are smashed in any part of India, then what will happen to the people. Great care should be taken that no famine occurs. If the Reserve Bank should keep its reserves or surpluses in foodstuffs as suggested by me just now at various centres in various parts of India then you will always have at hand a good deal of foodstuffs and in this way you will also be able to help the agriculturists, as well as yourself and the people.

Some of my Honourable friends the other day said that very often the United States Government do advance on agricultural produce. Why should we not do similarly? It will be a great thing if we can do it. Some years ago the American Government had also a lot of raw produce, they had so much that they were forced to industrialise the country and by industrialising they have now become self-sufficient inasmuch as they do not now rely upon exports. So far as India is concerned, it will be well, if we plan our economy in some such a way that we use most of our raw materials in manufacturing. For the present I do hope something will be done in this respect in India both for the safety and the interest of the agriculturists specially when in this respect we shall not be competing with Britishers who are not much interested in our exports.

Now, Sir, I have been asking and begging the Finance Member not to go on taxing, and there are very good reasons for that. I honestly believe that he will have to go into the market for huge loans; and when that comes is it not his careful duty as a great financier to see that he gets them at cheaper rates? Is it not his duty to see that he gets the required money? And how is he going to get it? Believe me, I am not talking with the intention of saving income-tax for any of the Indians. It is for the administration of the Government of India. With all the emphasis at my command I tell you, Sir, that the only course that you have to adopt now is not to tax the people, not to raise the rate of interest and try to get money. Do not make the mistake that you are doing for a paltry

sum of six crores when you may need even up to 600 crores. It must come if this war goes on and you will see the consequence of it. Today if you get money at three per cent, tomorrow or next year or after six months when you will require a further 50 crores, if the war goes on, you will not get it at three per cent. It is impossible. There are two reasons for that. One is that if you need money people would feel that there is some delicate situation for which you want money and such huge amounts. At that time the moneylender and the banker will certainly demand from you higher rates of interest. And what is the result of it? If you borrow 50 crores at a half per cent more for 30 years you will be paying every year 25 lakhs more and a recurring debt for 30 years or more. In the last war you went up to six per cent. You have got to consider this aspect of the question very seriously. I do feel that the Finance Member will make a statement that if he does not agree in this policy which I ask him to carry out he does not agree for very cogent reasons and other than those which I have given.

Then, Sir, another thing has to be taken into consideration. As a financier he knows it better than myself, but as a businessman I put it to you that if you borrow at three per cent. and at the same time you go on raising the income-tax what is the return that you give? Out of three per cent. what is the return that the man will get? After paying income-tax or super-tax or surcharge he will not get a return of $1\frac{1}{2}$ or $1\frac{1}{4}$ per cent. Then who is going to lend you money? At three per cent. they will, but very few will come forward to lend you at $1\frac{1}{2}$ per cent. You will get only two crores from income-tax but you will thereby prejudice the whole structure. You will not get money at that rate. Even now many of my friends say that the moneylenders lend at four or five or six per cent. but whatever income-tax is to be paid must be paid by the borrower. That is the condition laid down and in Bombay and Calcutta that is already the order of the day with regard to individuals. The moneylender will always consider the return that he will get, the risk that is involved and the amount that is invested. You will find that the consequence of your policy will be that the money will not be forthcoming at $1\frac{1}{2}$ per cent. or two per cent. in India; you cannot get it even in England. Human nature, world rumours and the need for you to ask for more and more,—all the elements will have their effect. Therefore, Sir, in the interests of Government borrowing, in the interests of the war, do not at present make the capital shy.

Sir, a good deal has been said with regard to war supplies. I will only say this much that I have had occasion to make careful inquiries and I can assure my Honourable friends that at present the Finance Department experts are having good control. They as well as the Heads of the Departments and the specially appointed very high officials and others have got for almost all the important articles the exact costings. So far as our textile mills and allied works are concerned I know that all and every material, the capacity, the spindles, the limit, all have been jotted down in the Indian Stores Department. Their working cost has been taken down. Therefore, it is not correct to say that the war contractors are getting a lot of money from war contracts and that there is less financial control. Above all I will tell you one thing more. So far as war supplies are concerned you will find a number of people there but you will find that bankers, having crores at their disposal, are not financing any of the contractors. Then who finances them? The contractors get from *sahukars*; and in one industry I have seen 80 per cent. of the contractors

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taking from *sahukars* at 10, 15 and 20 per cent interest. Have you gone to your banks? If the banks will honour Government contracts certainly that will be good but these *sahukars* are at present the financiers.

Dr. Sir Ziauddin Ahmad: Do the *sahukars* pay income-tax and super-tax?

Mr. Husenbhai Abdullabhai Laljee: That is exactly what I am going to point out. The contractors will have to enter in the books the extra amount that they pay to the *sahukars* in the shape of one thing or the other but not in the name of the *sahukar*, because the *sahukar* makes that condition. But there are no banks in India and the Government of India have not taken care to ask some of the banks to finance contractors against even Government contracts. They have not taken special care to see that decent advances may be made and more if it is offered that the goods are under the bank's control; then there are cases Banks refuse facilities although security in landed property is there. So nothing of the sort is done. So far as we are concerned, so far as Indian industry is concerned and the Indian contractor is concerned, there are no banking facilities. He must look to the *sahukar* and the *sahukar* you know very well. Therefore you will not get the excess profits tax as much as you think. Believe me, people are not making the enormous profits that you imagine. And this for two reasons: first, there is costing and care of the Finance Department, and the other thing is that they have to pay to the *sahukars*.

Dr. Sir Ziauddin Ahmad: And the third thing is corruption.

Mr. Husenbhai Abdullabhai Laljee: Some little corruption may be here and there and so in every businessman's office. I will tell you one thing. I do not find my Honourable friend, Mr. Bajoria, here now. He does big business and his cashier or accountant will take from everybody who supplies some *dasturi* or commission which you know very well. This is the case with every big European or Indian office, and for every one rupee he will get quarter or half an anna—the *mehtaji* not the owner: what is that? Corruption? This happens perhaps even with Mr. Bajoria where every rupee is looked at carefully before being locked up in the cash box. It is human nature. These things are bound to happen

An Honourable Member: Is that for the war fund?

Mr. Husenbhai Abdullabhai Laljee: Far, far from it.

Mr. M. S. Aney: Have you to pay *dasturi* in the Supply Department?

Mr. Husenbhai Abdullabhai Laljee: No; neither it is the practice nor is it laid down in the rules there. Now, the question is that we are having some little opportunity of industrialising, and I do feel that owing to this war supply the industries can get a good opportunity of orders, and I also feel that it will always continue so far as the Government inquiries are concerned, not merely for the duration of the war but always, because after all it is the industries that will give employment. But invariably we

have seen that the Government have helped us and could help us and they are able to help us and they are capable of helping us for developing our industries, and the very example of what they have done in the last six months makes me say that these very gentlemen who can do a great deal for the country now, do not do so at the time of peace. I beseech and ask them that what little interest they are evincing now in the development of industries they will keep up and will not allow these industries to be ruined and to die out by more taxation and by want of protection. Please do not allow dumping to take place. Do not be the agents of foreigners; do not be the agents of a foreign government propaganda for exports. So far as I have been able to find out our present position, it does need that we shall require lots of funds and we should not grudge paying that for our own safety and for the safety of the world at large. We hope great care will be taken in putting taxation on people who can least bear the taxation. So far as the poor people are concerned, we have said for so many years that they cannot bear it. And if you put too much taxation on the well-to-do people, you will not get capital at a cheap rate, which again means indirectly incurring debts and recurring expenses which ultimately fall on the poor people. I also feel that so far as the army is concerned, the attempts made to protect the country are really laudable and everyone in India who has at heart the safety of this country and the well-being of the people at large and of the empire must do all they can to help in the prosecution of this war. It is true we have many grievances and grievances which are really very serious. Those I will leave to my friends the leaders of the great political parties—there was a time when I did dabble a lot in them in 1931; but I do feel that I am now getting somewhat old and many of my other friends are very keen and can do better and I wish them all success; but I do appeal to them in all seriousness that this is a time when we must try our level best to create unity, and to help in the prosecution of the war, because the issues at stake are very very serious, and are getting very serious not only for Great Britain but for Asia and for the whole world at large. With these words, I resume my seat.

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

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Mr. President, after having had the pleasure of listening to a most instructive speech by my Honourable friend, Mr. Husenbhai Laljee, which has taken us in some detail into principles of high finance and connected matters, I think the House will feel relief if I change the topic and talk of certain things for which the present occasion, the general discussion of the Finance Bill, alone is an appropriate occasion. On an occasion like this, many kinds of grievances are, as the phrase goes, ventilated. Perhaps there are many kinds of grievances for which the process of mere ventilation may be sufficient, but one or two points to which I shall call the attention of the House on the present occasion need more than a merely ventilatory process. I want serious attention and shall not be contented with having merely ventilated my grievances.

The first point to which I call the attention of the House, and of the Treasury Benches particularly, is the policy which Government appear to have been pursuing for a very long time with respect to mosques, shrines, tombs, and graveyards, and which has given the impression that these

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things have been treated by Government in a spirit of callous disregard of the susceptibilities of the Moslems. If one were to narrate all that has happened to mosques and graveyards since the beginning of British rule in India, one would have to either write or speak volumes, and all those things that have been done under orders passed, proceedings taken or action authorised by legally constituted authority—even those things are too many to count on this occasion. Innumerable graveyards have been used as building sites, have been turned into lovely gardens, attractive lawns and things of that sort; so much so that any number of mosques have either been wiped out or turned into courts and offices and even rest-houses. But as it is not possible to give details of this kind of vandalism within the restricted scope of a speech in this House, I would confine myself to a reference to the mosques, shrines, tombs and graveyards in Delhi and its vicinity.

When, after the sanguinary events of the year 1857, Delhi became British territory, some ancient mosques, including the Juma Masjid, the Fatehpuri Mosque and the Zinatul Musjid (mosque) were taken possession of by the British Government and were declared forfeited to Government. Later on, they were restored to the Muslims, but conditions were attached to their use and committees were appointed to manage and administer them and the sword of Damocles in the shape of a definite threat was made to hang over their heads that in case of contravention of any of those conditions the possession of the mosque would be taken back. For a Muslim, Sir, it is impossible to understand how a mosque can be confiscated by any temporal power or authority. One could understand the confiscation of the private property of an individual or a family on account of that individual's or family's conduct which the law for the time being in force might regard as rebellious or treasonable, but such a basis for confiscation could not apply to these mosques, none of which was the property of Emperor Bahadur Shah with whom the British Government had been at war and against whom they had scored a victory; or if certain sections of the Muslim community of Delhi were regarded as guilty of rebellion or treasonable conduct, the general and promiscuous carnage and the innumerable executions indulged in by the victorious British, the depredations, loot and other forms of retaliatory lawlessness which had been carried on should have sufficed to allay the thirst for revenge. Private properties could have been and actually were confiscated so that, rationally speaking, it could not be said that the mosques were confiscated in order to punish the rebellious community,—the fact being that the community did not own the mosques. They merely had the right to pray in them as any Muslim hailing from any part of the world had and still has. I would not have referred to this chapter of ancient history, but I consider it necessary to do so because I find that the desire of the Government to treat these mosques as Crown property still lingers. Recently, when two Honourable Members of the Council of State one after the other tried to pilot the Delhi Musjid Bill in that House, Government adopted an attitude of hostility. Not only that. They even engineered opposition to that Bill from certain public quarters, and when a deputation waited on the Chief Commissioner of Delhi and tried to induce him to adopt a favourable attitude, the Chief Commissioner's remarks definitely showed that he regarded these mosques as Government property. My Honourable friend, Maulvi Muhammad

Abdul Ghani, has introduced a Bill in this House aiming at the proper management of Wakfs in Delhi, but we have yet to see what the attitude of the Government towards that Bill will be.

Turning now to recent history, we find that there is a large number of mosques in New Delhi and certain suburbs of Delhi which are claimed to be Government property. Within living memory what is now called Old Delhi was known as Delhi pure and simple, and there was a vast area consisting of ruins, dilapidated houses, old mosques, ancient graveyards containing many masonry tombs, and divided into estates for purposes of revenue administration, and this vast area was called *Purani Delhi*, and the present New Delhi has been laid out on the ruins, so to say, of that Old Delhi. In order to lay out New Delhi, the site was acquired under the Land Acquisition Act, and it appears that the provisions of that Act were blindly, mechanically and quite inexorably applied to all kinds of property that came in the way of the Acquisition Officer, and along with other kinds of property, mosques and graveyards were also acquired, compensation was assessed for them, and in some instances may even have been paid to some claimants. But all the time that this so-called acquisition of mosques, shrines and graveyards was proceeding, the Muslims were living in an unenviable state of blissful ignorance

Dr. P. N. Banerjee: What was the point in acquiring graveyards?

Syed Ghulam Bhik Nairang: You have to ask those who acquired them. But then came the demolition stage, and the Muslim community found to their horror that non-Muslim contractors were adopting the device of demolishing mosques overnight under cover of darkness. This created quite a consternation. The authorities were approached, and the demolition was stopped. The Muslims led by Haji Muhammad Ishaq, a veteran and selfless public worker, began to look after these mosques, and for the time being they appeared to have been saved, but after a time it was found that officials interfered with the mosques, and prosecuted people for effecting slight repairs without permission, while permission to carry out repairs when applied for was refused. It was thought that all this was the ordinary kind of vexation which is often caused by the working of the Municipal Act by an unsympathetic or hostile machinery, but it was not realised that title had been set up to the ownership of mosques. In one instance in May, 1937, the Chairman of the Delhi Improvement Trust wrote a letter to Haji Muhammad Ishaq, the gentleman above referred to, which I think I may usefully read to the House. It contains only a few lines,—but they are most significant. Says the Chairman of the Delhi Improvement Trust to Haji Muhammad Ishaq:

"I write to say that it has been reported to me that repairs are being done to the mosque in Aliganj under your instructions without obtaining permission of this office. The mosque in question is an acquired property of Government. I should be grateful if you would kindly let me know at an early date with whose permission repairs are being done. The work should be stopped at once. A very early reply is requested."

Now, Sir, to take to task any Muslim for having had the hardihood to effect repairs to a mosque without somebody's permission is in the first place very astounding in itself, but then it might occur to the person taken to task that perhaps he has violated some municipal rule, that he ought to have applied to the President or Secretary of the Municipal Committee, for regular permission to be allowed to carry out repairs, but that idea is refuted by this letter in anticipation. The Chairman "this is the property

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of the Government—who are you?" Sir, this was the first occasion when it was made to appear to Muslims that their mosques were being treated as Government property, and it was being alleged that they had been somehow acquired. This being the first revelation of an astounding fact that Government claimed a mosque as its acquired property, naturally set people a-thinking. It had transpired that certain amounts awarded as compensation for certain properties were lying with Government unpaid and some Muslim organisations took certain steps to get those amounts. But the more responsible Muslims wanted to know precisely what the money lying in deposit consisted of, and, particularly, whether it did not consist of the price of mosques, graveyards and other kinds of property which are not saleable at all—the price for which no conscientious Muslim could possibly accept. We were at one stage assured that the amount did not include the price of any mosque, but we are expecting to get more definite information on the point from Government in connection with the New Delhi Mosque Bill. Meanwhile, it transpired that the Chief Commissioner of Delhi had been leasing out certain mosques to the Managing Committee of the Juma Masjid of Delhi, and in the deeds which were being executed and registered at Government expense, Government was being described as the sole owner of the property leased out, while the lessee was to hold the property subject to certain conditions, as a tenant at will. When this astounding stage of things came to light, public feeling naturally ran very high, and we, that is, myself and some of my Honourable colleagues in this House, sent a registered notice to the Secretary of the Managing Committee of the Juma Masjid, Delhi, calling upon the Committee to abdicate the position taken up by them with reference to these mosques, refuse to become lessees under those terms of the deeds of agreement, and to say to the Chief Commissioner plainly that Government or any temporal authority or mortal being could not be the sole owner or any kind of owner of a mosque, and that they are not going to accept that position. The Managing Committee of the Juma Masjid has passed a resolution to that effect and has sent a copy of that resolution to the Chief Commissioner and other officials concerned with the transaction of the lease and we are awaiting developments. It is impossible to believe that Government has been acting in the way it has done on account of stupidity or ignorance. Government is too sagacious and astute to be stupid and too well informed to be ignorant. It knows perfectly well, just as I or any other Muslim would know, that a mosque is incapable of being sold and therefore it is impossible of being acquired under the Land Acquisition Act in the sense in which other kinds of property can be acquired, that a mosque being unsaleable in its very nature, legal proceedings intended to acquire it are *ab initio* null and void, that to speak of a mosque as the acquired property of Government or of any one else or to call any one the sole owner or of any kind of owner at all of a mosque is a legal monstrosity. A Government claiming to be civilised and enlightened, and professing to rule according to law, justice, equity and good conscience, cannot afford to deny the absolute immunity of a mosque from the provision of any law purporting to have the effect of transferring the title in the mosque to any one other than God Almighty. May we hope even now that Government will retrace its steps and by word and deed abandon all claim to the ownership of mosques and other unsaleable religious property of Muslims? This was one of the two points to which I wanted to call the attention of the House and of the Government on this occasion.

The other point is the matter of the recent census, the last census. By a cut motion which my Honourable friend, Maulvi Muhammad Abdul Ghani, tabled in this House, we tried to invite the attention of the House and also to invite the special attention of the Government to the complaints which are coming from so many directions about the very serious irregularities committed during the census operations which have just concluded. We were expecting that we would receive from Government some definite assurance that they would, in a spirit of seriousness and responsibility, go into the matter, and if they found the complaints which have been made justified, they would try to rectify the mistakes which have been consciously and intentionally committed and to see as far as possible that correct figures and correct returns were made according to the census. To our surprise, Sir, the Government spokesman who addressed the House on that cut motion, the Census Commissioner for India, Mr. Yeatts, treated us to a most edifying homily on the great demonstration of public spirit and patriotism which India has made in connection with the census, the encomiums which have been showered from America on him and through him on India for the amount of voluntary work done by the enumerators and others engaged in the census without receiving a pie in the shape of remuneration—in America it costs so many million dollars—these were the things over which Mr. Yeatts appeared to be in raptures, and he utilised the opportunity for telling us that this census had enhanced the national credit of India beyond the confines of India. America was simply enamoured of our public spirit and sacrifice and the amount of voluntary work that we had done. As regards mistakes, such and such column had been there for the last 20 years, so apparently it had got a prescriptive right to be there and nobody had a right to exercise his intelligence and to correct it so that better information is furnished by the heading being suitably worded and a proper heading to the column being devised. The column had been there and the words had been there, so nobody need worry over it. That was the sort of thing to which he treated us. Although that was his maiden speech in the House, and according to the convention of this House we all felt bound not to interrupt him, it soon became impossible not to put to him a few questions, and so questions were put. But it turned out that the only topic over which he was eloquent was the credit that the census operations had brought to India, the voluntary work done here and the encomiums paid in America. About the specific complaints that were made, he had very little to say. He, of course, gave us the supreme consolation of knowing that he had noted Maulvi Muhammad Abdul Ghani's personal complaints and that he would consider them. That is all that it came to. As a matter of fact the complaints which have been received from different parts of India are such that the matter deserves to be seriously looked into. I would not as a lawyer say that the mere fact that a complaint has been received should be taken as proving the allegations contained in the complaint. I would not say that but I would certainly say that to shut one's eyes to facts and to shut one's ears to complaints is certainly not the attitude of anybody who seriously minds his duties, when from so many quarters so many complaints have come to Government from responsible people. Who can be more responsible than Maulvi Fazlul Huq, the Premier of Bengal? He has written a letter of which I hold a copy and the allegations which are made therein at least deserve to be very carefully sifted and scrutinised and looked into. That is the least that they deserve. For instance, he says:

"For some months past they have been carrying on an extensive and intensive propaganda that the census was being undertaken for the purpose of recruitment for war and for sending all able-bodied men to the fighting line. It was also said that

[Syed Ghulam Bhik Nairang.]

there would be a capitulation in order to find out the manner in which the tax should be imposed. Muslims being illiterate and ignorant were at once affected by this propaganda and it appeared that at the time of the actual counting, the Muslims were very reluctant to mention particulars to the enumerators. This is exactly what the Hindus wanted. You will be surprised to hear that in many cases Hindus dressed in Muslim robes had been going about the Muslim *bustees* and *mohallas* preaching all this nonsense about the census.

A definite allegation has been made and it would not do to merely stuff one's ears with cotton so as not to hear this allegation. It is there. It has been made publicly by a most responsible man. So an inquiry must be made and if any foundation for it is found to exist, action must be taken. I know that similarly my other friends have received complaints. I can also imagine that my Hindu friends may have received complaints. Let complaints come and be looked into, especially when they emerge from responsible quarters. Now, that is the attitude adopted by Government so far with respect to the matter of the census and I do hope that a more responsible spirit will prevail and they will look into the matter. I cannot accept the remedy for this disease which has been prescribed by my Honourable friend, Dr. Banerjee. He seems to have acted like the physician who finding that a person was suffering from headache said "all right, cut off your head and your headache will disappear". My friend says: "Oh, there are complaints about entries as to religion and all that. Look at the root of them. The root of them is the Communal Award. Do away with the Communal Award; there will be no complaints". My friend's remedy is like cutting off the head to cure the headache. I would try to find out the real cause of the disease and to effect a real cure. I need not give all the details. I have called attention to the principle. In Bengal, the finding of Mr. Fazlul Huq is that at least a million and a half of Muslim population will escape enumeration. With these few words, I resume my seat.

The Assembly then adjourned till Eleven of the Clock on Monday, the 17th March, 1941.

LEGISLATIVE ASSEMBLY

Monday, 17th March, 1941.

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

APPOINTMENT OF A TECHNICAL OFFICER AS DEPUTY DIRECTOR GENERAL OF ARCHÆOLOGY.

+360. *Maulana Zafar Ali Khan: (a) Will the Secretary, Department of Education, Health and Lands, please state if he received any letter from Dr. Sir Ziauddin Ahmad, protesting against the appointment of a technical officer as Deputy Director General of Archæology? If so, will he please place a copy of that letter on the table of the House and also of Government's reply thereto?

(b) Is it a fact that technical officers of the Archæological Department, such as, Government Epigraphist, Superintendent of Epigraphy, Archæological Chemist, etc., have never in the past been considered eligible for appointment to the post? Has that officer any experience of excavations, conservations? If not, what were the special circumstances for making this appointment?

Mr. J. D. Tyson: (a) The reply to the first part is in the affirmative. Relevant extracts are placed on the table.

(b) I would refer the Honourable member to the reply given by me to the starred question No. 166 in the Legislative Assembly on the 26th February, 1941, and to the supplementary questions and answers.

Aligarh,

June 19, 1940.

Dear Mr. Tyson,

When I was last in Delhi, I pointed out to your Department our objections to the appointment of a technical officer as Deputy Director General of Archæology. I understand that Government propose to pursue the question on the lines originally contemplated. The position is that while there are Muslim officers in the Administrative line senior enough to be entitled to the post, it is understood that a technical officer, an Epigraphist, has been posted in the Director General's office for training with a view to his eventual appointment as Deputy Director General. I might inform you that so far the Department's policy had been never to appoint technical officers to the administrative posts such as D. D. G. and D. G., because they have no knowledge and experience of excavations. Conservation, etc. It is a fact that the seniormost Muslim technical officer—the Archæological Chemist—was lately refused

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

promotion to the post of D. D. G. and D. G. on the same grounds. I do not understand why then an exception is being made in the present case, the more so as it involves the supersession of claims of Muslim officers already in the general line.

2. May I ask by the way, if such an appointment will not involve methods which Sir Leonard Woolley has so strongly condemned. Sir Leonard has condemned the policy of the Department in selecting men for appointments for which their previous experience has not fitted them. Of late years, I am sorry to note, the Department's actions have been simply exasperating.

* * * * *

Yours sincerely,
(Sd.) ZIA UDDIN AHMAD.

J. D. Tyson, Esquire, C.B.E., I.C.S., Secretary to the Government of India, Department of E., H. & Lands, Simla.

D. O. No. 4-Ar./40 (c)
Simla, the 4th July, 1940.

My dear Sir Ziauddin Ahmad,

Will you kindly refer to your letter to Tyson, dated the 19th June 1940. You raise three points on which you take objection to the orders of Government. First is the selection of the Epigraphist as Deputy Director General. No new appointment to the post of Deputy Director of Archaeology has yet been made. The Epigraphist has been placed on special duty in the D. G. A.'s office for the express purpose of determining whether he is or is not fitted for the post of Deputy Director-General. A final selection will be made after we have had an opportunity of judging his capacity.

* * * * *

Yours sincerely,
(Sd.) G. S. BOZMAN.

Dr. Sir Ziauddin Ahmad, C.I.E., M.L.A., Aligarh.

OFFICE SUPERINTENDENTS OF THE OFFICE OF THE DIRECTOR GENERAL OF ARCHAEOLOGY.

†361. *Maulana Zafar Ali Khan: (a) Will the Secretary, Department of Education, Health and Lands, please state how many Hindus and Muslims have permanently held the post of Superintendent in the Office of the Director General of Archaeology since the creation of the Archaeological Department? Is it a fact that two of the Hindu Superintendents were non-matriculate?

(b) Is it a fact that the last incumbent of the post was a stenographer who had never worked as Assistant? Is it a fact that stenographers are not, under the orders of the Home Department, allowed to be promoted as Superintendents? If so, why was that appointment made, and why was not the senior-most Muslim Assistant appointed to that post?

(c) Is it a fact that the present incumbent of the post was at one time transferred to the Industries Department as an Assistant and was

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

found unfit? Is it a fact that he was never allowed in the past to officiate as Superintendent in preference to the Muslim Assistant? If so, what is the reason for making his appointment? *

(d) What steps do Government propose to take to protect the interests of Musalmans in respect of promotions to the post of Superintendent?

Mr. J. D. Tyson: (a) In reply to the first part of the question, four Hindus have held the post in a permanent capacity. No Muslim has so held it. In regard to the second part, I have not yet been able to ascertain the qualifications of the persons referred to.

(b) The reply to the first part of the question is in the affirmative. The answer to the second part is in the negative. The third part does not arise.

(c) The present incumbent was sent on deputation to the Industries and Labour Department for a definite period and reverted to his permanent appointment on the expiry of the period of his deputation. The question of fitness does not, therefore, arise. With regard to the second part of the question, he had not previously officiated as office Superintendent. With regard to the third part, he was selected by the head of the office for appointment as office Superintendent as he was considered to be better fitted for the appointment than other available persons.

(d) Government do not consider that this particular Muslim Assistant had special qualifications for promotion as Superintendent.

EXTENSION OF THE TENURE OF THE DEPUTY DIRECTOR GENERAL OF ARCHAEOLOGY.

362. *Dr. Sir Ziauddin Ahmad: (a) Will the Education Secretary please state if it is a fact that the tenure of the Deputy Director General of Archaeology was extended by six months?

(b) Were similar extensions given to incumbents of this post previously?

(c) What was the reason for granting extension in this particular case?

Mr. J. D. Tyson: (a) Yes.

(b) Yes.

(c) Government had not reached a final decision on the appointment of a successor.

APPOINTMENT OF MR. JAIN IN THE SERVICE OF THE ARCHAEOLOGICAL DEPARTMENT.

363. *Dr. Sir Ziauddin Ahmad: (a) Will the Education Secretary please state if he is aware that one Mr. Jain was appointed by the Director General of Archaeology in connection with the conservation work at Delhi?

(b) Is it a fact that this man was convicted for theft and spent a sentence in jail? Is it a fact that on completion of his sentence, he was again employed in the service of the Archaeological Department?

(c) Will the Secretary please state what the reasons were for employing Mr. Jain and more particularly of re-employing him after his conviction? How many times was he discharged and re-employed?

Mr. J. D. Tyson: (a) From enquiries made since the receipt of the question, it appears that Mr. Jain has never been employed by the Director General of Archaeology in India but has been at times employed on work-charged establishment by the Superintendent, Archaeological Survey, Frontier Circle, and the Assistant Superintendent, Archaeological Survey, New Delhi, in connection with excavation and conservation work.

(b) It is understood that, following on a dispute with the Jains of the locality where his work was located, Mr. Jain was convicted of the theft of certain Jain idols in 1938 and, on his refusing to be bound over as a first offender, he was sentenced to imprisonment for one month and served the sentence. He was employed on various occasions from time to time after his conviction.

(c) Mr. Jain was originally appointed as he was considered suitable for the work and was re-employed after his conviction because it was considered that the circumstances of the case did not justify his being debarred from employment. He was discharged and re-employed on seven occasions. Government propose to call for the records of the case in which Mr. Jain was convicted in order to determine whether orders prohibiting his further employment in their service are called for.

Dr. Sir Ziauddin Ahmad: May I know if it is not the case that, according to the service rules, a person who is convicted by a Court ought not to have been appointed? May I ask, why he was appointed so many times in spite of his conviction by a Court?

Mr. J. D. Tyson: I have said that the person who did appoint him did not consider that the circumstances of the case in which he was convicted were such as to debar him from employment, but that Government, now that the case has been brought to notice, proposes to call for the records of that case to see in what circumstances he was convicted.

Dr. Sir Ziauddin Ahmad: May I know if it was not the case that he was convicted of theft, and, in spite of his conviction by a Court, some officer of the Government thinks that this kind of crime is not enough to debar him from service, but that he can be re-appointed?

Mr. J. D. Tyson: Sir, I have answered that question already under (b) and (c).

Sir Syed Raza Ali: Will the Honourable Member kindly state what are the rules in the case of a man who has been convicted and sentenced to a substantive term of imprisonment about his being re-employed in Government service? What are the Government rules? Was he not employed against the Government rules?

Mr. J. D. Tyson: I am not prepared to say off-hand whether Government rules exist in the matter or not, but I think that it would very largely turn on whether moral turpitude was involved in the conviction or not.

Dr. Sir Ziauddin Ahmad: There is no moral turpitude involved in theft?

Mr. J. D. Tyson: That depends on the circumstances of the case.

Dr. Sir Ziauddin Ahmad: Since the Honourable Member is in charge of education and health and a high standard of morality is expected of his Department, may I know if it is proper to employ a person whom it knows to be a person convicted of theft by a Court?

Sir Syed Raza Ali: May I know what was the substantive term of imprisonment awarded to this man?

Mr. J. D. Tyson: I have said already that in default of his agreeing to be bound over, as a first offender, he was sentenced to imprisonment for one month.

Sir Syed Raza Ali: Did he give a recognizance, or did he go to jail?

Mr. J. D. Tyson: He refused to be bound over as a first offender, and then he was, therefore, sentenced and he served the sentence.

Mr. Lalchand Navalrai: May I know what was the nature of the theft committed.

Mr. J. D. Tyson: I am afraid I must read out my answer louder.

(b) It is understood that, following on a dispute with the Jains of the locality where his work was located, Mr. Jain was convicted of the theft of certain Jain Idols in 1938 and, on his refusing to be bound over as a first offender, he was sentenced to imprisonment for one month and served the sentence. He was employed on various occasions from time to time after his conviction.

(c) Mr. Jain was originally appointed as he was considered suitable for the work and was re-employed after his conviction because it was considered that the circumstances of the case did not justify his being debarred from employment. He was discharged and re-employed on seven occasions. Government propose to call for the records of the case in which Mr. Jain was convicted in order to determine whether orders prohibiting his further employment in their service are called for."

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

EXPLORATION BRANCH OF THE ARCHÆOLOGICAL DEPARTMENT.

364. *Mr. H. A. Sathar H. Essak Salt: (a) Will the Education Secretary please state whether it is a fact that Government sanctioned one post of Deputy Director General for Exploration, two Assistant Superintendents and one Assistant Chemist in connection with the creation of the Exploration Branch of the Archaeological Department in 1926?

(b) Is it a fact that the Retrenchment Committee recommended the entire abolition of the Exploration Branch?

(c) Is it a fact that the Deputy Director General for Exploration and one Hindu Assistant Superintendent were retained and the European Assistant and the Muslim Assistant Chemist were retrenched? If so in what capacity were the Hindu Deputy and the Assistant Superintendent retained?

(d) Is it a fact that in 1933 when the post of Assistant Chemist was retrenched, there existed a vacancy in the Department? If so, why was he not absorbed in that vacancy?

(e) Is it a fact that the Assistant Chemist was offered the post of Curator C. A. A. M. on the distinct condition that he would succeed the Chemist on his retirement, viz., 1940?

(f) Is it a fact that the Chemist has been given an extension? If so, why? Do Government propose to fulfil the promise given to the Assistant Chemist in 1933? If not, why not?

Mr. J. D. Tyson: (a) Yes.

(b) The Committee recommended that exploration should be discontinued, that the post of Special Officer should be abolished and that the gazetted staff of the Department should be reduced from 32 to 20. In particular they considered that there should be only one Chemist.

(c) The Deputy Director General (Exploration) reverted to his permanent post of Superintendent. The Assistant Superintendent was absorbed in the general cadre of Assistant Superintendents. One European who had been engaged *ad hoc* for exploration work had to be retrenched when exploration work ceased. The Muslim Assistant Chemist was, at the time, seconded to another post under the United Provinces Government. Though the post of Assistant Chemist was retrenched in accordance with the recommendations of the Retrenchment Committee, when the officer concerned had to revert from his post in the United Provinces, the Government of India appointed him to his present post in order to avoid hardship.

(d) The answer to the first part is in the negative. The second part does not arise.

(e) No.

(f) The term of service of the Archaeological Chemist has been extended in order to allow time for the recruitment and training of his successor. The vacancy is to be filled by the appointment of a Muslim. No promise was given by Government to the Assistant Chemist in 1933.

Pandit Lakshmi Kanta Maitra: In view of the fact that the post of Chemist is a very important and responsible post and requires technical qualifications, are Government prepared to give an assurance that the best man available should be recruited for the post irrespective of the religion of the candidate?

Mr. J. D. Tyson: No, Sir. In this case we propose to fill it by the appointment of a Muslim after advertisement—with the help of the Federal Public Service Commission.

Pandit Lakshmi Kanta Maitra: May I know why in this technical post, which requires technical qualifications, the Honourable Member should make a departure?

Dr. Sir Ziauddin Ahmad: May I know what is the meaning of a "technical post"?

Mr. J. D. Tyson: I would require notice.

Pandit Lakshmi Kanta Maitra: The post is one of a Chemist, and does not the Honourable Member think that, in the interests of the Department itself, the best man available for the post, the man with the highest qualifications irrespective of his religion, should be recruited to this post through the Public Service Commission?

Mr. J. D. Tyson: I will have to ask for notice of that question.

Sir Syed Raza Ali: Is it a fact that the Director General of Archaeology has already recommended a Hindu who "should be given training and appointed in due course, after his being given training, to this post"?

Mr. J. D. Tyson: I have no information of that at all.

Sir Syed Raza Ali: But is it a fact that such a recommendation was made by the Director General of Archaeology—whether this was accepted or not?

Mr. J. D. Tyson: No, Sir, I have no information if that is so or not, I cannot say.

Sir Syed Raza Ali: Will the Honourable Member please inquire?

Mr. J. D. Tyson: I will inquire.

Sardar Sant Singh: May I know if the Honourable Member is aware of the fact that it is a practice in his office for people to take "files" to the houses of Members of the Assembly and thus give them the detailed information which is found in these questions? Is it the practice in your office, and is the practice permissible?

Mr. J. D. Tyson: I have no knowledge, Sir.

Mr. Lalchand Navalrai: May I know if such posts are usually given through the Public Service Commission or was an exception made in this case?

Mr. J. D. Tyson: Class I posts are always recruited with the advice of the Public Service Commission.

ASSISTANT SUPERINTENDENT FOR MUSLIM EPIGRAPHY.

365. ***Mr. H. A. Sathar H. Essak Salt:** (a) Will the Education Secretary please state whether the post of Assistant Superintendent for Muslim Epigraphy sanctioned in the year 1930 is still in existence? If not, why not?

(b) Do Government propose to fill the vacancy caused by the retirement of Khan Bahadur Maulvi Zafar Hassan by recruiting a Muslim Epigraphist? If not, why not?

Mr. J. D. Tyson: (a) and (b). A post of Assistant Superintendent under the Government Epigraphist for Persian and Arabic Inscriptions was sanctioned in 1930 but it was not possible to fill it for reasons of

financial stringency. The post was not retained after the retrenchment of 1931 and is not now included in the cadre of the Archaeological Survey. Recently Government have taken steps to recruit an officer with experience of Persian epigraphy in a vacancy in the cadre of Assistant Superintendents and have placed him for training under the Epigraphist for Persian Inscriptions. The vacancy caused by the retirement of Khan Bahadur Maulvi Zafar Hassan is not on the epigraphical side.

Sardar Sant Singh: May I know if this Khan Bahadur Maulvi Zafar Hassan is on leave preparatory to retirement?

Mr. J. D. Tyson: I should have to ask for notice of that question.

Sardar Sant Singh: Is the Honourable Member aware that he is the person who is briefing the members of the Muslim League Group to put all these questions?

Sir Syed Raza Ali: I most strongly protest against this remark.

Sardar Sant Singh: I am entitled to ask this question. I am asking if it is a fact that this gentleman gives all this information.

Sir Syed Raza Ali: Let this question be put outside this Chamber, so that you can take the consequences.

Mr. President (The Honourable Sir Abdur Rahim): This is not a proper question to ask. No question can be put as to the source of information on which any question is based.

Dr. Sir Ziauddin Ahmad: If you take note of all the things connected with the Archaeological Department, is it not a fact that that Department is run on communal lines?

Mr. President (The Honourable Sir Abdur Rahim): That is not a question.

DISSATISFACTION AMONGST THE SENIOR BINDERS AND WAREHOUSEMEN OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†366. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member please state whether he is aware that there has been prevailing great dissatisfaction amongst the senior binders and warehousemen of the Government of India Press, New Delhi, who have been superseded by junior-most piece-binders?

(b) Is it not a fact that the binders and warehousemen of fixed establishment have already been approaching Government for some years to consider the question of their promotion to the next higher grade, which is at present confined to the death and retirement of senior-most binders, but Government have promoted junior-most binders from piece establishment to fixed establishment which has ruined their future prospects?

(c) Have Government considered the advisability of making an enquiry in this connection and discontinuing the existing procedure of promotion

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

from piece establishment to the fixed establishment, and are they prepared to issue orders that the future promotions in the piece and fixed establishment should be confined to their respective establishments?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). I understand that there was a certain amount of discontent among binders in regard to their chances of promotion. The position has since been eased considerably by amalgamating into one cadre all posts of binder in the New Delhi Press and by the creation of a few additional posts on the higher grades. As stated by me on the 26th February last in reply to a supplementary question asked by Mr. Muhammad Azhar Ali in connection with starred question No. 172, I am having re-examined the orders under which the four higher posts of binder are to be filled up gradually.

(c) There are no posts of binder on the piece establishment in the New Delhi Press and the question of an enquiry does not arise.

DEDUCTION OF THE FRIDAY PRAYER HOUR FROM THE OVERTIME WORKED BY THE MUSLIM EMPLOYEES OF GOVERNMENT OF INDIA PRESSES.

†367. *Qazi Muhammad Ahmad Kazmi: (a) Is the Honourable the Labour Member aware that Friday's prayer time of one hour which is allowed by Government in every Government office, is deducted from the overtime worked by the Muslims of Government of India Press on Friday?

(b) Is the Honourable Member prepared to look into the matter and allow the allowance of overtime of one hour worked by the Muslim employees on Friday?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes. The time spent for attending Friday prayers is deducted for the purpose of calculating overtime;

(b) No. There can obviously be no justification for paying for overtime unless the hours actually worked are in excess of those prescribed as the normal working hours.

UNDERTAKINGS AND OBLIGATIONS IN RESPECT OF INDIANS LIVING IN COLONIES NOT ENJOYING DOMINION STATUS.

368. *Mr. Govind V. Deshmukh: Will the Secretary for Education, Health and Lands please state:

(a) what are the subsisting undertakings given by the Government of India to Britain's colonies not enjoying dominion status in respect of the rights and liabilities of Indians living there;

(b) what are the subsisting undertakings given by Britain's colonies not enjoying dominion status, to the Government of India in respect of the rights and liabilities of Indians living there; and

(c) the obligations of His Majesty's Government in respect of parts (a) and (b)?

Mr. J. D. Tyson: (a), (b) and (c). The Government of India have given no undertakings to Colonies, but where they have permitted the

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

emigration of Indian labour certain understandings have been reached regarding the treatment of Indian Emigrants and their descendants. To compile an exhaustive list of such understandings would involve a disproportionate expenditure of time and labour, but in general they may be said to be designed to protect the legitimate interests of the Indian communities concerned. If the Honourable Member will specify any particular colony I shall endeavour to supply the information asked for in parts (b) and (c) of the question.

Mr. Govind V. Deshmukh: It is suggested that this will take a long time, may I ask what is the number of Colonies which do not enjoy Dominion Status?

Mr. J. D. Tyson: There is a vast number of Colonies. If my Honourable friend were a stamp collector, he would know their number.

HINDU AND MUSLIM SUPERINTENDENTS, ASSISTANTS AND CLERKS IN THE DEPARTMENT OF SUPPLY.

†369. ***Mr. H. M. Abdullah:** (a) Will the Honourable the Leader of the House please lay on the table a statement showing separately the number of Hindu and Muslim Superintendents, Assistants and Clerks in the Department of Supply proper?

(b) Will the Honourable Member state the number of Hindu and Muslim Superintendents and Assistants in charge in the Directorates attached to the Department of Supply (other than Indian Stores and Contracts Directorate)?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I place on the table a statement giving the necessary information.

(a) Statement showing separately the number of Hindu and Muslim Superintendents, Assistants and Clerks in the Department of Supply proper.

Designation.	No. of Hindus.	No. of Muslims.
Superintendents	1	1
Assistants	18	3
Clerks	33	7

(b) Statement showing separately the number of Hindu and Muslim Superintendents and Assistants-in-charge in the Directorates General attached to the Department of Supply.

Designation.	No. of Hindus.	No. of Muslims.
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I.—DIRECTORATE GENERAL, SUPPLY.

Superintendents	6	..
Assistants-in-charge	1	1

II.—DIRECTORATE GENERAL, MUNITIONS PRODUCTION.

Superintendents	7	1
Assistants-in-charge	5	4

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

SHIPS EMPLOYED BY THE MOGUL LINE FOR BRINGING BACK HAJ PILGRIMS FROM JEDDA TO INDIA.

†370. ***Mr. H. M. Abdullah:** Will the Secretary for Education, Health and Lands be pleased to state:

- the number of ships that were employed by the Mogul Line during the 1939-40 and 1940-41 Haj seasons for bringing back the pilgrims from Jedda to India; and
- the names of the ships employed by the Mogul Line, the dates of the departure of those ships from Jedda, the dates of the arrival of those ships in India, and the number of pilgrims brought back by each of those ships to this country?

Mr. J. D. Tyson: (a) and (b). The Government of India regret that they cannot give details of the movements of ships since such information may be of value to the enemy and may imperil the subsequent movements of other ships. In the inward season of 1939-40 four ships were employed in seven sailings, and in the inward season of 1941 three ships have so far made three sailings and have brought back over 4,500 pilgrims.

PROMOTION OF MR. C. L. SHARMA IN PREFERENCE TO MR. M. YASIN AS AN ASSISTANT IN THE ARCHÆOLOGICAL DEPARTMENT.

371. ***Sir Syed Raza Ali:** (a) Will the Education Secretary be pleased to state the date of promotion of each of the following as Assistant in the Archæological Department of the Government of India:

- Mr. M. Yasin,
- Mr. C. L. Sharma?

(b) Is it true that Mr. Yasin is an M.A. in History, while Mr. Sharma is only a Matriculate? Are Government also aware that Mr. Yasin has contributed the following articles on historical subjects involving a certain amount of research work:

- "Ranjit Singh's Diplomatic Relations" (see the Indian Historical Quarterly, Volume XIII, 1937),
- "Jehangir and Nurjahan" (see the Indian Historical Quarterly, Volume XIV, 1938),
- "Mazaris of Sind" (see the Journal of Sind Historical Quarterly, Volume IV of 1939)?

(c) What was the length of each man's Government service at the time when Mr. Sharma was given promotion as Assistant?

(d) Will the Education Secretary please state why Mr. Sharma was preferred to Mr. Yasin in the matter of promotion?

(e) If Mr. Sharma was promoted first, will the Secretary be pleased to state whether there is any case in the Department of Education, Health and Lands in which a Muslim matriculate was selected for promotion as against a Hindu graduate, both of them having the same or about the same length of service?

Mr. J. D. Tyson: (a) Mr. M. Yasin—16th October, 1939.

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

Mr. C. L. Sharma—28rd November, 1937.

(b) Yes.

(c) Mr. M. Yasin—15 years, 2 months and 12 days.

Mr. C. L. Sharma—11 years, 6 months and 16 days.

But the difference in the service of the two in the office of the Director General of Archaeology was only about two months.

(d) The Director General of Archaeology considered Mr. Sharma to be better fitted for promotion to the post.

(e) In the office of the Education, Health and Lands Department, excluding some cases of temporary promotion, there has been no recent case of the kind referred to. Until recently there were few graduates in the Second Division and such cases could rarely arise.

Sir Syed Raza Ali: Will my Honourable friend please state as to why Mr. Sharma was considered senior to Mr. Yasin when the total length of Mr. Yasin's service, according to the reply, exceeded the length of Mr. Sharma's service?

Mr. J. D. Tyson: When they came to consider the question of promotion by selection, he was considered better fitted.

Sir Syed Raza Ali: I thought my Honourable friend just said that Mr. Yasin had 15 years service to his credit, whereas Mr. Sharma had something like 11 years service to his credit, the difference being four years. If that is so, then, according to the ordinary rules of interpretation, the man who has put in a longer term of Government service would be considered senior to the man who had joined four years later. Is it not so?

Mr. J. D. Tyson: I maintain that too, Sir.

Sir Syed Raza Ali: Then, why was Mr. Sharma preferred?

Mr. J. D. Tyson: For the reasons I have given, namely, that the Director General of Archaeology, who had to make the appointment, considered Mr. Sharma to be better fitted for promotion in the selection grade.

Sir Syed Raza Ali: Who was the Director General? Was it the present Director General, or was it his predecessor?

Mr. J. D. Tyson: It must have been the present Director General.

Dr. Sir Ziauddin Ahmad: With reference to the answer to part (b) of the question, it is admitted that Mr. Yasin has written some articles of literary merit, and yet he was considered to be unfit. I should like to know why he was not selected?

Mr. J. D. Tyson: The duties of the post did not consist in writing articles of special literary merit.

Maulvi Muhammad Abdul Ghani: May I ask whether the Hindu matriculates are more suitable than the Muslim M.A.'s?

Mr. President (The Honourable Sir Abdur Rahim): That is no question.

Lieut.-Colonel M. A. Rahman: May I ask if the standard of matriculation is considered higher than that of M.A. in the Archaeological Department?

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

Sir Syed Raza Ali: May I ask if the Honourable Member has gone through the articles which were contributed by Mr. Yasin to find out the merits of these two candidates for himself?

Mr. J. D. Tyson: No, Sir. I have not read them.

Mr. Lalchand Navalrai: On a point of order, Sir. I would like to know whether cases of this nature should be inquired into in this manner in this House?

Mr. President (The Honourable Sir Abdur Rahim): Yes, as I have admitted these questions, Honourable Members have given notice of many such questions and many questions of this nature have been admitted before.

STOPPAGE OF INCREMENTS OF THE MUSLIM ARCHITECT IN THE ARCHÆOLOGICAL DEPARTMENT.

372. *Sir Syed Raza Ali: (a) Will the Education Secretary please state when and why the increments of the Muslim Architect in the Archaeological Department were stopped?

(b) Did the Muslim Architect appeal against the order of stoppage of his increments? If so, when? What orders have been passed on his appeal, or is it still pending?

(c) Has the appeal been referred to the Public Service Commission by the Government of India? If not, will the Education Secretary please state why no such reference has been made?

Mr. J. D. Tyson: (a) A Muslim Superintendent, who is an architect, has been stopped at the efficiency bar, after consultation with the Public Service Commission, as his work has not been of such a standard as to justify his being allowed to cross the bar.

(b) The officer submitted a memorial in September last but as he expressed his intention to submit a supplementary representation later, he has been allowed time to submit a complete memorial.

(c) No, because the complete memorial has not yet been received.

Sir Syed Raza Ali: Is it a fact that this architect applied for copies of certain papers? If so, may I ask whether those copies were furnished to him?

Mr. J. D. Tyson: He has been repeatedly asked by the Director General of Archaeology to supply him with a list of the papers that he wishes for. He was asked on the 22nd of August, but he has not yet put in the list.

Sir Syed Raza Ali: When the representation is received, I take it that in due course it will be submitted to the Public Service Commission?

Mr. J. D. Tyson: Yes, Sir, I think it will be submitted to the Public Service Commission. The case has at all stages been handled on the advice of the Public Service Commission.

MR. K. N. PURI, FORMER CUSTODIAN OF THE ARCHÆOLOGICAL MUSEUM AT MOHENJODARO AND THE ORDER PASSED AGAINST HIM BY THE CIRCLE SUPERINTENDENT.

373. *Sir Syed Raza Ali: (a) Will the Education Secretary please state if the bills relating to the travelling allowance of the officers of the Archaeological Survey of India are scrutinised?

(b) Is it a fact that Mr. K. N. Puri, a former Custodian of the Archaeological Museum at Mohenjodaro, claimed from Government the cost of higher railway tickets than those which he had actually purchased on his transfer to Nalanda?

(c) Is it true that the Superintendent in charge of the Circle held Mr. Puri responsible for this attempted cheating and duly punished him therefor?

(d) Is it also true that the Director General of Archaeology³ intervened in the matter and compelled the Circle Superintendent to cancel his order of punishment?

(e) If the Circle Superintendent's order was wrong, was it or was it not within the power of the Director General to cancel it on appeal?

(f) What order, if any, did the Director General actually pass on the charge of attempted cheating?

(g) Will the Secretary please lay on the table of the House a copy of the Circle Superintendent's original order punishing the Custodian and of the subsequent correspondence between him and the Director General?

(h) If no proper orders have been passed in the case arising out of the claim to higher travelling allowance, is the Secretary prepared to deal with the matter himself and communicate the result to this House?

Mr. J. D. Tyson: (a) Yes.

(b) Yes; for a part of the journey,

(c) Yes.

(d) Yes.

(e) It was within the powers of the Director General of Archaeology to set aside the order on appeal.

(f) The Director General of Archaeology held that the officer concerned had no intention to defraud the Government and that the claim for higher class travelling allowance was preferred under a misapprehension of the rules. The officer was warned and as only lower class fare had actually been allowed to him by the Superintendent instead of the second class fare to which he was entitled for the part of the journey travelled by higher class, the Director General of Archaeology considered that no further action was necessary.

(g) No.

(h) Government have decided to review the case and will communicate the result to the House in due course.

Sir Syed Raza Ali: With reference to part (d), may I ask whether the Director General intervened on a purely technical ground, namely, because this officer was a lent officer, and, therefore, the Superintendent had no right to pass orders?

Mr. J. D. Tyson: The Circle Superintendent reported the order that he had passed to the Director General of Archaeology and the Director General replied that this was a lent officer, and, therefore, the punishment should not have been⁴ inflicted without consulting the Director General.

Sir Syed Raza Ali: May I take it that the contention raised by the Director General of Archaeology was wholly untenable, namely, that the transfer of an officer from one section to another section in the same department entitles him to all the privileges of a lent officer? Is this not a wholly untenable position?

Mr. J. D. Tyson: Though there was the authority of a very high Accounts Officer for the proposition, it has since been held to be untenable.

ACCEPTANCE OF SERVICE UNDER THE ROYAL NAVY BY MR. OLIVER, DIRECTOR OF THE INDIAN COFFEE MARKET EXPANSION BOARD, LONDON.

374. *Dr. F. X. DeSouza: (a) Will the Honourable the Commerce Member please state whether Government are aware that in the Indian Coffee Market Expansion Board, London, have proposed that as their Director, Mr. Oliver, has been accepted for the Royal Navy, he should be paid by the Board the difference between his salary under the Board and his service salary for the duration of the war and while he remains in one of the fighting services?

(b) What is the extent of the financial liability which the Board undertakes by the proposed arrangement and for what period?

(c) Is not the London Board itself a temporary organisation whose life is extended by the Indian Board from time to time according to the availability of funds, and are not services of Mr. Oliver himself terminable on one month's notice?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes. The Indian Coffee Market Expansion Board, Bangalore, have informed Government that they have received such a proposal.

(b) It has been suggested to the Board that it should pay the difference between Mr. Oliver's salary under the Board, and his service salary. The difference is about £500 per annum.

(c) The Indian Coffee Market Expansion Board, London, is a temporary organization. The answer to the last part of the question is in the affirmative.

Dr. F. X. DeSouza: Have Government any idea as to the proposal of the Indian Coffee Market Expansion Board, London, that this is going to be sanctioned?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: By whom?

Dr. F. X. DeSouza: By the Indian Coffee Market Expansion Board.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Of course, not. We have no idea of what the Board will do.

Dr. F. X. DeSouza: Do Government approve of the proposal that the Coffee Market Expansion Board should grant to Mr. Oliver the difference in his salary?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The question of approval by Government will not arise until the Coffee Market Expansion Board has looked into the matter and made its recommendation.

MAINTENANCE OF THE INDIAN COFFEE PROPAGANDA STAFF IN LONDON DURING WAR TIME.

375. *Dr. F. X. DeSouza: (a) Will the Honourable the Commerce Member please state whether it is not a fact that under the Ministry of Food's Circular, dated 10th September, 1940, no import licenses for coffee will be issued for the present and the quota of 2,000 tons will be held in abeyance?

(b) If so, will Government be pleased to state what advantage will accrue to Indian Coffee by an expensive propaganda staff being maintained in London during war time?

(c) Are Government aware that Indian propaganda is being starved in the meanwhile, and the opening of the Coffee house at Calcutta has been postponed for want of funds?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) The answer is in the negative. The circular of the Ministry of Food referred to by the Honourable Member confines imports into the United Kingdom, to the Empire countries only.

(b) Does not arise.

(c) I am not aware that Indian propaganda is being starved and would invite the Honourable Member's attention, in this connection, to the statement I laid on the table of the House in answer to the starred question No. 64 which he put to me on the 13th November, 1940. I have been informed that the opening of the Coffee House at Calcutta has been postponed to October next on account of the ensuing hot weather and not for want of funds.

Pandit Lakshmi Kanta Maitra: May I know whether the propaganda is still being carried on in Great Britain for the sale of Indian coffee?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am in a position to say that the propaganda in Great Britain for sale of Indian coffee is still going on, and I may also add for the information of my Honourable friend and of Dr. DeSouza that the Rhodesian people are now very sorry that they have not got their organization.

Dr. F. X. DeSouza: Has the Honourable Member obtained any independent report from a responsible officer as to the utility of maintaining the Coffee Market Expansion Board in London during war time?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I have had representation from the High Commissioner that it is doing a lot of good because Indian coffee is now getting a permanent footing in the United Kingdom consumption.

Pandit Lakshmi Kanta Maitra: Is this propaganda still being carried on throughout the British Empire now?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Only so far as the United Kingdom is concerned.

Dr. F. X. DeSouza: Is it not a fact that Kenya has scrapped its Coffee Market Expansion Board in London?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: On the other hand, according to the latest information from an extract of an article in a Kenya paper which my Honourable friend will find in the *Capital* within the last three weeks, the Kenya people are very dissatisfied that that propaganda has been stopped, because India is gaining a march over Kenya.

ENHANCEMENT IN THE PASSAGE FARE CHARGED FROM THE INDIAN HAJ PILGRIMS.

376. *Dr. Sir Ziauddin Ahmad: (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that in a communiqué, dated, New Delhi, the 10th December, 1940, Government stated the following:

"That under this year's arrangements the Mogul Line continues to meet the same items as in peace time, while the liability assumed by the Government is confined to elements which are the creation of the War"?

(b) If the answer to part (a) be in the affirmative, will the Education Secretary be pleased to state why, in view of the fact that the Mogul Line had not to bear any additional expenditure on account of the war, they were allowed to charge the pilgrims Rs. 31-4-0 more than the previous year's fare, taking into consideration the reduction of 25 per cent. in the Jeddah Dues and the waiving of the Kamaran dues and also raise their freight on rice cargo carried by pilgrim ships from Calcutta from about Re. 1 per bag to about Rs. 3-8-0 per bag, i.e., by about 250 per cent.?

Mr. J. D. Tyson: (a) Yes.

(b) It was nowhere stated or implied in the communiqué quoted that the company would not have to bear any additional expenditure on account of the war. The phrase "elements which are the creation of the war" referred to charges directly attributable to the war such as war risk insurance, loss arising from abnormal delays necessitated by reasons of naval strategy and the cost of defensive armour-plating on hatchways of pilgrim ships. Government accepted liability for these. The term did not include items which indirectly affect the cost of operating vessels in war-time as, for instance, increase in the wages of ships' officers and crews, cost of coal, ships' stores and food for the pilgrims.

The increase in fare payable by the pilgrims for a deck passage from Bombay to Jeddah and back was Rs. 22: the expenditure out of the fare, payable in dues by the Shipping Company was Rs. 10/10 less than in the previous year.

The arrangements relating to the carriage of cargo on pilgrim ships have been stated in the reply given by the Honourable the Commerce Member to part (c) of starred question No. 815 on the 11th March, 1941.

PENALTY LEVIED BY THE SAUDI ARABIAN GOVERNMENT ON THE MOGUL LINE.

377. *Mr. Umar Aly Shah: (a) Will the Education Secretary please state if it is a fact that consequent upon the s.s. "Rizwani" of the Mogul Line having carried about 140 more pilgrims than her certified number when she sailed from Karachi for Jeddah on 5th January, 1940, the Saudi Arabian Government levied a penalty on the Mogul Line for breaking the provisions of the International Sanitary Convention?

(b) If the answer to part (a) be in the affirmative, what was the penalty levied on the Mogul Line?

Mr. J. D. Tyson: (a) No.

(b) Does not arise.

INDIAN HAJ PILGRIM SHIPS CALLING AT KAMARAN.

378. *Mr. Umar Aly Shah: (a) Will the Education Secretary please state for how many years now the Haj is being declared clean by the Hejas health authorities?

(b) Will the Education Secretary please lay on the table a statement showing the figures of the infected Indian pilgrim ships that called at Kamaran and had to undergo quarantine there since the inoculation against cholera and vaccination against small-pox have been made compulsory for pilgrims sailing from Indian ports? In relation to the total number of Indian pilgrim ships that called at Kamaran, what was the percentage of such infected ships?

Mr. J. D. Tyson: (a) No Haj pilgrimage has been declared unclean since 1919.

(b) No Indian pilgrim ships calling at Kamaran have been found to be infected since 1933.

ENHANCEMENT IN THE PASSAGE FARE CHARGED FROM THE INDIAN HAJ PILGRIMS.

379. *Mr. Umar Aly Shah: (a) Will the Education Secretary be pleased to state whether it is a fact that the Saudi Arabian Government reduced the Jeddah Sanitary Dues payable by the shipping companies carrying the pilgrims to that Government at the rate of 120 Miri Piasters amounting to about Rs. 25 per pilgrim by 25 per cent. for 1940-41 Haj season and this resulted in a saving in these dues by about Rs. 6-4-0 per pilgrim? If not, what was the reduction made in the dues?

(b) Is it a fact that the pilgrim ships from India did not call at Kamaran Quarantine Station during the last Haj season and consequently they had not to pay the Kamaran Quarantine dues which resulted in a saving of Rs. 3 per pilgrim?

(c) Is it a fact that 5,084 pilgrims were carried from India to Jeddah during the last Haj season? If not, what was the number of the pilgrims carried?

(d) Is it a fact that a subsidy amounting to Rs. 4,50,000 was paid, or is proposed to be paid, to the ships which carried pilgrims from India to Jeddah during the last Haj season and, if so, whether that subsidy was or is to be paid to the Mogul Line? If not, what is the amount of the subsidy paid, or to be paid, and to whom was it or will be paid?

(e) Is it a fact that Government had informed the Standing Finance Committee sometime in December last that the total cost of such subsidy would be about Rs. 4,50,000, out of which the British Government were to pay two-thirds and the balance was to be borne by the Indian Government?

(f) Is it a fact that the subsidy paid, or proposed to be paid, to the Magul Line works out at Rs. 88 per pilgrim? If not, what does it work out per pilgrim?

(g) Is it a fact that, taking into consideration the savings effected firstly due to the saving in the Jeddah Sanitary dues, secondly due to the savings in the Kamaran dues and thirdly due to the increase in the fares charged, the deck return fare from Bombay during the last Haj season showed an increase of Rs. 31-4-0 per pilgrim? If not, what was the increase?

(h) Is it a fact that in addition to the savings referred to in parts (a), (b) and (d), the ships which carried pilgrims were allowed to charge a rate of passage fare which was Rs. 22 more than the rate charged during the Haj season of 1939, and is it not a fact that the increase thus made in the passage fares and the savings referred to in parts (a), (b) and (d) above, actually meant that the fares charged by the ships which carried pilgrims were nearly 70 per cent. higher than the scheduled fares allowed to be charged by the companies during the Haj season of 1939? If not, to what extent were the fares charged during the current Haj season actually higher than those charged during the season of 1939?

Mr. J. D. Tyson: (a) The reduction is estimated at Rs. 7-10 per pilgrim.

(b) Yes.

(c) 5,032.

(d) No. The amount will be determined only after a claim has been submitted by the Mogul Line.

(e) The Standing Finance Committee was informed that no reliable estimate could be framed as the total cost would depend on the number of ships utilised and the extent to which ships suffered abnormal delay, and, therefore, the amount of Rs. 4½ lakhs represented only a rough estimate.

(f) The average amount of the subsidy per pilgrim cannot be given since the amount of subsidy payable has not been calculated.

(g) The increase in fare payable by the pilgrims for a deck passage Bombay-Jeddah and back was Rs. 22: the expenditure in dues payable by the Shipping Company out of the fare was Rs. 10-10 less than in the previous year.

(h) The amount of the subsidy, if any, will not be known until a claim has been received from the company and accepted, and no figure can therefore be given at this stage of the company's receipt per pilgrim from fares and subsidy.

ENHANCEMENT IN THE PASSAGE FARE CHARGED FROM THE INDIAN HAJ PILGRIMS.

380. *Mr. Umar Aly Shah: (a) Will the Education Secretary be pleased to state if it is a fact that when the minimum rate agreement was arrived at between the Mogul Line and the Scindia Company in October 1938, through the good offices of the then Commerce Member, the Mogul Line had given to understand that in their opinion in normal times, the deck return fare from Bombay at the rate of Rs. 121 would be an economical one?

(b) If the answer to part (a) be in the affirmative, will the Honourable Member state on that basis what was the percentage of increase in the fares charged this season, i.e., Rs. 195 plus Rs. 9-4-0 savings effected in Jeddah and Kamaran dues and the subsidy paid by Government?

(c) What has been the increase in passage fares over pre-war days, in India-Persian Gulf, India-Africa and other lines?

Mr. J. D. Tyson: (a) to (c). Certain information is being collected and a reply will be furnished when this is available.

REPORT OF THE COMMITTEE APPOINTED TO ENQUIRE INTO THE DEATH OF ONE NAIMA BEGUM AT THE IRWIN HOSPITAL, NEW DELHI.

381. *Mr. H. A. Sathar H. Essak Sait: (a) Will the Education Secretary be pleased to state, with reference to his reply given to Kunwar Hajee Ismaiel Ali Khan's question No. 169 on the 26th February, 1941, when it is expected that the consideration by Government of the report of the Enquiry Committee appointed to enquire into the tragic death of Naima Begum, daughter of Mr. Sairajuddin Ahmad of Delhi at the Irwin Hospital, will be completed and orders issued thereon?

(b) Will the report and Government's order thereon be placed on the table of the House?

(c) Is he aware that even though the report is under consideration, the doctor who is involved in this enquiry, has been re-instated?

(d) If the reply to part (c) be in the affirmative, will he be pleased to state the reasons for this action?

(e) Is the Honourable Member prepared to order an impartial and searching enquiry into the whole administration of the Irwin Hospital with a view to allaying the dissatisfaction that exists in the mind of the public in regard to this hospital?

Mr. J. D. Tyson: (a) I am unable to say when orders will be issued. The matter is being dealt with as expeditiously as possible.

(b) Government will consider the question of placing the report and the orders on the table of the House when a final decision in the case has been arrived at.

(c) and (d). As a result of the departmental enquiry held by the Additional Civil Surgeon, Delhi, Major M. H. Shah, I.M.S., the Chief Medical Officer, Delhi, directed that the doctor referred to should be reinstated.

(e) In the only case in which a *prima facie* case for an enquiry was made out, Government did order an enquiry. Government are not aware that there is any general feeling of dissatisfaction with the working of the Hospital.

Lieut.-Colonel M. A. Rahman: With reference to part (e) of the question, may I know if this officer concerned was an emergency officer?

Mr. J. D. Tyson: I do not know what the Honourable Member means by "emergency officer".

Lieut.-Colonel M. A. Rahman: From my experience of running big hospitals for many years, I know there is always a resident medical officer appointed who is a better qualified and experienced man than emergency officers who are always junior officers. May I know if this case was treated by an emergency officer or a resident medical officer?

Mr. J. D. Tyson: The senior officer in charge of the ear, nose and throat section was away and his junior was in charge on the day in question. It was a junior who treated the case.

Lieut.-Colonel M. A. Rahman: Is there a resident medical officer there?

Mr. J. D. Tyson: In the ear, nose and throat department and eyes there is a resident medical officer.

Lieut.-Colonel M. A. Rahman: Perhaps my Honourable friend did not understand me. I did not want to know whether there is a resident medical officer in each and every department. But there is always one resident medical officer for the whole hospital to attend to emergency cases when called for by the junior emergency officer.

Mr. J. D. Tyson: There is an arrangement by which three surgeons share the week up. There is an arrangement by which there is always a senior surgical or medical officer available.

Lieut.-Colonel M. A. Rahman: Was there some one there on this occasion, and was he summoned?

Mr. J. D. Tyson: No, Sir, he was not called.

Lieut.-Colonel M. A. Rahman: Why not?

Mr. J. D. Tyson: It did not seem to be a very serious matter at the time.

Mr. H. A. Sathar H. Essak Sait: With reference to the departmental inquiry mentioned in the reply to clauses (c) and (d), may I know what was the need for it and who initiated it?

Mr. J. D. Tyson: First of all, when the incident was reported to Government, Government immediately decided that there should be an inquiry into the incident as a whole and that was conducted by a senior officer of the Indian Medical Service and a District Judge. They inquired into the whole incident and on the basis of their report departmental proceedings

were started against one of the doctors who had been criticised. It is necessary, before punishment can be inflicted, that an officer should be given a chance of meeting specific charges levelled against him in departmental proceedings.

Mr. Govind V. Deshmukh: Are Government aware that there is a paucity of trained nurses in this hospital and that there are merely probationary nurses?

Mr. J. D. Tyson: I venture to think that does not arise, but there was a nurse in attendance on this case.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member please state the cause of this delay and why the inquiry is taking such a long time?

Mr. J. D. Tyson: The cause of the delay is that we first got a general report and then there had to be departmental proceedings. The departmental proceedings against the officer, as sometimes happens in such cases, brought fresh facts to light, and we referred it back to the original reporting officers. And now we have to get advice as to the course to be taken between the two reports.

Mr. Govind V. Deshmukh: On a question of administration, are the nurses asked to leave their uniforms with the Lady Superintendent when they leave service?

Mr. J. D. Tyson: I venture to think that hardly arises.

Mr. H. A. Sathar H. Essak Salt: I understand that the officer was suspended on the report of the committee that was appointed and then before Government finished consideration of the report he was reinstated. Why was that done?

Mr. J. D. Tyson: He was suspended when, on receipt of the report of the original inquiry committee, Government asked the Chief Commissioner to start departmental proceedings. He was reinstated on conclusion of those departmental proceedings but without a reference to Government.

Lieut.-Colonel Sir Henry Gidney: As a doctor myself, whilst I have every sympathy with the medical officer so unfortunately placed, I submit it is very unfair for this House to criticise him, and hold him up to public opprobrium; will the Honourable Member please state, considering the fact that this doctor was reinstated, whether he was pronounced guiltless of this charge? He should not have been reinstated if he were not absolved from responsibility, and it is quite likely that we in this House, like the questioner, have got the wrong end of the stick absolutely. Remember there are two sides to every picture, even doctors are not infallible and cannot be condemned unheard.

Mr. J. D. Tyson: He was very largely cleared of responsibility in the departmental proceedings, but there is this difference between the two reports which we are anxious to clear up.

Dr. Sir Ziauddin Ahmad: Will Government publish this report, because there is very much dissatisfaction about the administration of the Irwin Hospital?

Mr. J. D. Tyson: I have said already that when a final decision has been arrived at, Government will consider the question of placing the report and the orders in the case on the table of the House.

PATIENTS TREATED AT AND EXPENDITURE ON THE IRWIN HOSPITAL, NEW DELHI.

382. *Mr. H. A. Sathar H. Essak Salt: Will the Education Secretary be pleased to state:

- (a) the number of (i) in-patients and (ii) out-patients treated at the Irwin Hospital, year by year, since its establishment; and
- (b) the total expenditure borne by Government, year by year, on this Hospital since its establishment?

Mr. J. D. Tyson: The information has been called for and a reply will be furnished to the House when it is received.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE POLITICAL DEPARTMENT.

383. *Nawab Siddique Ali Khan: Will the Honourable the Leader of the House please state:

- (a) how many temporary or officiating appointments in the grades of Assistant, Stenographer and Clerk have been made in the Political Department since the 1st July, 1939;
- (b) how many of the persons appointed in such vacancies were Hindus; and
- (c) how many Muslims?

The Honourable Sir Muhammad Zafrullah Khan: (a) 5 Assistants, 1 Stenographer, 11 Clerks.

(b) Promotions were given to men already on the staff of the Department and the resultant vacancies in the Routine Division were filled by 11 Hindus and two Sikhs and

(c) by four Muslims.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE LABOUR DEPARTMENT.

384. *Nawab Siddique Ali Khan: Will the Honourable the Labour Member please state:

- (a) how many temporary or officiating appointments in the grades of Assistant, Stenographer and Clerk have been made in the Department of Labour, since the 1st July, 1939;

(b) how many of the persons appointed in such vacancies were Hindus; and

(c) how many Muslims?

The Honourable Diwan Bahadur Sir, A. Ramaswami Mudaliar: A statement giving the required information is laid on the table.

Statement showing the number of temporary or officiating appointments made in the grades of Assistant, Stenographer and Clerk in the Department of Labour since 1st July, 1939, up to 12th March, 1941, and the number of Hindus and Muslims appointed to them.

Grade.	Total number of temporary or officiating appointments.	Number of Hindus appointed.	Number of Muslims appointed.	Remarks.
1	2	3	4	5
Assistants . . .	16	13	3	
Stenographers . . .	7	6	1	
Clerks . . .	53*	35	15	* 3 vacancies were filled by the appointment of Sikhs.

NOTE 1.—All the appointments in the grade of Assistants were made either by promotion within the Department or by transfer from other Departments.

NOTE 2.—Four out of 7 appointments in the grade of Stenographers were made by promotion or by transfer and 3 by direct recruitment. The last 3 appointments were held by the same person (Hindu) who was appointed on three occasions.

NOTE 3.—Two appointments to the grade of clerks were made by transfer of one Hindu and one Muslim from another office and the remaining 51 appointments were made by direct recruitment. 16 of the external candidates were recruited through the Home Department from the list of the Federal Public Service Commission. The remaining 35 appointments were made direct by this Department and of the candidates appointed thereto, 22 were Hindus, 10 Muslims and 3 Sikhs.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE COMMERCE DEPARTMENT.

385. *Nawab Siddique Ali Khan: Will the Honourable the Commerce Member please state:

(a) how many temporary or officiating appointments in the grades of Assistant, Stenographer and Clerk have been made in the Department of Commerce since the 1st July, 1939;

(b) how many of the persons appointed in such vacancies were Hindus; and

(c) how many Muslims?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: A statement giving the required information is laid on the table.

Statement showing the number of temporary or officiating appointments made in the grades of Assistant, Stenographer and clerk in the Department of Commerce from the 1st July, 1939, to the 28th February, 1941, and the number of Hindus and Muslims appointed to therein.

Grade.	Total number of temporary or officiating appointments.	No. of Hindus appointed.	No. of Muslims appointed.	Remarks.
Assistants . . .	20*	13	6	* One vacancy was filled in by the appointment of an Indian Christian.
Stenographers . . .	9†	6	2	† One vacancy was filled in by appointment of a Sikh.
Clerks . . .	104‡	72	25	‡ Seven vacancies were filled in by appointment of Sikhs. Including 1 Jain.

INSURANCE DEPARTMENT.

Assistants . . .	15¶	14	..	¶ One vacancy was filled in by appointment of a Sikh.
Stenographers . . .	1	1	..	
Clerks . . .	22	18**	4	** Including 1 Jain.

NOTE.—The appointments of Assistants in the Insurance Department were of a technical nature. They were made through the Federal Public Service Commission.

APPOINTMENTS OF ASSISTANTS, STENOGRAPHERS AND CLERKS IN THE REFORMS DEPARTMENT.

386. *Nawab Siddique Ali Khan: Will the Honourable the Leader of the House please state:

(a) how many temporary or officiating appointments in the grades of Assistant, Stenographer and Clerk have been made in the Reforms Department since the 1st July, 1939;

(b) how many of the persons appointed in such vacancies were Hindus; and

(c) how many Muslims?

The Honourable Sir Muhammad Zafrullah Khan: (a) Five temporary appointments were made between the 1st July, 1939, and 29th February, 1940, from which date the Reforms Office was abolished and a part of its staff transferred to the Secretariat of the Governor General. Of these one post of Assistant was filled by promotion and four posts of clerks by direct recruitment.

(b) Three.

(c) Two.

SISTERS AND NURSES IN THE IRWIN HOSPITAL, NEW DELHI.

387. *Mr. Govind V. Deshmukh: (a) Will the Secretary for Education, Health and Lands, please state the number of Sisters and Nurses employed in the Irwin Hospital, Delhi?

(b) Will the Honourable Member please state the number of hours a Sister and a Nurse is required to work during the day and during the night?

(c) Will the Honourable Member please state whether it is a fact that the Nurses have to work twelve hours at a stretch on night duties for as long as a month and a half?

(d) Is the Honourable Member prepared to arrange that these Nurses are not allowed to overstrain themselves and are given shorter hours of duty, especially during the nights? If not, why not?

(e) Is the Honourable Member aware that as many as sixty patients, besides those in special wards, are to be attended to during the nights by these Nurses?

Mr. J. D. Tyson: The information has been called for and a reply will be furnished to the House when it is received.

Mr. Govind V. Deshmukh: What was the difficulty in getting this information when the hospital is so near and the information asked for is not very complicated?

Mr. J. D. Tyson: I cannot say what the difficulty is. We passed on the Honourable Member's question by express letter the same day that we received it and we have not had a reply.

Mr. Govind V. Deshmukh: Did they want more time to supply this information? I should have thought the information would be easily available.

Mr. J. D. Tyson: They did not ask for more time but we have not received a reply up till last night.

Mr. Govind V. Deshmukh: I should like to know why they require more time in this matter.

Mr. President (The Honourable Sir Abdur Rahim): He has said he has not received a reply yet.

DEPUTY DIRECTOR OF SHIPBUILDING IN THE SUPPLY DEPARTMENT.

†388. *Sir Abdul Halim Ghuznavi: (a) Will the Honourable the Law Member be pleased to state who the Deputy Director of Shipbuilding in the Supply Department is?

(b) What are the duties of the Deputy Director of Shipbuilding?

(c) What is the salary that is paid to this Deputy Director of Shipbuilding?

(d) What orders has such Deputy Director of Shipbuilding placed for building of ships and of what tonnage and with which firms and at what rates?

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

The Honourable Sir Muhammad Zafrullah Khan: (a) Mr. A. Paxton.

(b) To assist the Director of Shipbuilding in the organization of shipbuilding programmes generally and in particular in scrutinising drawings, specifications of all types of floating craft under construction, demands for materials by contractors and estimates for construction. The Deputy Director has also to watch progress of all construction and installation of machinery and assist with technical advice firms engaged in shipbuilding.

(c) Rs. 1,200 per mensem.

(d) The Deputy Director, Shipbuilding, has not authority to place orders for shipping.

ESTABLISHMENT OF SHIPBUILDING YARDS IN INDIA.

†389. *Sir Abdul Halim Ghuznavi: (a) Will the Honourable the Commerce Member be pleased to state if any orders for the building of ships, patrol boats, mine-sweepers or boats of any other kind have been placed with any firms outside India?

(b) If the answer to part (a) be in the affirmative, will he be pleased to state the names of the firms with whom such orders have been placed, the terms and conditions as regards cost for which each of the orders has been placed, and the tonnage of the ship for which the order is placed?

(c) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state whether it was not possible to build such ships, boats or craft in India?

(d) If the answer to part (c) be in the affirmative, will he be pleased to state what steps Government propose to take to establish such shipbuilding yards in India; or help in the establishment of such shipbuilding yards in India where such ships could be built?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes.

(b) and (c). It would not be in the public interest to give the details for which the Honourable Member asks, but I may say that the shipbuilding capacity of India has been used to the fullest possible extent. No order has been placed abroad until it was certain that it could not be executed in India.

(d) The Honourable Member is referred to the Press Communique issued by the Department of Commerce on December 16th, 1940. Copies are in the Library.

LACK OF CIVIC AMENITIES IN CERTAIN LOCALITIES OF DELHI.

390. *Maulvi Syed Murtaza Sahib Bahadur: (a) Will the Secretary to the Department of Education, Health and Lands please state whether he is aware that very insanitary conditions in Malka Ganj, Basti Ahiran, Subsimandi, Delhi, are prevalent due to the neglect of Delhi Municipality, which is responsible for the good up-keep of roads and sanitary conditions of mohallas?

(b) Is it a fact that in the above named mohallas of Delhi, there are nearly one thousand inhabitants, there is no public latrine in the vicinity, and filth and night-soil is seen in the streets and bye-lanes and nallas?

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

(c) Is it a fact that a large building (Katra) accommodating about eight families has got only one latrine and even this is kacha and is cleaned only once a day, and that lighting arrangement is poor and other insanitary conditions prevail, which is a nuisance to the public, particularly to the inhabitants of that locality?

(d) Is it a fact that these inhabitants have been moving the Municipal authorities, in the name of civil rights and public health, to remove these conditions and provide for modern amenities, but to no avail?

(e) Is it a fact that a joint application, dated the 11th February, 1940, by the residents of these areas was submitted to the Health Officer, Delhi Municipal Committee, which was acknowledged in a letter from the Municipal Engineer in No. 5675-M. W., dated the 4th March, 1940, in which promises to recondition the vicinity and for paving of lanes were given, but no attention is paid to the representations of the poor residents upto now?

(f) Are Government prepared to instruct the Municipal authorities to look into the grievances of the locality and get them redressed?

Mr. J. D. Tyson: The information has been called for and a reply will be furnished to the House when it is received.

UNEQUAL DISTRIBUTION OF WORK AMONG THE PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

391. *Bhai Parma Nand: (a) Will the Honourable the Labour Member please state whether it is a fact that the Government of India Press handbook lays down that a machine Foreman or a machine Jemadar, when he does not distribute work to the piece-workers equally, is liable to dismissal, suspension, degradation, etc.?

(b) Will Government be pleased to state the number and names of piece machine men and inkers of the Government of India Press, New Delhi, and their respective earnings for the last two years, month by month?

(c) If there be a difference in their earnings owing to unequal distribution of work, will Government be pleased to state the reasons therefor and the action contemplated to be taken against those responsible?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) No, Sir.

(b) The information is being collected and will be placed on the table in due course.

(c) Does not arise.

Mr. Lalchand Navalrai: May I know if the work is to be given by distribution?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sometimes, yes.

COMPOSITORS ON THE FLUCTUATING STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

392. *Bhai Parma Nand: (a) Will the Honourable the Labour Member please state if it is a fact that recently some salaried compositors have

been appointed on the fluctuating staff of the Government of India Press, New Delhi? If so, how many are they, and how many of them are Muslims?

(b) Is their work and out-turn of work checked by somebody? If not, why not? Will the Honourable Member please state the reasons for checking work of permanent compositors and according differential treatment to the fluctuating men?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes. 16 salaried compositors of whom five are Muslims.

(b) Yes. The other parts do not arise.

DEFICIENCY OF THE AMENITIES PROVIDED IN THE GOVERNMENT OF INDIA PRESS QUARTERS IN NEW DELHI.

393. *Bhai Parma Nand: (a) Will the Honourable the Labour Member please state whether amenities have been provided at New Delhi in the clerks' quarters, both migratory and non-migratory, excepting the Government of India Press quarters?

(b) Did the Press employees, or the management, represent for provision of similar amenities in those quarters, and their request was turned down on the ground that amenities were intended for migratory staff only? Is it a fact that there is no distinction between clerks' quarters of migratory and non-migratory staff of the Government of India, and the amenities were going to them as a whole?

(c) If the reply to parts (a) and (b) above be in the affirmative, is the Honourable Member aware that the Press employees are also Government servants, like others, and are subjected to cuts from pay, Secretariat holidays, etc?

(d) Is he prepared to see his way to provide amenities in the Press quarters at once? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Certain amenities have been provided in such clerks' quarters in New Delhi as are in the general pool. These amenities have not been extended to those outside the pool, e.g., the Press quarters, the clerks' quarters of the Posts and Telegraphs Department.

(b) Yes.

(c) and (d). The amenities in question were provided in all the pooled quarters owing to the impracticability of separating permanently pooled quarters occupied by the clerks who were affected by the exodus decision. This consideration does not apply to quarters outside the pool.

SHORTAGE OF UNFILTERED WATER SUPPLY IN SUMMER IN THE UNORTHODOX QUARTERS ON ROUSE AVENUE, NEW DELHI.

394. *Bhai Parma Nand: (a) Is the Honourable Member in charge of Labour Department aware of the shortage of unfiltered water supply during day time in summer months in the unorthodox quarters for clerks on Rouse Avenue, New Delhi?

(b) Is it a fact that this shortage is due to these quarters having been built on a high level, and the supply pipe not being sufficiently wide to throw a high flow of water?

(c) If the reply to the above be in the affirmative, is the Honourable Member prepared to arrange to devise some effective means to provide adequate supply of water in these quarters to keep their gardens and grassy plots in form during the summer season?

(d) Is he also prepared to issue instructions to the Horticultural Division to supply water to these buildings at night in summer months by the time permanent arrangements are made to regulate full supply of water during the day?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) There is no shortage but the flow is low during the day time in the summer.

(b) The low flow is due to the high level of the area and excessive draw in low level areas in the day time during the summer.

(c) Effective means to provide an adequate supply of water have already been devised; the water is supplied at night where necessary and every effort is made to keep the gardens and grassy plots in form. The supply for 24 hours as a whole is adequate and it is not necessary to increase the size of the pipe or to adopt any other means.

(d) Does not arise.

COST OF DISTRIBUTION OF "AUTHOR COPIES" OF A PUBLICATION WRITTEN BY A GOVERNMENT OFFICIAL.

†395. *Haji Ohaudhury Muhammad Ismail Khan: Will the Honourable the Labour Member be pleased to state if the distribution of "author copies" of a publication written by a Government official is carried on by the Government Press or by the author himself? If by the Government Press who bears the cost, Press or the author?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The distribution of authors' copies is not carried out by the Government of India Presses. I am, however, informed that in one instance such distribution was made by the Press under a misapprehension. Instructions are being issued to prevent the recurrence of such a mistake.

MUSEUM CONFERENCE HELD AT DELHI.

†396. *Haji Ohaudhury Muhammad Ismail Khan: Will the Education Secretary be pleased to state:

(a) whether Government are aware that a Museum Conference was held at Delhi in 1937;

(b) whether the representatives of all the museums and allied institutions in the country met at Delhi;

(c) whether any proceedings of the said Conference have been published, and if so, will he be prepared to lay a copy of the same on the table of the House;

(d) whether copies of resolutions passed at the Conference were sent to the authorities of the Museum for their guidance; and

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

(e) whether any action has been taken on the recommendations made by the Conference; and if so, what?

Mr. J. D. Tyson: (a) and (b). A Museums Conference was held at Delhi in 1937 and was attended by persons connected with museums delegated by the Central and Provincial Governments and certain Indian States.

(c) The resolutions passed by the Conference were published in 1938. A copy has been placed in the Library of the House.

(d) Copies of the resolutions were sent to the Provincial Governments for such action as they might think fit to take.

(e) Provincial museums are under the control of the Provincial Governments. The Government of India, therefore, brought the resolutions to the notice of the Provincial Governments for such action as they might think fit to take. The Government of India also consulted the Provincial Governments and Indian States on the proposal of the Conference that a Museums Association of India should be established, but owing to financial stringency the further consideration of the proposal was postponed. Effect could not be given to the proposals of the Conference relating to the Indian Museum for the same reason.

VISITS OF THE DIRECTOR GENERAL OF ARCHAEOLOGY TO RAMNAGAR.

†397. *Haji Ohaudhury Muhammad Ismail Khan: (a) Will the Education Secretary please state whether the Director General of Archaeology, who was in charge of excavations at Taxila, Sanchi and Mohenjodaro, used to spend months and months together at those places?

(b) Is any excavation work being carried on at Ramnagar? If so, who controls that work?

(c) Is it a fact that the Director General of Archaeology goes every alternate week to Ramnagar? If so, are Government aware that such frequent journeys on the part of the Director General involve much more money than his staying there for longer periods, as his predecessors used to do?

(d) Do Government propose to consider the desirability of reverting to the old practice? If not, why not?

Mr. J. D. Tyson: (a) Yes.

(b) Yes. The Director General of Archaeology exercises general supervision over the work.

(c) With reference to the first part of the question the Director General visits Ramnagar from time to time for such periods as his work at headquarters permits. In regard to the second part it is a fact that if the Director General could stay at Ramnagar for longer periods there would be less expenditure on travelling allowance.

(d) No. It is not possible for the Director General to stay at Ramnagar for lengthy periods owing to his work at headquarters. It may be mentioned that during the period when Sir John Marshall was engaged as Director General on excavation work, Superintendents of Circles were under the administrative control of Provincial Governments and the administrative work of the Director General was not as heavy as at present.

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

ADDITIONS AND ALTERATIONS IN D TYPE ORTHODOX QUARTERS IN THE D. I. Z. AREA OF NEW DELHI.

398. *Mr. Muhammad Azhar Ali: With reference to his answer to part (c) of starred question No. 110, asked on the 18th November, 1940, regarding additions and alterations carried out in the year 1940 in D type of orthodox clerks' quarters in the D. I. Z. area of New Delhi, will the Honourable the Labour Member please state whether he has received the report, and if so, will he please place it on the table of the House? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudalliar: The report has been received and is laid on the table of the House.

Report regarding additions and alterations carried out in the year 1940 in the 'D' type of orthodox clerks' quarters in the D. I. Z. area of New Delhi.

The kutchra courts of the 'D' type orthodox clerks' quarters in the D. I. Z. area in New Delhi were properly levelled and rammed before flat bricks were laid. In such cases of cheap specifications and consequent economy, the floors can never be perfectly even and there may be cases of slight depressions, and water may stand for a short time only but it can easily be spread over and dried quickly.

2. As regards the alleged rough surface of the plaster of the roofs laid over the galleries of those quarters, this work has been done to proper specification.

3. All the stone slabs placed over the drains which pass through these galleries are fixed. Only two of the stone slabs have been purposely kept loose to facilitate cleaning of the drains in case they are choked.

NEGLECT OF PLANTED TREES IN THE D. I. Z. AREA OF NEW DELHI.

399. *Mr. Muhammad Azhar Ali: (a) With reference to his answer to part (c) of starred question No. 112, asked on the 18th November, 1940, regarding trees planted in the squares and along the roads in the D. I. Z. area of New Delhi, will the Honourable the Labour Member please state whether he inspected the site, as promised in his reply to a supplementary question in this connection? If so, will he please state whether the information contained in his answer to part (c) referred to above is correct?

(b) Will the Honourable Member please lay on the table of the House a statement showing:

- the number of trees originally planted in each of the squares in the D. I. Z. area;
- the number of trees planted originally along the Ibbetson and Maud Roads;
- the number of trees which at present exist in the different squares;
- the number of trees which at present exist along the two roads mentioned above;
- the number of trees in the different squares and along the two roads referred to above which are fully grown up; and
- the number of trees in the different squares and along the two roads referred to above which are not fully grown up, judging from their height and spread of branches?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudalliar: (a) In my reply to the supplementary question referred to, I did not make a promise to inspect the site. I have, however, made enquiries and am satisfied that the information previously given in answer to part (c) of question No. 112 on the 18th November, 1940, is correct.

(b) A statement giving the information asked for is laid on the table of the House.

Statement.

(b) (i) and (iii) :—

Names of the squares.	Number of trees planted.	Number of existing trees.
Hastings Square	18	18
Lake Square	18	18
Tughlak Place	9	4
Lawrence Square	14	14
Cornwallis Square	8	8
Roberts Square	8	8
Sikander Place	4	1
Clive Square	18	18
Outram Square	18	14
Havelock Square	16	15
Nicholson Square	8	8
Dalhousie Square	8	8
Ranft Place	4	2
Taylor Square	6	6
Wilson Square	6	3
Sivaji Place	6	NW.
Lansdown Square	8	3
Sumaru Place	4	NW.
Joffree Square	18	12
Edward Square	18	12
Diaz Square	8	8
Pershing Square	8	7
Rama Place	4	3
Foch Square	18	16
Haig Square	18	12
French Square	8	8
Albert Square	8	7
Genesh Place	8	7
Market Square	58	58
Raja Bazar Square	11	11
Beard Square	44	44

(b) (ii) and (iv) :—

Ibbetson Road.	275	275
Maud Road	213	213

(b) (v) and (vi) :—

Squares	Number of trees fully grown up.	Number of trees not fully grown up.
Ibbetson and Maud Roads	294	194

DELAY IN THE ANNUAL REPAIRS OF CERTAIN D TYPE ORTHODOX QUARTERS IN NEW DELHI.

400. *Mr. Muhammad Azhar Ali: (a) With reference to his answer to part (g) of starred question No. 118, asked on the 18th November, 1940,

in connection with the annual repairs of the D type of orthodox clerks' quarters in the D. I. Z. area of New Delhi, will the Honourable the Labour Member please state whether he made any enquiry into the matter as promised by him, and if so, what the result of his enquiry was?

(b) Will the Honourable Member please state the agency through which he made the enquiry, if any was made?

(c) Is the Honourable Member aware that the practices in the Central Public Works Department regarding any enquiries is for the higher officers to pass on the matter to the lower officers, grade by grade, till the matter is left in the hands of some work-charge non-gazetted staff, and the report on the enquiry is made by the officers according to the report submitted by this staff?

(d) With reference to his answer to part (b) of the question referred to in part (a) above, is the Honourable Member aware that the charge against certain tenants of not allowing the work to be done is not correct? If not, will he please state whether it is a fact that when the Sub-Divisional Officer in charge of these quarters went to inspect one quarter about which some complaints had been made to the Executive Engineer, B Division, two or three tenants living in the neighbouring quarters approached him personally with the complaint about the delay in the annual repairs and white-washing?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). After further examination by the previous Secretary in the Department of Labour it was found unnecessary to hold any detailed enquiry.

(c) No. Complaints are always investigated personally by responsible officers. The status of the investigating officer depends on the importance of the complaint.

(d) The reply to the first portion is in the negative. It is not possible to answer the latter portion unless the numbers of the quarters, the names of the tenants and the dates of the complaints are given.

REDUCTION IN RATES OF RENT FOR GOVERNMENT QUARTERS IN NEW DELHI.

401. *Mr. Muhammad Azhar Ali: With reference to starred question No. 128, asked on the 18th November, 1940, regarding the desirability of reduction in rates of rent for Government quarters in New Delhi, will the Honourable the Labour Member please state whether any decision has been reached by Government, and if so, what it is?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The information promised in reply to the question referred to by the Honourable Member has been collected and will be laid on the table of the House shortly.

Mr. Muhammad Azhar Ali: The question is, has any decision been reached by the Government? It does not ask for anything to be laid on the table of the House.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The question which has been referred to in the question of the Honourable Member asks for information, and my reply to that question is that the matter has to be looked into and the information required by the Honourable Member will be laid on the table of the House. It related to the reduction in rent and how much it would cost, and so on. It is that information that I propose to lay on the table of the House.

Mr. Muhammad Azhar Ali: This question asks whether any decision has been reached, and, if so, what is it?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I regret to say that the decision of the Government is adverse.

GRANT OF SUMMER ALLOWANCE TO THE MINISTERIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA SECRETARIAT DETAINED AT DELHI DURING SUMMER.

402. *Mr. Muhammad Azhar Ali: With reference to his answer to part (b) of starred question No. 184, asked on the 18th November, 1940, regarding grant of summer allowance to the ministerial establishment of the Government of India Secretariat detained at Delhi last summer, will the Honourable the Labour Member please state whether any decision has been arrived at by Government? If not, when is it likely to be reached?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes. Government have come to the conclusion that there is no justification for the grant of any allowance of the kind desired.

Mr. President (The Honourable Sir Abdur Rahim): The replies to the next eight questions of Mr. Azhar Ali will be laid on the table as they are in excess of the quota.

I think Honourable Members ought to know by this time that not more than five starred questions by any Member will be answered on the floor of the House.

SUPPLY OF UNFILTERED WATER IN ORTHODOX QUARTERS IN NEW DELHI.

403. *Mr. Muhammad Azhar Ali: With reference to starred question No. 185, asked on the 18th November, 1940, regarding supply of unfiltered water in orthodox quarters in New Delhi, will the Honourable the Labour Member please state whether any decision has been arrived at by Government in the matter? If not, how long more are Government likely to take to decide this question?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It has been decided to make suitable alterations in the existing hydrants of unfiltered water at convenient places in the orthodox quarters in New Delhi to enable the tenants to draw water whenever required. This convenience will be available shortly.

HEDGES ON THE LAWS FACING CERTAIN ORTHODOX QUARTERS IN NEW DELHI.

404. *Mr. Muhammad Azhar Ali: (a) With reference to his answer to parts (c) and (d) of starred question No. 114, asked on the 18th November, 1940, regarding planting of hedges on the laws facing the orthodox quarters on the Irwin Road in New Delhi, will the Honourable the Labour Member please state the distance between these hedges and the roadside drain?

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

(b) Will the Honourable Member please state the distance between the hedges planted in Telegraph Square, Telegraph Place, Diaz Square, Baird Road, Minto Road Area, and the roadside drains or the edge of the footpath there?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). A statement giving the information asked for is laid on the table of the House.

Statement.

(a) The distance between the hedges planted on the lawns facing the orthodox quarters on the Irwin Road in New Delhi and the roadside drains is as follows:

Quarters on the north side	12' 6"
Quarters on the south side	3'

(b) The distances between the hedges planted in the Squares and roads referred to in this part of the question and the roadside drains or the edge of the footpath are as follows:

Telegraph Square—

Quarters on the north side	9'
Quarters on the south side	3'

Telegraph Place

Diaz Square	2'
Baird Road	3'
	2'

Minto Road Area—

Quarters on the west side	5' 6"
Quarters on the east side	2' 6"

CONSTRUCTION OF QUARTERS FOR MINISTERIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA.

†405. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether any quarters for ministerial establishment of the Government of India are to be constructed near about the next summer? If so, what types of quarters are to be constructed?

(b) If any particular type or types of quarters are not to be constructed, will the Honourable Member please state the reason therefor?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes; it is proposed to construct 'A', 'B' and 'E' types quarters during the next financial year.

(b) It is not proposed to construct 'C' and 'D' types quarters. The number of 'D' type quarters is in excess of 80 per cent. of the demand which the Government of India normally aim at providing; as regards 'C' type quarters, it is proposed to meet the shortage in this class by upgrading certain 'D' type quarters.

HOUSE RENT ALLOWANCE TO MIGRATORY AND NON-MIGRATORY GOVERNMENT STAFF NOT PROVIDED WITH QUARTERS AT DELHI.

†406. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether those members of the ministerial staff of the

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

Government of India Secretariat and/or the Army and Air Forces Headquarters, who moved to Delhi from Simla last October, and who could not be allotted Government quarters, were granted house rent allowance?

(b) How many men among the ministerial staff of the Government of India Secretariat and its attached and subordinate offices, who were detained at Delhi during the summer 1940, were not allotted Government quarters during the last winter?

(c) Were the men mentioned in part (b) above granted any house rent allowance for the winter season? If so, how much? If not, what is the reason for the differentiation between the men referred to in part (a) and those referred to in part (b) above?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The question should have been addressed to the Honourable the Finance Member.

NON-ALLOTMENT OF GOVERNMENT QUARTERS TO THE STAFF OF THE POST AND TELEGRAPH DEPARTMENT OFFICES LOCATED IN OLD DELHI.

†407. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether it is a fact that the staff of the offices of the Posts and Telegraphs Department located in Old Delhi are neither allotted the departmental quarters in New Delhi, nor are they treated as entitled to the Public Works Department quarters in Old Delhi, where there are no departmental quarters for them?

(b) Is it a fact that the low paid staff of Telegraph Traffic and Engineering Branches get quarters in New Delhi in preference to the staff of Telephone Revenue office who are more highly paid?

(c) Is it a fact that higher type of Posts and Telegraphs quarters are allotted to staff who are not entitled to higher type of accommodation on pay basis under the Public Works Department rules, for instance, D type quarters are allotted to officials getting less than Rs. 75, the limit fixed by the Public Works Department?

(d) Is it a fact that B type quarters of the Central Public Works Department are allotted to officials drawing over Rs. 350 and therefore fetch standard rent?

(e) Is it a fact that in the Posts and Telegraphs Department, this type of quarters are allotted to staff getting much less than Rs. 350? Does not this result in any loss of revenue to the Department?

(f) Is the Honourable Member prepared to take action so that the Posts and Telegraphs Department offices located in Old Delhi are treated in the same way as the offices located in New Delhi in the matter of allotment of quarters in New Delhi, or to treat those offices as eligible for allotment of quarters like other subordinate offices of other departments and local Government?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The question should have been addressed to the Honourable the Communications Member.

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

**INFERIOR QUALITY OF MATERIALS USED IN CERTAIN BUILDING CONSTRUCTIONS
AT JIWANI AERODROME.**

†408. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether it is a fact that certain works were executed by the Central Public Works Department at Jiwani Aerodrome on behalf of the Civil Aviation Department?

(b) Was the construction of these works approved and taken over by the Civil Aviation Department?

(c) Is it a fact that the roofs of these buildings are coming down?

(d) Is it a fact that reinforced cement concrete was got tested by the Civil Aviation Department at Government Test House, Alipore? If so, did the result of the test disclose that cement concrete was of inferior quality?

(e) Is it a fact that an Officer of the Civil Aviation Department got a mixture of 1, 2, 4 prepared, using the same stone ballast and mortar as specified for Jiwani works and got it tested at Alipore Test House?

(f) Was the result higher and better than that obtained from the built concrete roofs constructed through the Central Public Works Department?

(g) What was the specified thickness of reinforced concrete cement roof and what thickness was actually found by cutting a portion of the roof by Civil Aviation Department?

(h) What action is being taken on the reports and results of this Civil Aviation Officer submitted to the Consulting Engineer to the Government of India?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:
With your permission, Sir, I will answer questions Nos. 408, 409 and 410 together.

The information is being collected and will be laid on the table of the House in due course.

**INFERIOR QUALITY OF MATERIALS USED IN CERTAIN BUILDING CONSTRUCTIONS
AT JIWANI AERODROME.**

†409. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state if it is a fact that the mortar used in the construction of the building and plaster at Jiwani Aerodrome were of poor quality and the latter has begun to fall off?

(b) Have the above facts been verified by the Superintending Engineer, Central Public Works Department, at site?

(c) If the reply to part (b) be in the affirmative, what steps have been taken for the safety of the building?

(d) Who was the Executive Engineer in charge of the construction of Jiwani works?

(e) What enquiries are being held by the Central Public Works Department against the Executive Engineer in charge of this construction and what action is being proposed to be taken against this officer?

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

‡For answer to this question, see answer to question No. 408.

(f) Will the Honourable Member please state the amount of the public money thus wasted on the buildings which are in a dangerous condition and have been recommended to be rebuilt?

**INFERIOR QUALITY OF MATERIALS USED IN CERTAIN BUILDING CONSTRUCTIONS
AT JIWANI AERODROME.**

†410. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state if the contractors have now at the instance of the Consulting Engineer offered to rebuild the whole construction at Jiwani Aerodrome at their cost?

(b) If the offer of the contractor is accepted, will that absolve the Central Public Works Department officers in charge of construction of their responsibilities?

**NON-DISBURSEMENT OF THE SALARY OF INDUSTRIAL EMPLOYEES OF THE
GOVERNMENT OF INDIA PRESS, NEW DELHI, ON THE 1ST OF EACH MONTH.**

411. *Nawab Siddique Ali Khan: Will the Honourable the Labour Member be pleased to state:

(a) whether it is a fact that ever since the enforcement of the Wages Act the salary of the industrial employees of the Government of India Press, New Delhi, has been disbursed after the 4th and within 7th of each month;

(b) whether it is a fact that the intention of Government by introducing this Act was to remove the hardship experienced by the workers of factories owned by private persons and not to affect the persons in Government service, though governed by factory rules;

(c) whether it is a fact that in the Government of India Press, New Delhi, payment used to be made to the salaried hands on the 1st of each month and no difficulty was ever experienced by Government, but now men are paid sometimes on 6th and 7th and sometimes on 5th and 6th of each month, which causes much inconvenience to them;

(d) whether it is a fact that the employees made representations in this matter times without number in the Works Committee but nothing whatsoever was done by the office to redress their long standing grievance;

(e) whether it is a fact that in Calcutta, employees of the Government of India Press, are even now paid their salaries on the 1st and 2nd at the latest of each month; and

(f) if the facts narrated in parts (a) to (e) be correct, whether the Honourable Member is prepared to redress the grievance of the employees and have the pay disbursed on the 1st of each month; if not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Yes.

(b) The Act applies alike to the Government owned factories and to factories owned by private persons.

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

‡For answer to this question, see answer to question No. 408.

(c) Prior to the enforcement of the Payment of Wages Act, 1936, payment made to salaried industrial hands on the 1st of each month was in respect of the wage period ending with the 15th of the previous month. The Payment of Wages Act required that payment shall be made before the expiry of the seventh day after the last day of the wage-period. The wage-period for such press employees as are governed by the Payment of Wages Act has been fixed so as to correspond to the calendar month. The period of seven days is required for the computation of wages and preparation of pay bills, as the wages of the industrial employees fluctuate from month to month on account of piece-work, overtime, holiday attendance, etc., and cannot therefore be calculated until the expiry of the month.

(d) The matter was raised at the meetings of the Works Committee of the Press on a few occasions when the position was explained to the representatives of employees.

(e) No.

(f) In view of what I have stated in reply to the preceding parts, I do not see that the press employees concerned have any real grievance in the matter.

POSTPONED QUESTIONS AND ANSWERS.

Haj Pilgrimage.

stopped
on 12th
January,
11.

17. *Dr. Sir Ziauddin Ahmad: Will the Education Secretary please make a short statement about the Haj pilgrimage this year, mentioning the sailings, the number of pilgrims in each boat, the provinces the pilgrims came from, and the facilities provided by Government?

Mr. J. D. Tyson: Before the commencement of the current Haj season it became clear that the possibility of a pilgrimage from India depended on the solution of two major problems,—obtaining the release of the shipping necessary to transport the pilgrims and restricting to limits which would not be prohibitive for the pilgrim of average means a rise in fares which was inevitable as a result of the continuance of war conditions and their extension to the Red Sea area.

2. As regards the shipping problem, pressing demands on tonnage for war purposes made regulation of the pilgrim traffic necessary, to ensure that no more tonnage than was absolutely essential was diverted to that traffic and that the best possible use was made of the tonnage released for the purpose. The two Companies interested were accordingly informed that regulation of sailings by Government for the Haj season of 1940-41 was regarded as unavoidable, that sailing arrangements would largely be governed by the shipping released from other Government work, and that no scheme of allocating shares in the traffic between the two Companies was feasible. On this basis the Companies were asked to state whether they would be willing to operate so many of their own ships as might be released. The Haj Line declined to operate unless assigned a 50 per cent. share of the pilgrim traffic and as this condition could not be accepted, that Company dropped out of the pilgrim traffic arrangements for the current year. The three vessels utilised belonged to and were operated by the Mogul Line.

3. As regards passage fares, it had from the outset been recognised that fares based on actual costs might be extremely high and subsequent inquiries confirmed this view. It was decided that His Majesty's Government and the Government of India would assume liability for meeting war risk insurance, the cost involved in abnormal delays resulting from war conditions and the cost of special A. R. P. protection on the hatchways of the ships employed. All these were new items of expenditure directly attributable to the war: the assumption of liability for these made it possible to confine the fare to be charged to the pilgrims to the same price elements as in peace-time. As a result the fares which pilgrims had to pay were increased by only 13 per cent. Special facilities were also granted to pilgrims to enable them to take advantage of the rupee-gold exchange rate prevailing in India which was more favourable to them than the exchange at Jedda. The pilgrims also benefited by a reduction in dues to the extent of 25 per cent. by the Saudi-Arabian Government. The effect of all these concessions was that "deck" pilgrims have been able to perform the Haj pilgrimage during the present season at less than pre-war expense.

4. There were four sailings on the outward season, one ship being used twice. 1,819 pilgrims were carried by the first vessel from Bombay and Karachi, which left in the last week of November, 1,298 in a vessel from Calcutta at the end of November and 1,432 and 1,013 in vessels sailing from Karachi and Bombay respectively in the third week of December.

5. All the vessels arrived safely. A statement giving the distribution of pilgrims by provinces is laid on the table.

6. Three vessels have so far arrived with pilgrims from Jedda and 90 per cent. of the pilgrims have now returned safely to India.

Statement giving the distribution of pilgrims by Provinces.

Provinces.	No. of pilgrims.
Madras	31
Bombay	119
Bengal	1,718
United Provinces	302
Punjab	671
Bihar	63
Central Provinces	11
Assam	412
North-West Frontier Province	229
Orissa	4
Sind	422
Baluchistan	532
Delhi	14
Indian States	392
Unclassified (Foreign countries)	243
Total	5,062

Dr. Sir Ziauddin Ahmad: The Honourable Member just said that one of the companies did not accept the offer, nor did they take any pilgrims. May I know whether the conditions which he has just enumerated were communicated to the other company before they gave up the shipment of pilgrims?

Mr. J. D. Tyson: The concessions had not been worked out at the stage at which one of the companies declined to operate. We were still at the stage of seeing whether we could get shipping.

Dr. Sir Ziauddin Ahmad: Has the Honourable Member any information that the company which refused to take the pilgrims might have agreed to take them had these concessions been communicated to them in time?

Mr. J. D. Tyson: It did not arise. The fundamental point about the pilgrim shipping arrangements this year was that there could be no allocation of traffic between the rival companies, and it was at that stage that the company which my friend has in mind decided that they could not operate at all unless they were given fifty per cent. of the traffic. The correspondence with the two companies up to that stage gave a definite hint that Government help would be given this year, but the details were not given, because the details had not then been worked out.

Maulvi Muhammad Abdul Ghani: May I know, Sir, if the deck passengers to the Hejaz had to pay Rs. 175 instead of Rs. 125 as previously arranged?

Mr. J. D. Tyson: I am afraid my Honourable friend has got the figures wrong. There is a complete schedule of prices depending on whether deck passengers sail from Bombay, Karachi or Calcutta, but generally we take the Bombay schedule as the basic price. The deck passengers from Bombay paid Rs. 195.

REPORT OF THE SPECIAL OFFICER APPOINTED FOR LOOKING AFTER HAJ PILGRIMS.

18. ***Dr. Sir Ziauddin Ahmad:** Will the Education Secretary be pleased to lay on the table the report of the Special Officer appointed by the Government of India to look after the pilgrims to Hejaz?

Mr. J. D. Tyson: The report of the Special Officer will be laid on the table of the House when received.

Dr. Sir Ziauddin Ahmad: Will it be circulated among the Members?

Mr. J. D. Tyson: Yes, if that is the wish of the House, I am prepared to circulate it.

Dr. Sir Ziauddin Ahmad: Thank you.

Mr. President (The Honourable Sir Abdur Rahim): The answer to the next question by Dr. Sir Ziauddin Ahmad will be laid on the table.

TRAINING OF ARTIZANS.

19. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Labour Member be pleased to state the progress which has so far been made in the training of artizans?

(b) How many artizans are receiving training at different centres?

(c) When will the first batch of these artizans be available for employment in factories?

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

(d) Do the artizans under training in these centres make articles of academic interest and household furniture, or do they make workmen's tools and articles required for war supply?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) In addition to the 16 technical institutions mentioned in the Report of the Technical Training Enquiry Committee, a further 61 institutions and training centres have so far been selected for training purposes making a total of 77. The suitability of twenty-four more institutions is under consideration and about 40 institutions and other known potential training centres have yet to be inspected. This list is not exhaustive and is being added to from day to day. The inspections are being made by our Regional Inspectors of whom there are now eight. Training classes have already started at 82 centres and a further 45 will shortly be ready to receive trainees.

(b) 2,682.

(c) It is impossible to say, but we hope that trainees will begin to pass out in appreciable numbers within the next six or seven months.

(d) It is hoped that as training proceeds the trainees will be engaged on productive work of some kind.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENTS IN THE INDIAN STORES AND SUPPLY DEPARTMENTS IN CONNECTION WITH WAR SUPPLY.

140. **Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Leader of the House be pleased to lay on the table a list of persons employed, during the last four months of 1940 and January and February of 1941, in the Indian Stores and Supply Departments in connection with war supply, showing their academic qualifications, technical qualifications, experience in industry, commerce and trade, and showing in detail the salary attached to each post they hold, with the respective designations?

(b) How many of them are posted in Delhi, Calcutta, Bombay and Madras respectively?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and a statement will be laid on the table in due course.

ARTICLES TO BE SUPPLIED FOR WAR PURPOSES AND CONTRACTOR FIRMS OR INDIVIDUALS.

141. **Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Leader of the House be pleased to lay on the table a complete list of articles to be supplied for war purposes and also a list of bodies or individuals and firms who have been given contracts for supply, giving details of articles, their prices and to state if all contractors are successfully carrying on the contracts according to terms?

(b) Is there any open contract given to any contractors? If so, who are the contractors and which are the materials for which open contracts have been given?

The Honourable Sir Muhammad Zafrullah Khan: (a) A list showing the stores for the purchase of which the Directorates General of Supply and Munitions Production are responsible is placed on the table. The total number of orders placed by the Purchasing Organisations runs into tens of thousands and it would involve considerable time and labour if details are to be furnished in the form desired by the Honourable Member.

(b) The term 'open contract' is not familiar to me, but if the Honourable Member will put down a question saying exactly what information he requires, I will endeavour to give it.

SUPPLIES TO BE PURCHASED THROUGH THE DIRECTORATE GENERAL OF SUPPLY, NEW DELHI.

The list below is not to be treated as exhaustive but as indicating, for the guidance of the Member, the categories and supplies to be procured through the Directorate General of Supply.

Acids.	Drawing office equipment.
Asbestos goods excluding pipes.	Dubbin.
Amenities and sports gear for troops.	Durries.
Badges.	Dyes.
Bamboos.	Earthenware.
Baths.	Electrolytes.
Bicycles, accessories and parts.	Electroplating materials.
Blankets.	Enamels.
Blasting powder (Trade varieties).	Enamel ware.
Bleaching powder.	Explosives (Trade varieties).
Boxes ammunition.	Eyelets.
Boxes, Shooks, etc.	Fertilizers.
Brooms.	Fibre building boards.
Brushes (All kinds).	Firewood.
Buckets.	Foodstuffs for men and animals.
Buckles.	Footwear and accessories all kinds.
Buttons.	Fuze (Trade varieties).
Camouflage nets and accessories.	Gas cylinders.
Camp furniture.	Gases (Oxygen, Hydrogen, Acetylene, etc.)
Candles.	Glass, sheet and plate.
Canvas, all kinds.	Glassware.
Carriage body fittings (Railway).	Glue.
Carts hand.	Glycerine.
Cement.	Goggles and spectacles.
Chaguls.	Grain bags.
Chemicals.	Graphite.
Chests and safes.	Ground sheets.
Clocks and watches.	Handcuffs and shackles.
Clothing and all components.	Harness, Saddlery and all components.
Coconut shell burnt.	Headwear (except steel helmets).
Cooking ranges.	Hides.
Coir and Coir products.	Hose piping and accessories.
Combs curry.	Hosiery all kinds.
Cotton waste.	Jute and Jute products.
Covers waterproof.	Kettles.
Crockery.	Kerosene.
Cutlery and plate.	Knives and handknives all kinds.
Dairy requisites.	Laboratory apparatus and equipment.
Detonators (Trade varieties).	Lacquers.
Disinfectants.	Leather and leather products.
Distempers.	Locks and padlocks.
Door, windows and fittings.	Motor cycles, accessories and parts.

Motor Vehicles, accessories and parts.	Sanitary ware.
Mosquito netting.	Scales and weights light type.
Musical instruments.	Scientific instruments.
Naphthalene.	Sewing machines and accessories.
Oil fish.	Shellac.
Oil fuel.	Soaps.
Oil Lubricating.	Spirits denatured.
Oil mineral.	Survey instruments.
Oil vegetable.	Tallow.
Optical instrument.	Tanning materials.
Paints all kinds.	Tapes and webbing.
Paint removers.	Tear gas equipment.
Paper all kinds except stationery.	Tents and all tentage components.
Petroleum products.	Tetra Ethyl Lead.
Photographic stores.	Textiles.
Pigments.	Threads sewing.
Polishes boot and metal.	Tiles glazed.
Postal bags (Jute, flax, leather etc.)	Timber.
Putty.	Tobacco and cigarettes.
Razors and blades.	Tools, agricultural and gardening.
Road dressings.	Turpentine and substitutes.
Roofing materials (Other than corrugated iron sheeting and steel).	Twines.
Rosin.	Varnishes.
Rubber articles of all kinds except anti-gas respirators.	Veterinary appliances.
Rugs for animals.	Waterproof clothing.
Rust solvent and anti-rust solution.	Web equipment and fittings.
Sandbags.	Wickerwork.
	Wood preservatives.
	Wood ware.

SUPPLIES TO BE PROCURED THROUGH THE DIRECTOR GENERAL, MUNITIONS PRODUCTION, CALCUTTA.

The list below is not to be treated as exhaustive but as indicating, for the guidance of the Member, the categories of supplies to be procured through the Directorate General, Munitions Production. Abrasive material (emery, sand, glass cloth and paper).

Air Conditioning Equipment.	Carriage and Wagon underframes and components and iron for machinery or rolling stock.
Alternators.	Casks, steel.
Aluminium ware.	Chairs, railway track.
Ammeters.	Coal.
Ammunition; All Defence types.	Coke, I.
Analysers.	Concrete Mixers.
Armoured Vehicle bodies; tracked or wheeled.	Containers Water. (Metal).
Armour Plating.	Cookers Oil, I.
Arms and Weapons.	Copper rods, plates, tubes, sheets.
Asbestos and Copper packing rings.	Cotter Pins.
Auto-trucks.	Cranes, lifts, hoists and winches.
Beacons.	Crucibles.
Bearing, ball and roller.	Disinfectors and disinfectors.
Bedsteads and charpoys iron, I.	Distilling plants.
Belting driving, all kinds.	Dredgers.
Benzol.	Drums and tins.
Bitumen Boilers.	Earth shifting machinery.
Blooms and Billets.	Ebonite, rods, tubes and sheets.
Boilers and fittings.	Electric Batteries and Cells, I.
Bolts and Nuts.	Electric generating plant, I.
Boring Plant, I.	Electric heaters and wax heaters.
Carbon Brushes.	Electric insulators and insulating materials.
Carriage Body fittings (Railway) made of nasal.	Electric Lamps.

Electric light fittings.
 Electric measuring and testing instruments.
 Electric meters.
 Electric Plant and Equipment.
 Electric wire and cable.
 Electrodes.
 Elevating trucks.
 Engines oil and steam.
 Expanded metal.
 Fans.
 Fencing.
 Filtration plant.
 Fire bricks and fire clay.
 Fire engines and tenders.
 Fire extinguishers and refills.
 Fire hose couplings.
 Fire hydrants.
 Fire pumps.
 Floodlights.
 Gas plants.
 Gauges all kinds (Pressure, vacuum, glass and measurement).
 Grinding wheels.
 Guns and Gun Carriages.
 Helmets steel.
 Horse-shoes.
 Hydraulic plant and fittings.
 Jacks and Traversers.
 Lamps and lanterns all kinds.
 Lightning arrestors.
 Line equipment (power house and transmission).
 Locomotives Diesel electric, and steam and components and fittings.
 Machinery and Plant.
 Metals ferrous non-ferrous and alloys.
 Mica.
 Munitions.
 Nails and tacks all kinds.
 Packing and jointing material (excluding Asbestos and Leather).
 Permanent way materials.
 Pickets angle iron.
 Pig iron.
 Pipes, specials, and fittings all kinds.

Poles steel clamps and fittings.
 Refrigerating plants.
 Respirators, anti-gas.
 Rivets.
 Road making machinery.
 Screws, all kinds.
 Screw couplings and couplers.
 Sheets galvanized plain, corrugated ridged.
 Ship Building.
 Signalling and interlocking materials.
 Springs.
 Steel Furniture, racks, almirahs, etc.
 Steel, all kinds.
 Tanks and Troughs metal all kinds.
 Telegraph equipments.
 Telephones.
 Tin plates, all kinds.
 Tin ware, all kinds.
 Toluene.
 Tools all kinds hand, machine, track and workshop.
 Trolleys.
 Tubing metallic.
 Turbines steam and hydraulic.
 Vacuum brake fittings.
 Vacuum exhausters and cleaners.
 Vulcanite rods, tubes and sheets.
 Wagons components and fittings.
 Wagons tipping.
 Washers.
 Washing plants.
 Water softening plant.
 Water supply plant.
 Weigh bridges, weighing machines, and weighing scales.
 Welding equipment.
 Wireless plant and equipment.
 Wire, wire products, rope and cables, all kinds.
 Workshop machinery, equipment and plant.
 Wrought iron all kinds.
 X-ray apparatus.

"PUBLIC EDUCATIONAL TRUST LIMITED", SIMLA.

142. Mr. Govind V. Deshmukh: Will the Secretary for Education, Health and Lands please state :

- whether he is aware of a "Public Educational Trust Limited" formed by the Principal of the Simla Public School and College;
- whether this school was ever given a grant by Government;
- whether the full share value was called up within a year of the Trust being promoted;
- how this money was utilised by this Trust;
- whether the Trust above referred to went into voluntary liquidation; if so, within how many months of the last call on the shares; and

- whether Government propose to take any steps to safeguard the interests of the share-holders and general public?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Necessary enquiries are being made from the Provincial Government concerned and the result will be laid on the table of the House in due course.

CATTLE, PLOUGHS, ETC., IN INDIA.

143. Bhai Parma Nand: (a) Will the Secretary for Education, Health and Lands please state the number of cattle, kine and buffaloes, etc., in India, and what it was twenty-five years ago?

(b) What is the number of cultivators' ploughs in India, and how many are waiting for want of sufficient oxen?

(c) What is the number of the milch cattle that are exported annually out of India?

(d) What is the number and amount of skins, hides and dry bones exported out of India annually?

(e) What is the number of oxen exported from India for the use of the military as food?

(f) What is the number of cattle slaughter houses for military purposes?

(g) What is the number of municipal slaughter houses in India, and how many cattle are killed on a fair average?

Mr. J. D. Tyson: (a) The first livestock census in India was held between December, 1919 and April, 1920, and the latest census figures available were compiled in the fourth census held in 1935, and relate to British India, excluding Bengal and Bihar and Orissa. The total bovine population in this area has risen to 113,283,973 in 1935 from 101,150,501 in 1920.

(b) 17,482,982. No information is available to show the number of ploughs idle for lack of oxen.

(c) Separate figures regarding the export of milch cattle are not available but the triennial average for all cattle exported is only 1,603.

(d) Information regarding the export of Hides and Skins (raw) and Bones is laid on the table.

(e) None.

(f) There are approximately 70 military slaughter-houses in India.

(g) No information is available regarding the number of municipal slaughter-houses in India or of the average number of cattle slaughtered.

Statement showing the export of Hides and Skins (raw) and Bones.

	Quantity in Tons.		
	1927-28	1933-39	1939-40
Hides and Skins (raw) +	51,718	39,284	35,578
Bones (including bone-meal)	130,083	71,683	82,396
Value.			
Hides and Skins (raw)	Rs. 4,04,10,063	Rs. 3,84,66,560	Rs. 4,12,33,731
Bones (including bone-meal)	Rs. 95,79,440	Rs. 50,41,532	Rs. 53,13,812

RECRUITMENT OF APPRENTICES IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI, FROM NORTHERN INDIA.

144. **Mr. Muhammad Azhar Ali:** Will the Honourable the Labour Member kindly enquire and state:

- (a) whether his Department issued instructions to the Controller of Printing and Stationery, India, New Delhi, to recruit apprentices in the Government of India Press, New Delhi, from Northern India;
- (b) whether the post of apprentice vacant in 1939 was a reserved vacancy and was to be filled by a candidate of the community for which it was reserved; and
- (c) whether out of the applicants for this post there were suitable Muslim and Christian or Sikh candidates from Northern India?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). No.

(c) Six candidates from Northern India comprising three Hindus, two Muslims and one Sikh were called for an interview in connection with the vacancy. Only two candidates, one Hindu and one Muslim, presented themselves for it and the Hindu candidate was selected as more suitable than the other.

REPRESENTATIONS MADE TO THE CONTROLLER OF PRINTING AND STATIONERY, INDIA, NEW DELHI.

145. **Mr. Muhammad Azhar Ali:** Will the Honourable Member in charge of Labour Department please state the number of representations made to the Controller of Printing and Stationery, India, New Delhi, during the last five years and what was the fate of each?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Government do not propose to collect the information as the labour involved in such collection will be incommensurate with any advantage that might be gained.

CATEGORIES FOR THE PURPOSE OF PROMOTION IN THE GAZETTED STAFF OF THE PRINTING AND STATIONERY DEPARTMENT.

146. **Mr. Muhammad Azhar Ali:** (a) Will the Honourable the Labour Member please state whether it is a fact that the gazetted staff of the Printing and Stationery Department is divided into two categories for the purpose of promotion, viz., technical posts and non-technical posts, and that an officer having technical knowledge in addition to knowledge of other non-technical routine work is debarred from promotion to non-technical posts? If so, why? Is the possession of additional technical knowledge a bar in the Printing and Stationery Department against holding non-technical appointments?

(b) Is it a fact that it is proposed to shift the Deputy Controller of Stationery, Calcutta, to the Headquarter office of the Controller of Printing and Stationery in the month of August, 1941, when the Deputy

Controller, Printing, proceeds on leave preparatory to retirement and to fill the same post by promotion of the Assistant Controller, Stationery? If not, what are the facts?

(c) Is it a fact that appointment to the post of office Superintendent, which is a non-gazetted subordinate post, is made by promotion from clerks and Assistants? If so, will the Honourable Member be pleased to state what policy of Government is involved in promoting a clerk or Assistant to a responsible gazetted post like that of Assistant Controller of Stationery, Calcutta, ignoring the claims of Assistant Managers and overseers of the Government of India Presses of the Printing and Stationery Department?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) As mentioned by the Honourable Member the gazetted staff of the Stationery and Printing Department is divided into two categories, viz., administrative and technical. Normally an officer of one category cannot claim appointments in the other category, but technical officers are not debarred from holding administrative posts.

(b) There is no such proposal before the Government of India.

(c) The posts of Superintendent in the office of the Controller of Printing the transfer of the purchase of Stationery Stores to the Indian Stores of the reply to parts (a) and (b) the second part does not arise.

NON-APPOINTMENT OF THE MANAGERS OR ASSISTANT MANAGERS OF THE GOVERNMENT OF INDIA PRESSES AS DEPUTY CONTROLLER, STATIONERY.

147. **Mr. Muhammad Azhar Ali:** (a) Will the Honourable the Labour Member please state whether it is a fact that there was a proposal regarding the transfer of the purchase of Stationery Stores to the Indian Stores Department in March, 1930, and on the following report of the Controller of Printing and Stationery, the proposal was abandoned:

"It is essential that a knowledge of the purchase of the stores is available, especially with Printing Stores, as I am sure the technical terms used by the indenting officers would not be understood by an ordinary purchasing Department nor would they be able to quickly deal with the samples sent for such Stores. Such terms, as Wooden Furniture, Quions, Reglets, Clumps, Quotations, Size and Character of Types, etc., etc. The scrutiny of indents for printing machinery, etc., would puzzle the Department without the essential knowledge?

(b) If the answer to the above be in the affirmative, will the Honourable Member be pleased to state why the Managers or Assistant Managers of the Government of India Presses are not appointed as Deputy Controller, Stationery, in spite of their possessing technical knowledge,—a condition precedent to the retention of the Purchase of Stores under the Controller of Printing and Stationery, and why the post is filled by promotion of non-technical men?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) The proposal in regard to the transfer of the purchase of stationery stores to the Indian Stores Department was not abandoned on the ground stated by

the Honourable Member. I would in this connection refer him to the answer given on the 14th September, 1938, to parts (c) and (d) of starred question No. 1041.

(b) Does not arise.

ELIGIBILITY OF THE GOVERNMENT OF INDIA PRESS ACCOUNTANTS FOR PROMOTION TO HIGHER CLERICAL VACANCIES.

148. Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether it is a fact that the Controller of Printing and Stationery has passed orders by way of expressing his personal opinion debarring qualified accountants employed in the Government of India Presses and Branches under the Stationery and Printing Department from being promoted to higher clerical vacancies? If not, what are the facts?

(b) Is it a fact that qualified accountants in the past were promoted to higher clerical vacancies and no complaint whatsoever was received at any time? If so, will the Honourable Member be pleased to state what led the Controller of Printing and Stationery to debar one class of employees from further promotion to higher vacancies? Is the Controller authorised to pass any such orders, debarring one class of Government servants from further promotion without the concurrence of Government?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) The reply to the first part is in the negative. As regards the second part, a qualified accountant is eligible for promotion to a higher post in the clerical establishment if, apart from his accounts qualification, he is considered to be the most meritorious among the persons eligible for the appointment.

(b) There has been only one such case of promotion, and I am informed that the person is working satisfactorily. The other parts of the question do not arise in view of the reply to part (a) above.

ALLEGED NEPOTISM IN THE OFFICE OF THE CONTROLLER OF PRINTING AND STATIONERY AND IN THE PRESSES AND BRANCHES OF THE DEPARTMENT.

149. Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether it is a fact that relatives of the staff employed in the office of the Controller of Printing and Stationery are employed in the Presses and Branches of the Department in preference to relatives of the men of the office in which the vacancy occurs?

(b) Will the Honourable Member be pleased to lay on the table a list showing the number of relatives of each man in the Controller's office at present employed in the Presses and Branches under the Printing and Stationery Department?

(c) Is it a fact that men from the Controller's office are taken in higher posts in the Presses and Branches under his control in preference to men already working in the subordinate offices in which the vacancy occurs?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) No.

(b) A list is laid on the table of the House.

(c) No.

List showing the number of relatives of the employees of the Office of the Controller of Printing and Stationery, at present working in the presses and branches of the Stationery and Printing Department.

Name.	Designation.	No. of relatives.
Mr. A. T. Bromo.	Superintendent	2
Mr. B. R. Bhalla.	Assistant	2
Mr. Shambhu Ram.	Do.	1
Mr. S. K. Ghosh.	Clerk	1
Mr. Rattan Singh.	Do.	1
Mr. Nahi Mohammad.	Peon	1

In temporary vacancies sanctioned in connection with the war.

Note.—The above list is based on such information as was available in the office of the Controller of Printing and Stationery or as could be ascertained from the staff of that office.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Saturday, the 15th March, 1941, the time fixed for receiving nominations for the Standing Committee for the Department of Communications, five nominations were received. Subsequently one candidate withdrew his candidature. As the number of the remaining candidates is equal to the number of vacancies I declare the following four non-official Members to be duly elected to serve on the Committee, namely:

- (1) Mr. C. C. Miller,
- (2) Nawabzada Muhammad Liaqat Ali Khan,
- (3) Mr. Govind V. Deshmukh, and
- (4) Mr. Muhammad Muazzam Sahib Bahadur.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF SUPPLY.

The Honourable Sir Muhammad Zafar Khan (Law Member): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, three Members to serve for the financial year 1941-42 on the Standing Committee attached to the Department of Supply."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, three Members to serve for the financial year 1941-42 on the Standing Committee attached to the Department of Supply."

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I should like to draw the attention of the Honourable Member in charge to the distribution of seats between the Council of State and the Legislative Assembly on this particular Committee. He has allotted three seats for the Assembly, and we have evidently four Groups including the unattached Group, which must necessarily send a representative, the result will be that one of these Groups, either the European Group, the Muslim League or the Nationalists, will be left out, and then we will be driven to a position which will be entirely illogical in that the Muslim League Party will have to select one Member either from the Legislative Assembly or the Council of State. The Muslim League Party in the Assembly is entirely a self-sufficient body, and I think to ask us to make a choice to send a representative either from the Legislative Assembly or the Council of State appears to be illogical. Therefore, it is very desirable that as in the other Committees the number of seats allotted to the Assembly should at least be four, there are four different Groups and each Group should be able to send at least one representative. Another point is that the number of representatives from the Assembly and the Council of State are disproportionate. May I ask the Honourable the Leader of the House to reconsider this matter and increase the number from three to four?

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Mr. President, Sir, in supporting the proposal of my Honourable friend, Dr. Sir Ziauddin Ahmad, I want to point out that when I first moved this Resolution for associating a Committee of Legislature to Supply Department, my idea was that the Government should give us an opportunity to co-operate in the best manner possible by giving us adequate representation in that Standing Committee, so that there may not be even the remotest chance of any Party being left out. I hope the Government will reconsider the position and increase the number to a substantial figure. Instead of giving us the right to elect three representatives, I suggest they should at least give us the same number that we have been given on other important Committees. All the other Committees of first class importance have got quite a big representation of this House—take the Finance Committee, where the representation is 14, and the representation on the Standing Finance Committee for Railways is 11. Even on the Central Advisory Council for Railways our representation is 6. I, therefore, cannot understand why the Government of India should have thought that a very meagre representation, as is now proposed, would be adequate on such an important Committee as the Standing Committee for Supply Department. Well, if Government want our co-operation, they should give us an opportunity to send our representatives, if not, in very large numbers, at least in numbers which will be appropriate. I hope the Government will reconsider the position and give us a larger representation in the manner suggested. With these few words, I support the statement of my friend, Dr. Sir Ziauddin Ahmad.

Pandit Lakshmi Kanta Maltra (Presidency Division: Non-Muhammadan Rural): Sir, I rise to support what my friend, Dr. Sir Ziauddin Ahmad, has said. When the motion for a Committee like this was made in the November Session, we naturally expected that in an important Committee of this character the different Parties in the Legislative Assembly would find representation. When, however, the

election was going to take place, we the members of the Congress Nationalist Party were faced with a situation in which there was very little chance for us to send a nominee to the Committee. I started negotiations with my Honourable friend, the Leader of the House, and I pointed out to him, as I do want to point out to him even now, that mine is the only Party in the House composed of representatives drawn from general constituencies, and as such it is entitled to representation on an important Committee like this. Well, when the election was about to be finished, at the eleventh hour, the Honourable the Leader of the House was kind enough to concede to us one seat, and I am grateful to him for that. Today if the motion is that there should be only three Members elected from this House, a similar situation would again arise. The Muslim League is entitled to have its representation on this important Committee, so also are we, and I am sure my friends of the European Group would also claim the same right. Mr. Lawson was kind enough to withdraw last time and we appreciate it. But the position is that there are other elected Members in this House who, unfortunately, could not come together and form a Group or Party. They are known by the non-descript class, Unattached Party. Well, unattached they are, it is true, but I don't think they should be treated as an untouchable group. They have every right to be represented on this Committee. I, therefore, think that in the fitness of things the Committee should be enlarged so that every important Party or Group in this House may find representation there. This is the least that we can demand in a matter of this nature. From the point of view of this Assembly we want to make it perfectly clear that so far as we are concerned it is our duty to see that our rights are not trespassed upon in any way. The fact that somebody else from another House may be put on to the Committee and might be taken as representing those who have not got representation here, will not meet with the wishes of the House. This is a very simple matter, and if the Government cannot accede to our wishes in this respect, I think the claim of the Government to have the fullest co-operation of the House falls to the ground and that claim should not be heeded by self-respecting Members of this House. My Honourable friend, Sir Frederick James, suggests the moving of an amendment. I am moving a verbal amendment because the moving of a regular amendment does not *ipso facto* enable us to get it through. I am making this suggestion to the Honourable the Leader of the House in order that he may see that he does not again place us in an uncomfortable position and start a wrangle in this House over these things. If the Government of India really want that elected representative Indians should be associated with the Department of Supply, I see no reason why they should think of restricting the number of seats given to this House to three only. In the course of this Session as also of the past Session, the Department of Supply came in for a lot of criticism, and I think my Honourable friend owes it to himself and to this House to clear up his position, to give us a chance, or rather greater facilities to associate ourselves in the working of the Department of Supply.

The Honourable Sir Muhammad Zafrullah Khan: On the occasion to which Mr. Nauman has made reference, that is to say, when his Resolution was under discussion, I made an offer that I would consider whether a Standing Advisory Committee could not be attached to the Supply Department. After consideration of that matter I informed the House

[Sir Muhammad Zafrullah Khan.]

that the Governor General in Council had decided to attach a Standing Advisory Committee to the Supply Department under the terms of the Home Department Notification which defines the constitution of Standing Advisory Committees and their functions.

Mr. President (The Honourable Sir Abdur Rahim): I think it is called "Standing Committee," not "Standing Advisory Committee."

The Honourable Sir Muhammad Zafrullah Khan: Standing Committee, I beg your pardon.

Pandit Lakshmi Kanta Maitra: It is not a statutory Committee.

The Honourable Sir Muhammad Zafrullah Khan: The question is not an amendment of the motion that I have moved this morning, but an amendment of the notification under which these Committees are constituted. A Standing Committee under the Home Department's notification must consist of three Members to be elected by the Assembly and two to be elected by the Council of State. It is not a number that I have myself arbitrarily fixed with reference to the Supply Department. So long as this Committee has to be elected within the four corners of that notification, I am afraid it can consist only of that number. I would also earnestly beg the House to consider that, for a committee to be really effective with regard to these matters,—nobody is wedded to any particular number—the smaller the committee the more effective will be the supervision and criticism of the activities of the Department. In actual fact, the two Parties, from whom this criticism has proceeded, did succeed in putting their representatives from this House on to the Committee, so that actually no prejudice arose, and I have no doubt that by arrangement within the Parties on this occasion also all legitimate claims may be met.

Dr. Sir Ziauddin Ahmad: On a point of order. May I have your ruling on this one important point. I thought that

Mr. President (The Honourable Sir Abdur Rahim): It is not a question of thinking. The Honourable Member must state what the point of order is.

Dr. Sir Ziauddin Ahmad: The procedure in this House is controlled by the Manual of Business and Procedure, the Standing Orders and Standing Rules, and this is the first time when I heard that a notification by the Home Department is also binding upon this House as regards the business of the House.

Mr. President (The Honourable Sir Abdur Rahim): There is no question of any notification regulating the business of this House at all. The Standing Committee is proposed to be appointed on the motion of the Government Member, and Government, it is stated, are required by some notification of the Home Department, to limit the number of members

to be elected, and there is no question of the proceedings of this House being in any way controlled by the Home Department or any other Department.

The question is:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, three Members to serve for the financial year 1941-42 on the Standing Committee attached to the Department of Supply."

(As there were cries of "Yes" and "Noes" and there was a challenge, the division bell began to ring.)

The Honourable Sir Muhammad Zafrullah Khan: If the Parties do not desire to elect to the Committee, I will not press the motion to a division.

(The division bell continued to ring, and at the end, the question was again put.)

The Assembly divided.

Boyle, Mr. J. D.	Wills, Mr. E. L. C.
Bose, Mr. J. C.	James, Sir F. E.
Chapman-Mortimer, Mr. T.	Lawson, Mr. O. P.
Griffiths, Mr. P. J.	Milner, Mr. C. C.

NUMBER

Abdoola Haroon, Seth Haji Sir.	Lalchand Navai, Mr.
Abdul Ghani, Maulvi Muhammad.	Maitha, Pandit Lakshmi Kanta.
Abul Kalam, Sir H. M.	Mehar Shah, Nawab Samiuddin Sir.
Abul Kalam Chaudhury, Sir.	Muhammad Hayat Muhammad.
Ashar Ali, Mr. Muhammad.	Murtuza Sahib Bahadur, Maulvi.
Chatterjee, Mr. Amapendra.	Nasir, Mr. A. H.
Nath.	Nasir, Mr. A. H.
Datta, Mr. Akhil Chandra.	Pandit, Mr. A. H.
Debnath, Mr. Govind V.	Rafuddin Ahmad Siddiquee, Shaikh.
Dr. Sir H. A. Sathar H.	Raza Ali, Sir Syed.
Fazli-Haq Piracha, Khan Bahadur.	Sant Singh, Sir.
Shaikh.	Siddique Ali Khan, Nawab.
Ghousuddin, Mr. M.	Umar Ali Shah, Mr.
Jinnah, Mr. M. A.	Zafar Ali Khan, Maulana.
	Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

1. ELECTION OF THE STANDING COMMITTEE ON ROADS.

The Honourable Sir Abdur Rahim (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1941-42."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1941-42."

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I want to know how many meetings of this committee were held last year and the year before last, and whether the Honourable Member has been able to accept the advice of the Members, which they gave on these matters.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I enquire whether there is any notification of the Government of India with respect to this committee also or whether it is only restricted to the Supply Department Committee?

The Honourable Sir Andrew Gwynne: Speaking from memory, three meetings were held last year. Two were held this year and another one will be held this week, making three. The advice of the committee, so far as I can recollect, has always been accepted. As regards Dr. Sir Ziauddin's question, the committee is constituted under a Resolution which has been adopted by both Houses of the Indian Legislature.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1941-42."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF LABOUR.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects with which the Labour Department is concerned."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects with which the Labour Department is concerned."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Once I happened to be a member of this very unimportant committee. I noticed that there was no consultation and no meeting of this committee. I want to know from the Honourable Member in charge how many meetings were held last year and this year and what important business was transacted?

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I want to ask one thing. We have been told that it is the Home Department notification which regulates the number. I should like to know how far it is justified for the Home Department to regulate the number of members of this committee. As regards the Resolution mentioned by the Honourable the Railway Member, the Resolution did not fix the number. I think the number must have been fixed by the Home Department.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It is somewhat regrettable that my friend, Mr. Ghani, has raised this issue of the number of meetings on this particular motion of mine. If I had elaborated my speech at the stage when I moved this motion, the complaint should have come from me and not from the Honourable Member. There have been meetings of this committee every Session. My Honourable friend characterised this committee as an unimportant committee. Perhaps that explains the fact that the Members of the Assembly on this committee have been invariably conspicuous by their absence at the meetings of this committee, due credit being given to the representative of the European Group who is the only member who has invariably attended the meetings of the committee. The representatives of the other House have attended, cent per cent all the meetings of the committee. There have been three meetings of this committee held during the course of this year, and I hope to have more meetings in the coming year. As regards the importance of the work, surely the Honourable Member has read the proceedings of the Labour Ministers' Conference and the Conference which I had with industrialists and with representatives of trade unions and the reports in the papers about contemplated legislation, apart from questions like the A. R. P. Technical staff, Bevin boys, and so on. Surely these facts should bring home to the Honourable Member that this committee is at least as important—I am not making any invidious comparisons—as the standing committee of any other department and I trust after this explanation that the gentlemen who will be elected to serve on this committee will be more regular in their attendance.

Sir Gowaji Jehangir (Bombay City: Non-Muhammadan Urban): What are the names of the sitting members?

Mr. President (The Honourable Sir Abdur Rahim): I do not think it is necessary to give those names.

The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects with which the Labour Department is concerned."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE ON EMIGRATION.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of elections of members for

(Mr. President:—)

the Standing Committee on Roads, the Standing Committee of the Department of Labour and the Standing Committee on Emigration, the following dates have been fixed for receiving nominations and for holding elections, if necessary, namely:

	Nominations.	Elections.
(1) Standing Committee on Roads.	19th March, 1941.	22nd March, 1941.
(2) Standing Committee of the Department of Labour.	19th March, 1941.	24th March, 1941.
(3) Standing Committee on Emigration.	19th March, 1941.	24th March, 1941.

The nominations for the three Committees will be received in the Notice Office up to 12 Noon on the dates mentioned above for the purpose. The elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will be held in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10.30 A.M. and 1 P.M.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Indian Finance Bill.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, before dealing with the specific proposals contained in the Indian Finance Bill, I should like to make a few general observations about the outstanding features of these taxation proposals and generally about the financial policy underlying these proposals. Sir, the most important feature is that there has been no economy sought to be effected in the civil expenditure; on the contrary, the expenditure is increasing, especially that on the Supply Department. Sir, that Department is now a white elephant making a substantial contribution to the deficit. The Honourable the Finance Member has himself told us that a substantial part of the new expenditure included in the Budget is on account of the Department of Supply which has continued to expand throughout the year. May I, Sir, point out that whereas ordinarily the Department of Supply should have been able to meet its whole cost by earning a commission on war supplies, it is regrettable that even the charging of commissions for war supplies effected through the Supply Department to the United Kingdom has been discontinued. In reply to a question in another place on the 4th March, 1940, it was said on behalf of the Government that:

"The Department, however, levies departmental charges on all supplies to overseas authorities including His Majesty's Government. There is no reason to suppose that these charges will not completely cover the cost of the work done on behalf of His Majesty's Government, and indeed the charges if necessary will, be adjusted so as to ensure that the cost is fully covered."

I have a shrewd suspicion, Sir,—I am not sure, though that this assurance is not being implemented—otherwise the cost of the Supply Department would not have been so enormous.

The Honourable Sir Jeremy Baisman (Finance Member): Sir, there is no question of not implementing assurances. The decision of Government to change that policy was openly announced in this House, and the reasons were given. There is no question of suspicion; the Government stand out in the open on this point. There is no charging of any commission to His Majesty's Government.

Mr. Akhil Chandra Datta: If that is the position, this Department being a Department merely of order suppliers, something like commission agents, it is very difficult to understand why, since the supplies are increasing, the cost of the burden upon the Indian taxpayer should be increasing; that is the point.

The Honourable Sir Jeremy Baisman: The reasons were explained.

Mr. Akhil Chandra Datta: Because it is admitted that part of the deficit is due to the increase of expenditure upon the Supply Department. That is not my statement, that is the statement of the Honourable the Finance Member himself. Now, Sir, the most outstanding feature of these taxation proposals is that that taxation has gone beyond the taxable capacity of the people; the most important feature is that there is no popular control over the expenditure; and a still more important feature is that industry, commerce and also agriculture will be hurt and adversely affected by the proposed taxation.

Now, another feature is the lack of a vigorous and sincere policy of industrialization; in fact no direct encouragement is given to the establishment of new industries, excepting those, of course, which are required for the manufacture of war materials. Then another feature is the taxation of all profits—profits arising from the war and profits not arising out of the war; the taxation of all incomes,—incomes due to the war and those not due to the war. Then there is a further important feature, Sir, there is no provision for the inevitable post-war slump; there is no scheme, no programme, of industrial reconstruction after the war. These are the main features of the war finance.

Now, Sir, before coming to the deficit, there are two initial questions. The first question is—with regard to all this expenditure that is being incurred for promoting war efforts—are they really all necessary for the purposes of India's own defence, or do they also include efforts in the other theatres of war? We do not know to what extent the expenditure is incurred purely and solely for the defence of India, and what portion of the expenditure is incurred for the defence of other countries also. Then, Sir, the second question that troubles us is this. Is the whole deficit an unavoidable deficit? Could not the deficit have been avoided in some other way? Or at all events, could not the deficit be reduced substantially, or in part? Now, Sir, I want to emphasise this. There is absolutely no moral justification for this war expenditure being raised either by loan or by taxation without, in the first instance, making an attempt to introduce economy and retrenchment in the civil expenditure of all the Departments connected with the war. That is a principle on which the whole country is insisting. We are entitled to know whether by due economy this deficit could, at all events, have been reduced, if not altogether avoided. If there is no escape from the deficit, then and then only, and not till then, the question arises as to how the money should be raised—whether it should be raised by loan or by taxation? That is

[Mr. Akhil Chandra Datta.]

a fundamental problem as between taxation and loan. I shall not talk of the proportion to be raised by loan and by taxation. My Honourable friend, Dr. Banerjea, who is an economist, is for a certain proportion. The Finance Member's proportion on this occasion is two-thirds by loan and one-third by taxation, speaking roughly. Dr. Banerjea wants half and half. I do not know what is Dr. Banerjea's basis for that proportion. I personally think that the question of proportion between loan and taxation is not an abstract question of economy and the proportion will certainly vary in varying circumstances. My contention is that on this particular occasion, at all events, the whole money should be raised by borrowing and not by taxation.

In this House there are three Groups at present, the European Group, the Muslim Group and the Nationalist Party Group, taking out of account for the moment the unattached Members. Now, of these three Groups, my Group and the Muslim League Group are opposing this taxation. The European Group has, however, supported these taxation measures.

Now, Sir, there was a cut motion moved on behalf of the European Group by the Honourable Mr. Chapman-Mortimer. I do not know why it was called a cut motion because while moving his cut motion, he was simply singing the hallelujah of the financial policy of this Budget. I should not like to say whether it was an inspired cut motion. At all events, it was not a cut motion in the ordinary meaning of the term. It was not a cut; it was rather a healing balm supporting out and out the whole policy of these taxation measures. Now, what are the grounds on which the European Group supported these taxation proposals? Mr. Chapman-Mortimer's chief ground was that these taxes would be a check on the rise in prices. That was the ground on which he put his case. Evidently, he drew his inspiration from the war budget of Great Britain. There it was said that the war taxation was based chiefly on the idea that there was an inflation of prices and the taxation should be a check upon that tendency of inflation. My submission is that the position in England and the position in India are fundamentally different. The problem there is quite different from the problem here. In Great Britain throughout the whole of the last year there was a continuous upward tendency with regard to the prices of commodities. That is common knowledge and cannot be disputed. The *Economist* index number of the wholesale prices has risen from 122 in December, 1939, to 138 in December, 1940, whereas in India we have been told by the Honourable the Finance Member himself that while the wholesale prices were 40 per cent. above the pre-war level in January, 1940, the wholesale prices now stand only 15 per cent. above that level, and we all know that the pre-war prices were, in fact, hardly economic. The condition of the agriculturists was very serious. Before I make my comments, I should like to explain to the Honourable House the position of prices. Now, the fact is that there was a decline in prices throughout the last year. We all know that there was a Price Control Conference and the recommendation of that Conference was this. I am reading from the *Indian Information*:

"At the first Price Control Conference certain general conclusions were arrived at: It was considered undesirable to control any tendency for agricultural products to rise because these products had not yet recovered from the effects of the slump and because pre-war prices were not really fair prices. Therefore it was felt that the control of such agricultural products would not be in the interests of producers."

That was held in the first Conference. I shall now read another paragraph from this very Journal:

"After a steady advance for the first four months, prices gradually declined and in June, 1940, were slightly higher than those prevailing before the outbreak of war. If the prices ruling on September 19, 1939, be taken as the basis, the peak in prices was reached during the week ending January 6, 1940 when the average wholesale prices in commodity markets raised the index to 152.4. If the weekly index number for the week ending August 19, 1939, be taken as the basis, the weekly index number for the week ending July 6, 1940, was only 109.8."

In May, 1940, Government announced that because of the view expressed generally by Provincial Governments, the Central Government had decided not to convene a conference on price control for the present."

That was the position in respect to the commodity prices, so that there was not the least apprehension here in India of anything like inflation. I find from the *Capital* of 27th February last that practically in all items, the present prices show a decline from what they were in the week ending 7th February, 1940. Therefore, the position in Great Britain was fundamentally different from what it is here. There the problem was how to fight the menace of inflation. Here the problem of the Government throughout last year was how to fight the problem of deflation. Yet my Honourable friend, Mr. Chapman Mortimer, while he was speaking the other day spoke as if he was speaking in the House of Commons on the war budget of Great Britain. There the position is quite the reverse of what it is here. There in the interest of the agriculturist and the general consumers it was necessary to keep down the prices.

On this question may I read a few extracts from the *London Times* to show the grounds on which taxation was preferred to loan:

"The problem is how to divert the greatest possible proportion of the national resources to the purposes of the war, without producing the inflation naturally to be expected from the great increase of spending power put into the hands of consumers while the volume of consumers' goods is being greatly diminished."

Here in India the position on each particular item is different. After setting out the problem in that way, the *London Times* goes on to say:

"The obvious way is to tackle the problem at the source, and to keep the new spending power off the market either by a stiff graduated tax upon all increases of income over the pre-war level or by some form of deferred pay such as was recommended by Mr. Keynes."

So, Sir, I oppose this tax on the very ground on which my Honourable friend, Mr. Chapman Mortimer, supported this taxation. There is no dispute about the facts. The facts are the same. The whole question is what is the remedy in view of this depression of commodity prices in India throughout last year.

Coming to the proposed increase of the rate of excess profits duty from 50 per cent. to 66 2/3 per cent., I very much fear that the Honourable the Finance Member has ignored the elementary principle that it is never a sound policy to finance ordinary or extraordinary expenditure in the immediate present without adequate regard to the future. I should have thought that in view of the admitted weakness of most of the Indian industries in respect of Reserve funds, the Finance Member would have allowed them to keep a substantially larger portion of the war time profits for purposes of meeting their normal expansion and also the heavy cost of replacement of their machinery in post-war years. May I be permitted in support of this contention to place before the House a quotation from the *Economist*. What the *Economist* said of the British excess profits tax of course

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applied with all the greater force to the tax here in India. That paper said:

"But, with the best will in the world are they (*British industries*) likely to find the eventual transition from war to peace time production particularly easy, if the liquid resources which they would normally have accumulated during the war, to tide them over, have all been drained away by the Treasury."

Therefore, Sir, my contention is that this policy of the Finance Member is a short sighted policy. Besides, we have got to remember that the sum which was to be met by borrowing is already covered to the extent of three crores by the provision for debt redemption purposes included in the expenditure. The result, therefore, is practically this. The Honourable the Finance Member only proposes to meet a deficit of ten crores and not thirteen crores—ten crores by borrowing at a time when the total defence budget has been of the order of 84 crores. Therefore, I am not convinced that in presenting the Budget to us, the Honourable the Finance Member has given as much emphasis on borrowing as he should and could have done.

I should like to say a few words about the controversy as to taxation versus borrowing. I have already said that while the economic situation in Great Britain which holds out the threat of inflation requires greater use of taxation so as to divert the purchasing power from the hands of the consumer to the treasury with a view to avoid inflation, there is greater scope for the use of borrowing in a country like India, where the agricultural situation is almost in a depressed state. In this connection I would like to point out that when we compare the percentage of the total additional expenditure which is met from taxation and borrowing in India and in Great Britain, we should not forget the fact that the estimates, as presented by the Honourable the Finance Member cover the normal contribution to the sinking fund of the tune of three crores of rupees, which would clearly be met out of the ordinary revenue. The Honourable the Finance Member has presented a deficit of twenty crores and he asks us to believe that he is meeting 6.15 lakhs of rupees out of additional taxation, which is strictly speaking not a fact.

I should like to put forward my other grounds against this taxation and in favour of borrowing. Admittedly the position is that the credit of the Government is very high now. The response to the borrowing programme has been very satisfactory. Receipts from the various Defence loans during the last eight months amounted to about 50 crores. I need not repeat what has been repeated many times in this House that the war expenditure is not a liability upon who are living at present today, but it is also a charge on the coming generations. The deficit should not be covered by one year's budget.

As regards the taxable capacity, income-tax was about 14 crores in 1938-39 and it will be about 40 crores in 1941-42. The question is very important as regards the taxable capacity of the people, and during the last 18 months the burden of the taxpayer has been increased by about 25 crores. In this connection, Sir, the findings and the recommendations of the Chatfield Committee are also very important. That Committee found that having regard to the financial resources of India, India was not in their opinion able to bear the burden of 45 crores necessary for the mechanisation of the Indian army. This will be clear in the following passage of

the report and the recommendations of the Chatfield Committee published in *Indian Opinion* dated the 15th September, 1939:

"In reaching this conclusion they have taken full account of the heavy capital cost involved in the modernisation proposals. The Committee, working on materials made available to them in India, estimated the total net capital cost at a sum of 45 crores."

The Committee made it clear that in their view the funds required to meet this capital expenditure could not be found out of the resources available in India. As a result of this weighty finding of that Committee His Majesty's Government accepted the proposal of the Committee to provide a sum of 45 crores as a free gift to India for the modernisation of the Indian army.

These are the grounds on which I oppose the taxation proposals so far as the Excess Profits Tax and the Income-tax are concerned. After all the whole amount sought to be raised by these two taxes is only 4½ crores. Are we to believe that this is an amount which could not be raised otherwise by the Finance Member either by reducing expenditure in the Civil Departments or making savings in any other way?

In these days I do not know if it will be quite proper not to make any reference to the most burning question of the day,—the question of the constitutional deadlock. I will not go into details and will make only a passing reference to it. We all know the offer of the 8th August wherein it was declared that Indian constitution would be a matter for Indians only. There was, however, a destructive rider to that and that was that it was subject to the historical and other obligations and responsibilities of the British in the defence and foreign policy. If that is so these obligations will stand permanently in the way of the transfer of power from the bureaucracy to the people of India. These obligations and responsibilities will always remain and, therefore, it is tantamount to an absolute denial of any constitutional advance. Dominion Status subject to such obligations will mean nothing more than a controlled and fettered freedom and self-government within the imperialistic structure. This is not Dominion Status; it is a mere apology for it. Dominion Status minus defence and foreign policy is really no Dominion Status at all. But there is still another rider inconsistent with democracy because the August declaration virtually gave the minorities a veto on constitutional progress. But there was still another rider and that was that nothing short of an agreed constitution will be acceptable to the British Government. That is an impossible condition to be fulfilled in any country in the world. There was no time-limit either. Therefore, such equivocal declarations with a number of reservations will be never acceptable to the people; but all the same His Majesty's Government as well as the Government of India have said that the offer of the 8th August is the best solution. Their attitude is, "Take the offer, the matter rests there." But what I want to know is, is it acceptable to anybody in India? I do not know if it is acceptable to Sir Cowasji Jehangir who raised a discordant note in the Bombay conference. Is it acceptable to the Indian National Congress? Is it acceptable to the Muslim League? Is it acceptable to the Hindu Mahasabha? Is it acceptable to the Liberal Federation? Is it acceptable to Mr. N. Sircar or Sir Jagdish Prasad or Sir Tej Bahadur Sapru? Is it acceptable even to Mr. M. N. Roy, the new friend of Government? Therefore, Sir, we come to this. We had the Bombay conference on this question and they made certain proposals. I cannot speak in the name of

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the Congress or the Muslim League and I do not know if it will be acceptable to either of these two organisations, but none the less it must be admitted that it is a definite step taken for putting an end to the deadlock. I shall not read the Resolutions of the Bombay conference; they are known to everybody. But who are the authors of the main Resolution? The mover was no other than Sir N. N. Sircar, who was a member of Government the other day. It was seconded by Sir Jagdish Prasad who was also a member of the Government only the other day. The Conference was presided over by Sir Tej Bahadur Sapru. They are not a body of irreconcilable fire-eaters. They are not vapouring extremists or ultra-radicalists. They are people who are credited with common sense, and true statesmanship by Government. The substance of that Resolution is this that the offer of the 8th August, 1940, is not acceptable and it will not do; it is not a solution of the problem. And if it has said anything it has said this in unmistakable terms.

In view of the declaration made by these persons whom the Government themselves think are very amiable gentlemen, good boys—not naughty boys like the Congress or the Muslim League—I think it is high time that His Majesty's Government and the Government of India should revise their ideas. They should begin to doubt whether their offer of the 8th August last was really a solution. It is high time that they should begin to think that the door should not only remain open but that it has got to be very considerably widened: a narrow door, however open, will not do. I do not know what will be the effect of the Resolution on the Government, but the world is looking on in breathless suspense as to the possible reaction of this Resolution on the one hand upon the Government and on the other hand upon the people, and, if I may add, upon the Congress and the Muslim League.

During the few remaining minutes I have, I should like to say a few words about the shipping industry and the shipbuilding industry in India. A promise was given by the Government from 1929 onwards always that it was the responsibility of the Government to develop and expand the Indian shipping both for the coastal and overseas trade. We have been repeatedly told—I need not go into the details—that it is the accepted policy of the Government of India to develop an Indian Mercantile Marine by providing for an adequate participation of Indian shipping in the coastal and overseas trade of India. The question now is, has that been done? Has anything been done to implement that promise? Has any step been taken actively to develop the Indian Mercantile Marine? That has to be judged by the present position. I want to emphasise one point. The Government of India have indicated on several occasions that it was responsible to see that the Indian Mercantile Marine secured an adequate participation both in the coastal and in the overseas trade. In fact, on one occasion it was said that Government were anxious to facilitate the expansion of the coastal trade of India so far as that coastal trade was operated by Indian agency and through the instrumentality of Indian capital. That was said in 1933. But what is the actual position today? We know that only about 22 or 23 per cent. of the coastal trade is now enjoyed by Indian mercantile shipping, but that as regards the overseas trade, it is almost nil; and yet the Honourable the Commerce Member—I have this

grievance against him—told us the other day that on account of the uncertainties of the war he does not know whether he will be able to do anything, towards the solution of this great problem. If it could not be done in peace time from 1929 to 1939, and again if it cannot be done in war time, when are we going to have it?

So far about shipping. With regard to the other very important industry of ship-building. An appeal was made last year by Admiral Fitzherbert that "the sooner a shipbuilding industry is started the better for India." It was also stated by Mr. Ronald Cross, the British Minister of Shipping in August last, that he would welcome all efforts for building ships in "the shipyards of the Dominions and elsewhere". That is how the necessity of this industry in India is felt in England. But so far as our Government is concerned, we have been told the other day, on the 29th November last in the other House, on behalf of the Government, that "Government are not proposing to encourage actively the merchant shipbuilding industry in India as part of their war efforts." I want to make a last appeal to the Honourable the Commerce Member to see that during his time these two problems are solved.

One burning question in these days is as regards the administration of the Defence of India Act and the Defence of India Rules. The subject has been discussed at length by other speakers and I should not like to waste the time of the House over again over that question. I shall content myself with making only one observation so far as Bengal is concerned. The position there is that you cannot have even constitutional agitation there. For instance, we are not allowed there to discuss and criticise even Bills and Acts which are passed or proposed to be passed in the Provincial Legislature under the cloak of the Defence of India Act. That is a thing which ought to be stopped.

There are many other matters which I wanted to discuss but my time is up as I have got to finish my speech before the lunch Sir, I have done.

Sir Cawasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, may I begin after lunch or do you want me to start straightaway?

Mr. President (The Honourable Sir Abdur Rahim): It is five minutes to lunch time: the Honourable Member can begin after lunch.

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.

Sir Cawasji Jehangir: Mr. Deputy President, when I was last addressing the House on this Budget, I ventured to ask two questions, or to be more accurate, I asked for two assurances. The first was whether Government were confident that India was pulling her full weight in the war, and, secondly, that the Finance Department had assured themselves that India was getting good value for all the money that was being spent. With regard to the first question, I believe no answer has yet been given. I would urge upon the Government the necessity of assuring this House that there is nothing that Government desire anybody outside Government, to do, except of course subscribing to war loans and war funds.

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If they are not able to give that assurance, I think they ought to be in a position to tell the House what it is that we non-officials can do to assist. I need hardly repeat that, in my humble opinion, except the Congress, it is the earnest desire of all people and of all political parties that India should pull her full weight, and that if there is anything wanting, it should be made good. With regard to the second question, we have had a most instructive speech from the Honourable Member for Supplies. I would like to have an assurance from the Honourable the Finance Member that with regard to all the other spending Departments of the Government, the financial check and re-check is effective. With the huge expansion of Government expenditure I presume that he will agree that the old staff in the Finance Department cannot be sufficient. We would like an explanation as to how that staff has been expanded and what duties they are doing under these extraordinary circumstances. I am not going into the old question that has so often been referred to in this House with regard to the lack of check this House can exercise, but Government can make up for it by having a machinery of their own to satisfy themselves at least, and to satisfy the Finance Member who is the watchdog of our finances, that those checks and re-checks are efficient, and that if there is any leakage,—and I trust there is none,—the machinery will bring it to his notice within the shortest possible time.

Now, Sir, I had the privilege of bringing a few figures to the attention of this House with regard to how the war efforts in England and in India are being financed, specially in connection with increased taxation and borrowings. I gave a few figures, the most important of which were that in England we find that 116 per cent. of the revenues are being borrowed to make up the deficit, while in India the comparative figure was 7½ per cent. for the year 1940-41. I was quite correctly asked by the Honourable the Finance Member to give some figures which would show the House how expenditure on defence had increased in England compared to how it had increased in India, and then compare those figures with the borrowings in India and in England to meet the deficit. I propose to place some of those figures to show what the Honourable the Finance Member wanted, and I would beg of the House to bear with me I try to explain a few simple figures.

I take the year 1939-40, the pre-war budget, for England and India, where we have got the actuals,—the actual expenditure in England on defence was 523 millions. The budget figure for 1940-41, as I have already informed the House, is 2,000 millions, and, therefore, there is a rise from 523 millions actuals to 2,000 million budget figures for 1940-41, which means that there is a rise of 380 per cent. in war expenditure in England. Now, take India. For the same period, that is 1939-40, the actuals for India on defence expenditure was 49.53 crores. The estimate for the current year shows that that expenditure will rise to 72.2, say 72 crores. That means that the expenditure has gone up from 49½ to 72, which is 48 per cent. Therefore, while the rise in England was 380 per cent., the rise in India was 48 per cent. which is eight times more. Now, I would like to compare these figures, that is, 380 and 48 with the amounts borrowed and spent in India and in England on war expenditure. In England—I have already said once or twice, but I may repeat it—116 per cent. of the revenues in 1940-41 was utilised out of loans to pay for the deficit. In India it was 7½ per cent. Thus the amount of the deficit

paid from loans in England was 14 times more than in India, while the expenditure went up eight times more, that is 8 to 14. The result is that we have used borrowed money less to make up our deficit by 44 per cent. of the deficit, as compared to England.

The Honourable Sir Jeremy Raisman: What I suggested to my Honourable friend was this. My criterion was, what is the proportion of additional taxation to the taxation yield in normal times? That is the test.

Sir Cowasji Jehangir: I am taking the fairest figures for Government. My Honourable friend can supply his own figures. I have seen those figures. They go against Government and I will be accused of not using the actuals. I would have to take 36 crores for defence in India instead of 49 crores. The English expenditure in the budget was fairly high. I am taking the actuals in order to give you the fairest figures. I have taken special care to see to that. The result is that for the current year, instead of there being a deficit of 8 crores paid out of loans, 44 per cent. more of the deficit might have been paid out of loans and then you would have been on a parity with England. The reason for my putting these figures before this House is to show that whatever expenditure may have been incurred more should have been financed out of loans, and there was no reason to put up the taxes as my Honourable friend proposes to do in the present Budget.

Now, let us examine how the Government—I will not say the Finance Member because it is the responsibility of Government—have used the 50 crores that they have borrowed since the war—by war loans. That figure was obtained from the Finance Member's speech—50 crores. It has been admitted that 19 crores had to be paid during the current year to pay off the five per cent. loan of 1940-43,—about eight crores is the deficit in the current year. That comes to 27 crores. It leaves a balance of about 23 crores in my Honourable friend's hands. I know there is a further liability of ten crores to be met in the coming year to pay off a further loan, but my Honourable friend informed me in this House that that would be met from further borrowings. All right, I will leave it out. Then 23 crores are left. It will be interesting to know what Government have done with this very large sum of money. So far as I can make out, this is what they have done with it. A part of it went to reduce the treasury Bills. On the 31st March, 1940, Government had treasury Bills to the extent of 28.27 crores; on the 10th March, 1941, it had been reduced to 19.94 crores, a difference of 8.33 crores. In very simple language, this means that, instead of borrowing on very short term loans at under one per cent., Government have replaced that borrowing from the war loan at three per cent. That only accounts for 8.33 crores—treasury Bills are less by that amount.

The Honourable Sir Jeremy Raisman: The reduction of short term obligations takes place in relation to short term receipts and outgoings and the Honourable Member is not entitled to mix up in this way my long term borrowing and short term borrowing. They are two entirely different things.

Sir Cowasji Jehangir: You have got a balance of 23 crores from your loans. I am entitled to find out where that money is. It is eight crores less in your treasury Bills, and you have got a cash balance with the

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Reserve Bank to a greater extent by 12.25 crores. I will give you the figures: On the 31st March, 1940, you had 20.25 crores, on the 28th February, 1941, you had 32 crores, giving an increase of 12.25 crores. Where did that money come from? From the heavens? It came from your loans. You reduce your treasury Bills—not that you wanted less money—from the balance of your loans. Therefore, I contend that 20.50 crores have been utilised in this manner out of the balances left with you from your borrowings of 50 crores. This seems to be a very sound position. You had 20 crores more at the end of the year, which shows that you might have been able to meet your deficit for the coming year 1940-41 from these borrowings. But still, notwithstanding having this very sound financial position, you put up your taxes.

Now, Sir, you may ask me why I do not compare 1941-42 with England. The simple reason is that the English figures are not yet out, but I did give an indication while speaking on the last occasion, that in England expenditure had risen by leaps and bounds, and that so far as my argument goes, for the coming year I believe it will be considerably strengthened by the figures when they come out. That is the answer to your question.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): What would happen to 1942-43?

Sir Cowasji Jehangir: It has been rather rashly said that this utilising of loans for meeting the deficit is postponing the evil day. If it is postponing the evil day, I contend that Government have been guilty of that already. They have already borrowed to pay their deficit but it is not postponing the evil day. To say it is so, is not to understand the position. I am sure that there is some misunderstanding in the using of that phrase. In order to show how wrongly that phrase is used, I will draw the attention of this Honourable House to the borrowings of Government, their indebtedness, and how it is divided.

Government's complete indebtedness, the whole of it, today or at the end of the current year is 1,247 crores. Out of this 1,247 crores, 968 crores have been borrowed for specific purposes such as Railways, Posts and Telegraphs, Irrigation, Commutation of Pensions, Provincial Governments and a very small amount marked 'Sundries' which I do not understand, for which seven lakhs of rupees is paid as interest. The total amount of interest paid by Government on this big loan is 43.10 crores and the interest paid on the amount borrowed for these specific purposes which I have mentioned is 34.04 crores. That leaves 261 crores as borrowed for general purposes on which Government pay 9.05 crores as interest. Therefore, the important figure of borrowing is that 261 crores on which they pay 9.05 crores as interest. Naturally, my Honourable friends, at least some of them, will ask how is this big debt to be met. Well, many of us are very familiar with the history of the redemption of this debt when Sir James Grigg was the Finance Member. Three crores are set aside every year for the redemption of this debt. That means 1 and 1/8 per cent. There may be a difference of opinion as to that 1 and 1/8th per cent.—whether that is sufficient. Some may consider it not sufficient. Others may consider it quite sufficient but the fact remains that on this general borrowing three crores are set aside every

year for the redemption of that debt and, therefore, it cannot be called postponement of the evil day. It is merely spreading the burden over a period which may be a couple of generations instead of burdening the present generation with the whole of the deficits due to war and, therefore, my contention is that it is most important to see that apportionment between loans and taxation is fair to the present generation and is fair to future generations. If my Honourable friend wishes to increase that three crores, perhaps he will let us know. I shall have no objection in these times. It is a matter worth considering and I know that it was argued at great length in this Honourable House by Sir James Grigg. At that time I was of opinion that three crores was sufficient. It was not war time. We said that no more should be taken for the reduction of debt, but today it is a matter worth considering.

The Honourable Sir Jeremy Raisman: What is the good of increasing your sinking fund provision on the one hand and on the other hand increasing your permanent debt by revenue deficits?

Sir Cowasji Jehangir: What a question to ask! I am completely staggered. I will tell you. If you put up this provision of redemption of debt by one crore, you may borrow against that at least 50 crores and use it for your war purposes. Increase your redemption contribution, increase your debt.

The Honourable Sir Jeremy Raisman: The two neutralise each other. My contention is that my Honourable friend is taking with one hand and giving away with the other.

Sir Cowasji Jehangir: You will meet 50 crores of war expenditure out of loans and set aside one crore for the reduction of debt. You will save that taxation of 50 crores.

The Honourable Sir Jeremy Raisman: You have got to tax.

Sir Cowasji Jehangir: Put up your tax so as to bring you one crore and meet the whole of the deficit by loans. That is the way. It is a very ordinary thing. Every businessman understands it and every Finance Member understands it. Now, Mr. Deputy President, I have tried to show that considering the financial position of this Government extra taxation was not justified but I am unable to understand what Government propose to do with this balance of 23 crores from their loan. There must be something behind it. What do they want to do with all this money. It is not to meet your 20 crores deficit.

The Honourable Sir Jeremy Raisman: Has the Honourable Member heard about withdrawals from savings banks?

Sir Cowasji Jehangir: To what extent?

Sir Raghavendra Rau (Government of India: Nominated Official): 29 crores from Cash Certificates and Savings Banks during this year.

Sir Cowasji Jehangir: You mean to get nothing further from loans?

The Honourable Sir Jeremy Raisman: When the Honourable Member is wanting to know what is the mysterious fate that befell this 23 crores, he might at least take into account an item of that size.

Sir Cowasji Jehangir: It may be so. I am not prepared to refute the argument but I do contend that considering your borrowings and your continuing borrowings, comparing your budget with the English budget, you are not justified in putting up the tax and not taking more from loans. I would point out that six months ago I was more than prepared to support any taxation proposals. I thought and think today that we were justified under the circumstances, but considering the financial position of Government today and the consequences of some of their taxation proposals I do not think further taxation, to that extent at any rate, is justified, and that is what I want to bring to the pointed attention of this Honourable House. I shall be the last, in war time, to say: 'Reduce your war expenditure'. I am quite prepared to see more expenditure provided it is properly used but I do want that the methods of financing that expenditure should also be sound.

Now, Sir, I believe that attention was drawn to the damage that the excess profits tax may do to the industries of India. I saw in the papers that Sir Homi Mody pointed out that this excess profits tax should apply only to war profits and not to profits not due to the war. He made that suggestion. Well, it is an old, old suggestion. It was a suggestion made in England over and over again when the Excess Profits Tax Bill was introduced. People pointed out the unfairness of taxing profits which had nothing to do with the war, to tax normal increase of profits, to tax the savings of people. A man saves. He invests. That brings in extra revenue. You take this 66 and two-thirds per cent. on the revenue of that saving.

The Honourable Sir Jeremy Raisman: Not unless it is in connection with business—not private saving.

Sir Cowasji Jehangir: Business—an incentive to set aside monies for the increased stability of your business; and in England, after 3 P.M. mature consideration I am prepared to admit, Government came to the conclusion that it was not possible, however equitable it may be, to devise any method whereby war profits, pure and simple, could be taxed, and profits, not due to the war, could be let off. The principle cannot be challenged. You call it "excess war profits", while there is not the slightest doubt that it applies also to profits that are not war profits. I have attempted to read part of the discussions that took place in England and, I frankly told you, the decision of Government, but I am still of the opinion that in a country like India, you can devise methods whereby war profits alone can be taxed, and I would suggest for consideration that if any such points arise as to what profits are from war, it might be left to a tribunal to be appointed which has the confidence of the people and their decision should be final both for Government and the appellant. But the man must be given the chance to say what he has to say and to prove it; that was the suggestion that was made and I think it can be workable in India.

Dr. Sir Ziauddin Ahmad: May I ask the Honourable Member one question?

Sir Cowasji Jehangir: Ask the Finance Member if he will answer your question; I am not here to answer questions.

Dr. Sir Ziauddin Ahmad: May I ask the Finance Member—suppose the prices of commodities go up by twenty-five per cent. on account of war conditions, then the profits realized on account of the rise in prices will be considered to be profits arising out of the war, or ordinary profits?

The Honourable Sir Jeremy Raisman: Ask him (Sir Cowasji Jehangir)!

Mr. Deputy President (Mr. Akhil Chandra Datta): Sir Cowasji Jehangir will please proceed with his speech.

The Honourable Sir Jeremy Raisman: It is for the Honourable Member Sir Cowasji Jehangir to answer that question.

An Honourable Member: What is the question?

The Honourable Sir Jeremy Raisman: The question is that if there is a rise in prices, of twenty-five per cent., on account of war conditions, then are those profits war profits, or are they not?

Sir Cowasji Jehangir: May I ask this question: when the prices of commodities drop in India, are Government going to contribute towards those losses?

The Honourable Sir Jeremy Raisman: That is evading the question.

Sir Cowasji Jehangir: These profits, if they can be shown to be War profits, might be taxed; if they can be shown not to be war profits, not profits due to the war, then they should not be taxed; we know that prices of commodities rise during the war and on account of the war. In India they have dropped, but, generally, the last war showed that commodities rose by leaps and bounds during the war. If they did, you should certainly consider seriously whether they were not war profits. But at the same time when prices drop due to the war, what do the Government do?

The Honourable Sir Jeremy Raisman: Then in the ordinary course of assessment any losses due to a fall in prices naturally are set off against the profits made when the prices are high,—in the ordinary course of excess profits tax assessment, certainly.

Sir Cowasji Jehangir: I desire to point out to the Honourable House the dangers of increasing this excess profits tax. I am doubtful whether the excess profits tax is justified in India at all; but to put it up within a year, that I do think is a very risky thing to do, especially when your financial position is as strong as it is today. You are injuring industries, even without the slightest intention on your part to do so. You will stop new enterprise, when you do want new enterprise. You will stop the further growth, perhaps, of industries that will supply your war materials, when you are most anxious to encourage them; and the very fact that in war time Government have to promise the most extraordinarily good terms for the production of war materials—extraordinarily good terms, I repeat—that fact shows that one of the reasons why they have to offer those extraordinarily good terms is your excess profits tax.

The Honourable Sir Jeremy Raisman: On the contrary, is it not one of our obligations to fix an excess profits duty when we have to offer such good terms?

Sir Cowasji Jehangir: You are offering extraordinarily good terms because otherwise nobody is prepared to come forward, and that is why you are offering extraordinarily good terms and bearing all the losses; you are doing so because of your excess profits tax. It is your duty to help them, but we understand that you have got to do that, due greatly to this excess profits tax. One hundred per cent. in England may be all right, but you cannot say that because there is a hundred per cent. there, there should be sixty-six and two-thirds per cent. in India. Well, Sir, I have tried to show that you can finance your war expenditure, even if it is much more than what it is today, with the greatest safety, *without* that percentage of taxation which you have put up just now. The Honourable Finance Member's policy may be, "squeeze as much as you can while the going is good", but that will be a bad policy for the Government. It is quite true that you can squeeze as much as you like just now, but I venture to suggest that, with the financial position as it stands today in India, even with a House unanimously anxious that your war expenditure should increase, you would not be allowed to tax to the same percentage as you are doing. Well, if that is your policy,—"squeeze as hard as you can while the going is good", then do so, but the consequences may be very serious. The Honourable the Finance Member took a pride in the financial position of this country and said, it was due to the cautious methods of his predecessors. Some of those methods would never have gone through any Legislature in the world, but they went through here by certification. Yes, one can be cautious at the expense of other people! Finance Members are war autocrats, they have certainly nothing themselves to gain, but they can put themselves in an absolutely safe position so as to be able to tell this Legislature and their masters in England that, "whatever happens, we are on the right side". Sir, who pays the piper? Well, in war times these are hard things to say. I again repeat, "go on with your war expenditure, see that India pulls her weight". Fortunately or unfortunately, you have not got to get the support of this House for your finances, but you will get the support of all sensible people for increased taxation, for greater efforts, but you must also be in a position to show that the methods which you adopt for taxation are sound.

With these words, Mr. Deputy President, I have no desire to continue this discussion. Government themselves are responsible if any damage is done to the industries. But I would urge upon Government as a whole—I do not understand individual Members, it is a joint responsibility—to give this matter serious thought. What is done is done, but the future is still before you. I do hope and pray that this is the last war budget, but I do not believe it will be. A good deal more is still to come. We have a long way to go. You may have to suggest further taxation and justifiably. Do not go on putting on taxation when it is not justifiable. That is all I have got to say. Be cautious but be just both to the tax-payer and to yourselves.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Mr. Deputy President, I have waited long and patiently for days and days to listen to the story of my Honourable friend, Dr. Sir Ziauddin Ahmad, about tigers and lions.

Dr. Sir Ziauddin Ahmad: But you are speaking too soon.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I had waited because I did not want to be charged with what the little boy was accused of when he was unfortunately taken in when the cry of the tiger was raised for the third time. But I think I am perfectly safe on this occasion and whatever story the learned Doctor may have to tell the House about tigers and lions, I believe neither the one beast nor the other would come in my way.

Mr. Deputy President, some of the Honourable Members who have taken part in this general discussion have referred to the subjects with which I am most intimately concerned, commerce and industry. They are subjects which naturally, at this time, occupy the minds of most thinking people. Their importance, cannot, be gainsaid by anybody. If I take a little time of the House to explain the position, as I see it today, and to visualise it as I hope it will be in the future, I trust I shall have the indulgence and the patience of the House. During the past few months the cry has been raised again and again of industrialisation and yet more industrialisation. Voices have been heard inside the House and voices have been heard more eloquently and more loudly outside this House that industrialisation is the only thing that will bring the salvation of this country. Slogans have come into existence. "Industrialise or perish" is a very short and to some perhaps it may sound a very sweet slogan. But if I were to accept all the slogans that have been raised with reference to industries and to the trade and commerce of the country, I believe my position would be altogether unenviable. There is the slogan, as I have already stated, "industrialise or perish". My Honourable friend, Mr. Chatopadhyaya raised the other day the slogan 'import rice or perish'. Another friend from the Punjab raised the slogan 'export wheat or perish'. My Honourable friend, Sardar Sant Singh, can undoubtedly refer to other things like census and say 'either Superintend or perish'. It seems to me that after listening to all these slogans that there is only one state into which the country will be reduced and that is a certain end.

Sir Cowasji Jehangir: You are very much alive.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I hope so. I do not take this diffident attitude in this matter at all, and I think the House should realise that in all these slogans there is an extremism of thought involved which does not do justice to the subject.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Why do you call them slogans? They are sound advice.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Take the question of industrialisation. On the one hand, there is, as I said, the cry that India must be self-sufficient; that this war has shown that we must produce every kind of manufactured goods that we can think of; that industrialisation is the only thing that will save this country; and that if we were to depend to the slightest extent on any imported articles, the war has certainly shown how foolish that dependence may be. On the other hand, caution has been uttered, and perhaps my friend, Dr. Sir

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Ziauddin, would deal with this subject at greater length later, that the burden on the common people, the consumers, would grow enormously if any kind of policy is indiscriminately pursued which will bring about an industrialisation without taking into consequence the amount of protection that may be involved, particularly in the years to come. As I said, in this matter, perhaps, a balanced view of the advantages and the disadvantages may have to be taken and may do more good to the industries and to the country at large if we take that balanced view. Let me say at the outset that I am not a believer in free trade, pure and simple. I wonder whether there is anybody in this world today who is of the opinion, in this country at any rate, that free trade is for the good of the country. This war has proved that our policy of discriminating protection has been, after all, of some value.

Let me take the House through some of those industries which have been protected in the past and show how the country stands benefited and reaps the benefit of the sacrifices that it has made during the last 15 years. Take the iron and steel industry. Its history is well-known to this House. At the time when protection was granted there were those who felt extremely doubtful of the wisdom of that policy. I remember reading debates in this House, I remember more than one Member on the Opposition Benches, the Swaraj Party Benches as they were then called, in the years 1926 to 1929, who suggested that there was only one hope for the iron and steel industry and that was to nationalise the industry. They suggested that the Government should take complete charge of this industry and that it would not pay to allow this industry to continue burdening the consumer with a high tariff wall and with a high protective duty. Today we are in the happy position that, thanks to the wisdom of those who preceded us and the protection that was granted to the industry, and thanks even more to the consumers who endured those sacrifices for years, we are in the happy position that one of the key industries that is required most for the war is here in this country and that not merely our own arms and armies but a wider army and a wider section of that defence force which is fighting on our behalf, can be equipped adequately by the products of this industry.

Take, again, another industry which is so much in the limelight and to which I am perfectly certain that more than one Member may from one side of the House or the other advert, the textile industry. Its history is equally well-known. The protective policy which that industry has been assured of and the duties which have been levied to enable the industry either to carry on or to make profits are well-known to the House. That is another industry which at the present time is yielding to a very good purpose its products for the prosecution of the war, and the sacrifices which the consumers have made during the last ten years—and let me say at once that they have been heavy sacrifices—have, after all, borne some fruit, and that at this time of strain and stress there is an industry capable of satisfying most of the needs of the forces of this country and of other Dominions, which is capable of expansion to a very large extent and, therefore, capable of making a direct contribution towards the war effort.

I need hardly dilate on some other industries which have similarly enjoyed protection. Let me refer only to the paper industry. The obtaining of paper from abroad has become more and more difficult, partly owing to shipping difficulties, partly owing to exchange facilitates not being

available, and when one realises the importance that paper plays in propaganda and in other directions, one feels thankful that an earlier generation had the wisdom to promote that industry. Take even the sugar industry of which so much has been heard, and I believe so much more will be heard. In spite of the faults that have been connected with the sugar industry and in spite of all that may have to be done to rationalise that industry, the fact still remains that at the present moment, the production of sugar in this country, mill-made and white sugar, is certainly of some benefit, because it does minimise the difficulties of shipping and of getting it from countries with which at one time at any rate on exchange grounds we were in a difficult situation. That is only one side of the story. Let me not be understood to suggest for one moment that protection and yet more protection is going to be the panacea for this country's economic ills.

Mr. Muhammed Nauman (Patna and Chota Nagpur cum Orissa Muhammadan): May I ask the Honourable Member whether by industrialisation he meant industrialisation by Indian finance and Indian management or industrialisation by foreign money in this country?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Let me deal with the question of industrialisation and then I shall come to the question which my Honourable friend has addressed me. I have referred to that on previous debates and I am not going to avoid the issue on the present occasion either.

Now, Sir, that is only one side of the picture. If from this experience we were to suggest that India should be self-contained, that everything possible should be manufactured in this country and that for that purpose no sacrifice is too small, that high protective duties should be levied all round, that subsidies and bounties should be given by the Government, that is a very different proposition from the one that I am laying down. In peace time particularly—and my Honourable friend, the Finance Member, referred to that fact—the economy of the country is to be considered from a very different point of view, from that from which it can be considered at war time. Mobilisation of industries, the quickening of the pace of production, the focussing of the attention on whatever is to be obtained at whatever cost it has to be obtained during war effort, that high peak of industrial expansion and the money that has to be spent upon that high industrial expansion, these may be justified and rightly during war conditions. It cannot be and it will not be justified in the same manner to the same extent in peace conditions. Not only that, the financial burden that would be involved in that process while justifiable under war conditions can by no means be borne in peace conditions. Let us, therefore, remember these twin facts, that on the one hand this idea of self-sufficiency may be bought too dearly and that on the other hand, in any case, during peace times, there is a limit to the burden which can be imposed on the consumer. That is another aspect of the question which I may traverse for a few minutes.

When we speak of self-sufficiency, and this is a point which I had an opportunity to deal with on another occasion also, let us remember that other countries also may have the same slogan. What is it that has brought about this Great War? What are the fundamental reasons why this cataclysm has overtaken us? Why is it that nations are fighting? It

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is not for political domination over each other, it is for economic domination. It is because the policy of national self-sufficiency in economic matters has overtaken these foreign countries and nations, because economic chauvinism has taken hold of them where either there was the principle of free trade at one time or the principle of give and take, it is because of that, that this armageddon has come upon us. Therefore those who can see further afield than the immediate necessities or the immediate profits must also bear in mind the chances and the possibilities when once the war is over. Are we going in the same way which during the last twenty years various nations have traversed and which has brought on them and us this calamity? Are nations now thinking in terms of self-sufficiency again, in terms of water-tight compartments and of trying to have everything in their own country. Industrial nations which during the last many years expanded their industries and found export markets suddenly turned round found deficiencies on the agricultural side and started by having a policy of agricultural self-sufficiency. Agricultural countries on the other hand, thought of industrialisation and more industrialisation and started the policy of industrial self-sufficiency

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): May I take it then that all this talk about democratic ideals is all bunkum?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I shall spare a few minutes at the end, if my Honourable friend will permit me to go into that topic which he has so much in mind.

As I was saying, Sir, agricultural countries on the other hand have been going away from their previous practice of agricultural development and have tried to industrialise themselves. But at the end of the war other forces will be at work, I believe that nations will be in a more chastened frame of mind, I believe that nations will have realised the folly of the past ten or fifteen years in pursuing this policy of economic nationalism and I believe myself, firmly believe that the call will come to us in India as indeed it will come to other countries that we must make a joint contribution in the world effort that will be made for a greater and a more scientific adjustment of the resources of the different parts of the world. To that end we must prepare ourselves.

Critics may at once say, does it mean, does the Commerce Member of the present Government of India suggest that India should continue merely to be an agricultural country, that to use the old and hallowed phrase which has been repeated during the last fifty years at Congress sessions, Indians must continue to be hewers of wood and drawers of water, that the economy in this country cannot be better adjusted by industrial development? I say nothing of the kind. I say that a balanced adjustment between agriculture and industry is the proper thing. I enter a caveat, I utter a note of caution against those extreme advocates of industrialisation who believe that everything possible should be produced in India and that in trade, particularly, there can be a one way traffic. I am not one of those who believe that commerce and trade can be carried on by the system of one way traffic, that if our agricultural products have to find markets abroad,—and it is essential that they should find markets abroad, that in spite of the industrialisation that we may be capable of, we shall have surplus agricultural products for which we have to find markets

abroad,—We must necessarily admit that these markets abroad cannot be found for our agricultural products unless we are prepared in some measure to some extent, small or great, to find a market for the imported commodities from abroad. That is an essential proposition that I want to reinforce it because it is apt to be lost sight of.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Does it not exist at present? Much more than that.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am not suggesting that we should stereotype the present conditions at all. I am only uttering a warning against the principle which I have heard stated by industrialists of eminent repute that we should only industrialise in this country that we need pay little regard to the agricultural products which must find an export market elsewhere.

Mr. Husenbhai Abdullabhai Laljee: What is the condition at present?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am dealing with my Honourable friend very shortly and he will then find what our condition is.

That leads me naturally to the problem of our raw products and the exports of these raw products. I believe my Honourable friend, Mr. Gwilt, dealt with that question. The present war has again brought to our notice prominently how much we depend upon our export markets. Representatives coming from agricultural parts have been time and again forcing on the attention of Government that the loss of these export markets has done incalculable injury to some raw product or another. At one time with our export restriction policy consequent on the policy of economic warfare that we have deliberately adopted and with the restrictions that have been placed in some countries on imports of raw materials we were faced with the problem that there will be large surpluses of our raw products the disposal of which we did not know how to bring about. It was giving a great deal of anxiety to the Government of India,—this disposal of the surpluses of raw commodities. But I am in the happy position today that with reference to several of these commodities the problem is not as serious as I once anticipated. The problem of wheat, the problem of rice, the problem even of cotton in which some of my friends are so greatly interested, is not so acute today as at one time it was feared. There is a Resolution which I believe will be moved next week by one of my Honourable friends which deals with this question of raw cotton, and I hope to take that opportunity to explain the present position so far as raw cotton is concerned. Shortly, while staple qualities of raw cotton are snapped in the market and the price is rising and there is no difficulty in finding a sale for these staple commodities, thanks to the policy of the Supply Department and thanks to the large orders which are being given for the manufacture from that kind of staple cotton, there was some little hesitation in my mind whether the problem was not growing with reference to qualities below the staple lengths, whether in fact Oomrahs and Bengals, the two varieties below staple, were not going to have a bad time owing to the fact that they were not being consumed internally in our mills as we hoped they would be. But I believe at the present time that even those qualities are finding better markets, thanks

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again to the policy of the Supply Department and the Defence Department and in a larger measure these qualities may be used in the manufactures. Continuously,—and I should refer to it with gratitude,—either owing to the needs of the war,—and necessity is the mother of all invention,—or owing to taking a more enlightened view of the necessity for disposing of the surplus problem, the Defence Department and the Supply Department have re-examined the old specifications for many of the military orders and have to a certain extent diluted those specifications; so that more and more of the commodities can be produced in this country and more and more of the raw product may be consumed in this country. And that is one of the reasons why the surplus problem in some raw commodities has not been so acute as it would otherwise have been owing to the shrinkage of export markets.

Now, Sir, let me refer very briefly to the problem of sugar.

An Honourable Member: What about jute?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The problem of jute is being considered and my Honourable friend knows that with reference to jute also certain proposals have been made and accepted by the Bengal Government and that if those proposals do not have the desired effect, I daresay we would have the Bengal Government coming up to us and telling us in what other way we could deal with the problem. But what has happened with reference to cotton during the last 24 hours has also happened with reference to raw jute during the last 48 hours and my friend, Mr. Bajoria's presence here is proof of that fact.

Now, Sir, let me refer very briefly to sugar. My Honourable friend, Mr. Ramsay Scott, asked me what steps we are taking with reference to sugar. It is a problem which I and my Honourable colleague, the Finance Member, have tried to face during the last few months and we have tried to give our suggestions to various Governments which are concerned with its manufacture. I sometimes feel that Honourable Members in presenting their case about industrial development overlook the provisions of the Government of India Act, the fact that we can only function within narrow limits with reference to the development of various industries. Let me put the cardinal proposition before the House, a proposition which needs emphasising and which has perhaps been overlooked in many quarters. The development of industries is a provincial subject, the responsibility of the Provincial Governments. And, therefore, when the proposition is put to me as Commerce Member that the sugar industry must be looked after by the Government of India, that protection having been granted by that Government there is an obligation on the part of that Government to see that there is no over-production in various parts of the country and that some sort of sale system has to be brought about which while rationalising the industry will ensure a fair profit to all concerned, I can only state that while I am anxious to have the powers which I would like to have of dealing with the question, reference to the Government of India Act cools my enthusiasm and makes me realise how limited the power is. We have tried with reference to the sugar industry various methods by which we could bring to the notice of one set of Governments the difficulties of the industry and of another set of Governments the future difficulties that they may have to face if the present expansion and progress goes unchecked. At the last conference that I had the honour of presiding over in Simla

with reference to the sugar industry I made two distinct suggestions to all the Governments, Provincial and State, which were represented at the Conference. I said that the policy of one or two Governments which linked up the price of sugarcane to the existing market prices of sugar was a defective policy, that it was anticipating the profits of the sugar industry at a later date and paying the profits calculated on that basis to the sugarcane producer immediately; that if the sugarcane producer is to be given not merely a fair price but a share of the profits in the entire industry it must be by an *ex post facto* action and not by an anticipatory act; it must be after the sugar is sold and by some system of bonus which must be calculated on the price which the sugar fetches on the market and not on the basis of an anticipated price which the future manufactured product will fetch or may fetch to the mill industry. I am glad to say now that practically all the Governments have accepted that principle. The most recent replies which have to a certain extent heartened me are those from the Government of Mysore and the Government of Madras who have both accepted the principle that a flat rate during the whole trading season should be paid to the sugarcane cultivator and a bonus should thereafter be paid on the calculation of profits actually derived by the industrialists out of the sale of the sugar.

The second suggestion that I put forward before these Governments was that while it was not possible to have a central body to control the sugar trade I would be satisfied if I had an opportunity of having an advisory body composed of representatives of various Provincial and State Governments which will watch the growth and development of the industry, place facts before the various States and Provincial Governments which may to a certain extent enable them to organise the industry in their various areas on a more rational basis, and that the dangers which threatened the sugar industry may to a certain extent be avoided if at least we have this central advisory machinery working.

Sir F. E. James (Madras: European): Would that be a purely Governmental committee?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I was coming to that. I put this suggestion to the various Provincial and State Governments. I had hoped to announce the formation of an advisory committee of this nature early this year at the latest. But the replies did not come in time from some of the Governments, and I still hope, notwithstanding the differences on small points which have arisen between one or two Governments, that such a central advisory sugar committee will be formed. With reference to the question of my Honourable friend, Sir Frederick James, I may say that the idea is to have predominantly representatives of State and Provincial Governments, but with a small representation on the one hand of sugarcane producers and on the other hand of the mill industry

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): What about the cane growers?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I have referred to that. It is my hope that if I am able to bring about at least this advisory board we may be in a position better to organise the sugar industry in this country.

An Honourable Member: What about the export of sugar?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Now, let me deal with a very important question which has been raised by my Honourable friend, Mr. Gwilt, and my Honourable friend, Sir Homi Mody. There has been this industrial development going on during the war; as I said, owing to present circumstances an artificially forced expansion of industries has taken place and the question has very legitimately been asked, "Are you contemplating or have you any plans for the future when peace is restored?" Now, to a certain extent, it is anomalous to think of or to speak about peace conditions when we are still very far in the wood and not yet out of it. But I agree with my friends that even now we must be to some extent contemplating the possibilities of the future and for this very good reason; there is an essential difference between production for war effort and conditions which will be brought about as soon as peace is restored. The momentum of production for war effort grows from week to week and month to month; and as the war goes on the momentum increases. I wonder whether at any time any country can say that the maximum limit has been reached. But when peace comes it falls like a guillotine suddenly; and the day that peace is announced or even an armistice is declared there is "a guillotine on the activities of many of these industries. The munition industries will almost certainly cut short their production immediately peace is announced or armistice is declared. Other industries which have been attuned for war purposes must necessarily cut short their expansion and try to readjust themselves to the changed conditions. The transition does not come about as gradually as this transition from peace economy to war economy comes about—it is sudden and it may bring about grave possibilities; and we have been thinking seriously of this problem also. When peace comes, or when peace is announced, various readjustments have necessarily to be made. Our own Ordnance Factories have to readjust themselves. Our own munition works have to bring about a change in production, and all those industries which have been harnessed for war production have necessarily to go back to peace time conditions. That this entails severe dislocation hardly admits of any doubt. Think of this one problem: the vast number of trained technical capable people who will be thrown out of employment when once this condition is brought about. It is a condition which we should all welcome, which we should pray for, and the sooner it comes the better for us. But we should be prepared for the day when it comes and we should here and now think of plans which may meet the situation. I am aware that the best laid plans of mice and men 'gang aft agley'. But that will be no justification for us to sit with folded hands and not think of that eventuality. In my own department, the Economic Adviser to the Government of India has been at work for some months now on the possibilities which have to be visualised when peace is restored, on the readjustment of industries that has to be brought about, on how we should deal with all that scrapped material which will be thrown out the moment when many of these munition industries are stopped and on how to deal with technical labour that will be unemployed the moment these activities come to a sudden end.

It is my hope that an examination on a wider scale than that which is being at present surveyed or conducted by the Economic Adviser will shortly be taken up, that an inter-departmental committee may be

established with representatives of Finance of the Supply Department and of the Defence Department and of the Commerce Department in the first place to examine the position, to have some kind of plan for the future and to place some suggestions before certain authorities even now. It is my hope also that apart from this inter-departmental examination that committee will be in a position to get the knowledge, the experience and the advice of commercial and industrial magnates in connection with the preparation of the plans. One thought strikes me which may probably be one of the first that will be put forward, that while it is unnecessary at the present time, when all our technical labour is fairly abundantly employed and unemployment in the industrial sense at least is not there—it is a thought that strikes me that perhaps we may be well advised to give a warning or a caution to Provincial and State Governments that their large works of public expenditure may wait till peace is restored, that expenditure on public works may wait, so that the labour that is thrown out can be safely absorbed and that expenditure then would assist in the solution of this problem to some extent. It may also be that the private individual, the householder and others may be similarly advised, to delay their demands for capital goods, in particular with reference to housing schemes and so on, so that when the necessity really arises and when there is a glut in the market for labour under cheaper conditions then they can obtain things more easily and they can carry out those proposals. A peace time plan is therefore being contemplated and being worked out even at the present time. But it is obvious—and the House will realise that whatever plans we may be having now or we may think of in the very near future would require constant readjustment and constant re-examination and that there is nothing static in those plans which we may even now contemplate.

My Honourable friend spoke of the gaps in the industry and I think that Sir Homi Mody got a little lost in grindery

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Anybody would!

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It is perfectly true that the present war and the industrial expansion which has resulted from that has shown that there are gaps of various kinds, that while industrial expansion can take place on a large scale there are small and little things which we cannot provide for and which hold up industrial expansion of very large manufactures. My Honourable friend was quite right in giving the example of eyelets and shoe laces and little things that are required for the manufacture of army boots, which have been imported so far and the lack of which sometimes forces us to limit our production of army boots, notwithstanding the fact that we have all the leather that we want, all the tanning that we can do in this country and all the labour that is necessary for producing those goods. That is only one of the examples. I have been thinking over the problem for some little time, and I am not sure whether the time has not come when a kind of survey may have to be made about the gaps that exist in the industrial expansion of this country, to examine whether it is a fact that owing to these small little industries not coming into existence, the big industries suddenly get out of adjustment or are thrown out of gear owing to the want of the products of these small industries. The Roger Mission has done excellent work in surveying the position from the point

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of view of war necessities. Following the precedent of the Roger Mission, I wonder whether the time has not come when some kind of examination of that character may not be taken up, an examination which will not involve the dilatory and laboured processes of an Industrial Commission, but a sharp survey of the situation by some experts, so that even now it can be predicated that these are the little things which can be immediately brought into existence or the industries which can be started with great advantage to the larger productions that may take place. I am having that question examined, and I trust that if it is necessary, it may be possible to have a small Committee of experts who will survey the situation and report to Government from month to month instead of having an elaborate survey and presenting a Report two or three years old which by the time it comes to be examined by the Government will become out of date.

That leads me to a Report which has been so often adverted to by various industrial organizers and by some Honourable Members in this House. I have been asked time and again what has come of the Industrial Commission Report and why effect has not been given to all its recommendations. As Honourable Members in this House are aware, the Industrial Commission Report was published some time during the last war,—just on the eve of the Montague-Chelmsford Inquiry and Report. That very fact must give room for thought. Even before the dyarchic system was established in the provinces, this Industrial Commission Report was published, that is to say, the Industrial Commission Report contemplated a constitution where the Centre was all powerful and all mighty and everything could be directed from the Centre, and the provinces could be asked to do what was required by the Centre. The fundamental difference in the constitution which came about to some extent in 1920 when the Montford Reforms were introduced, and more so later in 1935 when the present Government of India Act was introduced, that fundamental change in the constitution is itself sufficient to make the recommendations of the Industrial Commission, however good they might have been at the time, quite antiquated and quite out of place at the present time. That is not all. I have gone very carefully through the Industrial Commission Report and have examined its recommendations paragraph by paragraph, and I may say that, except for one or two recommendations to which I shall refer, most of the recommendations have no value at the present time, either because they have been given effect to or because they form a part of the responsibilities of a Provincial Government, or because conditions have so changed that it is no reflection on the great authors of that Report to say that at present they have no application whatsoever.

And that leads me to another Report, of which so much has been heard, the Indian Fiscal Committee's recommendations. I referred to the Indian Fiscal Committee's recommendations in one of the earlier debates in this House, and I told the House that essentially they were sound recommendations. No doubt, they were made at a time before industrial expansion had taken place to the extent that it has now, but in a sense, their fundamental hypothesis and their fundamental recommendations are, I venture to think, sound. There has been a great deal of criticism that the Indian Fiscal Committee's recommendations and the conditions laid down by that Committee are harsh, that they do not do

justice to the industrial expansion of the country. But I have gone through all the literature, at least as much literature as can come into my way which has been written or spoken on the subject of the Indian Fiscal Commission's recommendations. I have very carefully scrutinised the speeches of eminent men who have had to deal with tariff problems under the Indian Fiscal Commission's recommendations. I have listened with both my ears to my friend, Sir Homi Mody, when he dealt with that aspect of the question, and beyond a suggestion that was made that the machinery for bringing about tariff reform should not be the dilatory machinery of the Tariff Board but must be a machinery more quick at work, more ready to produce results, I confess frankly, Sir, that I have not come across any suggestion of a more constructive nature . . .

Sir H. P. Mody: I have dealt with it half a dozen times in my budget speeches before.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am ageing fast, and I shall be ageing faster if I have to read all my friend's speeches.

Sir H. P. Mody: But think how much wiser you would become!

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I have already said, I believe at budget time last year, that I was prepared to consider the relaxation of some of the conditions of the Fiscal Commission's Report, during war time, for the purpose of inaugurating or expanding various industries which are necessary either for war purposes or to fill the essential gaps created for the civil industries or civil requirements. I am prepared to examine the suggestion which has been made, a suggestion which however needs implementing at a later stage than at present,—the suggestion that the machinery for bringing about tariff reforms should be of a more expeditious nature than a Tariff Board constituted as at present. There is another suggestion which has been thrown out which has my sympathy, and that is the suggestion of my friend, Dr. Sir Ziauddin Ahmad. My friend in more than one speech has reiterated the fact that while protection is granted by Government on the recommendations of a Tariff Board, there is no machinery during the period that the protective duties are in force to examine the progress of the industries, to see whether these industries are carrying on according to the recommendations of the Tariff Board accepted by the Government, and to find out for themselves whether from time to time a revision of the policy of protection or the quantum of protection may not be needed with reference to the protected industries. I stated that the task had fallen on the Government and that the Commerce Department was doing its best to watch the progress and conduct of such industries. But I feel that still it is a legitimate complaint. I am aware, Sir, that in other countries the machinery of the Tariff Board is utilised not merely for examining whether at the initial stage protection is necessary, and if so, what quantum of protection should be given, but continuously during the period of protection, to follow the development of these industries and to bring to the notice of the Government from time to time in what manner, either in the upward direction or in the downward direction, protection may be revised. I believe that with reference to one or two industries which I shall not name, if that policy had been pursued and

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if that machinery had been in existence, we might be in a much happier position than we are today. I am prepared to consider the question of the setting up of that machinery at the proper and suitable time, whereby not merely would the question of protection be taken up and examined expeditiously, but a watch may be kept on the protected industries during the course of the period of protection, so that tendencies in the development of these industries, combines and other things which might come into existence, may be carefully watched, and on the one hand the industry will be suitably safeguarded, on the other some consideration may also be paid to the interests of the consumers

Sir Syed Raza Ali: Can my friend say that our policy of protection is right when protection is enjoyed within India by a foreign company? Foreign companies have constructed their factories in India with capital floated outside. I am referring to the match industry, because it was specifically referred to by more than one speaker

Sir Cowasji Jehangir: Fifty per cent of its capital is Indian.

Sir Syed Raza Ali: There are four match factories in India, but there is a big one, apart from the small ones, and I am told that in that large factory the majority of the capital is not Indian owned.

Sir Cowasji Jehangir: Are you talking of Wimco?

Sir Syed Raza Ali: Yes.

Sir Cowasji Jehangir: If you are talking of the Wimco, I can tell you that half of the capital is Indian. I am a Director of it, and I can tell that as a fact.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am very thankful to this local controversy which has given me breathing time.

Sir Syed Raza Ali: It is just like the political fate of India.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:
(P. M.) In this connection the question of smaller industries has been referred to. A conference of what are called minor industries took place some time last month and the various recommendations made by that conference are before me. If the more expeditious machinery that I have adverted to comes into existence, it may be possible that problems relating to these industries may be more easily solved. But I want to point out—unfortunately I have not got the list with me now,—that, thanks to the war, a number of small industries have now come into existence. Neither the nature nor the number of these industries is before the House and I do not think that many Honourable Members are aware of them. The war effort could not possibly go on without these many small industries that have been started. Let me refer only to a few of them.

The drugs and chemicals industry has received a great spurt from the war effort. Drugs which were never produced before in this country are now being produced. Drugs which were being produced on a very small scale have so expanded their production that the factories are unable to cope with the demand.

Lieut.-Colonel M. A. Rahman (Nominated Non-Official): What per cent. is India producing now?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I cannot give the exact percentage. I may state on the authority of the Director General, Indian Medical Service, that more than 70 or 75 per cent. of the drugs required are now being produced in this country. The other day Honourable Members had an opportunity of witnessing in delightful surroundings and owing to the hospitality of an Honourable colleague the products of the surgical instruments industry which were on show at that place. Surgical instruments were very rarely being manufactured in this country. Bombay, of course, manufactures almost everything and I was under the impression that it was only in Bombay that on a small scale certain surgical instruments were being manufactured. But I was glad to find that the sword arm province of the Punjab has very legitimately and naturally turned from the manufacture of swords to the manufacture of lancets and other surgical instruments. Not merely drugs, but munitions, and lethal instruments. Boots and shoes, as I said, have been manufactured and are being manufactured on a vast scale.

The canning industry is one of those industries which have come into existence. The importance of it, its growing nature, the tendencies which will develop with the growth of this canning industry, the part that it will play on the one hand with vegetable production and on the other, with what is far more important, fruit culture and fruit cultivation, I need hardly emphasise. Government, sometimes by its direct help, often indirectly during these months, have encouraged the canning industry, and I am certain

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

. . . . that that is an industry which has come to stay and will play a great part not only in the internal economy of this country but also in the export markets of the world.

Sir Cowasji Jehangir: What about good old brandy?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Honourable Baronet can start the industry if it has got a good chance.

But there is one thing that I should like to say, one word of caution which it is absolutely essential that I should utter to all industrialists and to all those who are dealing with commerce and industry generally. That industry is now fairly prosperous admits of no doubt whatsoever, that it has found opportunities of expansion which were not there before the war cannot be questioned. But there is a responsibility on industry and industrialists now which they should bear in mind. Last year during the budget speech, I had occasion to sound a note of warning. I said,

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while industrialists were making profits—notwithstanding the Excess Profits Act they are making profits, otherwise there would not be any Excess Profits Tax—while they are making profits, they have to look to the future. And I uttered a warning that if they were to fritter away their resources at the present time, if they were to be too much dominated by the cries of their shareholders for dividends and yet greater dividends, if they were to give in to that cry at the annual meetings and if the chairmen had not the courage to stand up and say, "This is the time for conservation of our resources, as when the world war is over industry will be in a peculiarly difficult situation"—I said that if they did not have that courage, they would find themselves in a very difficult position, and they would find it even more difficult to get the sympathy of this or any other Government at the time when they felt that they were in difficulties. What will be the condition after the war?

I was referring to the raw product problem. While export of raw products is difficult now owing to the closure of various markets and the necessity for economic warfare, I hope and trust that when peace is declared the starving millions of Europe will find it necessary to get most of our raw products and the raw products of various other agricultural countries into their starving countries. Therefore, I believe that the agriculturist who is suffering now will to a certain extent be alleviated when peace is restored. Exactly the converse is going to be the case with reference to manufactured products. Let our industrialists and manufacturers remember that this is the good time for them and that once peace is declared there will be such a fierce competition from all manufacturing countries, from countries which are exactly on the same war production basis as ours, which will therefore have to turn round and divert their energies to various manufactured commodities, that at that time our manufacturers and industrialists must have something to fall back upon, namely, the resources that they have built now when they are in a position to make profit, when competition is almost entirely shut out when at least the internal market is completely at their disposal. I raised that voice of caution last time and I repeat it again with even greater emphasis now because, as far as I am advised and to the extent that I can personally foresee, the position after the war will be such that all the resources that they have accumulated will be necessary for them. And at that time if any industry, protected or otherwise, has frittered away its resources and is unable to show that it has wisely dispensed with all the profits that it has made, no Government will be justified in looking after that industry and giving it a protection which it does not really deserve.

My Honourable friend referred to the Scientific and Industrial Research Committee, and I am glad he told the House, as a member of that Committee and with the intimate knowledge that he has had of the working of the committee, that during the ten months that it has been in existence it has produced results which are most encouraging. Personally I have taken a very keen interest both in the establishment of the Board of Scientific and Industrial Research and in its functions, and I agree with my Honourable friend that the results so far achieved have been most encouraging. It is my personal hope that that Board will be placed on a permanent basis, that its activities will continue not only during the war but afterwards and that realising its importance there

will be no difficulty in getting the necessary funds for that Board. But may I also add, that in every important country in the world industry has played a very great part in the conduct of such industrial research and may I not suggest to the industrial magnates that the time has come when they should consider what contribution they can make to constitute a fund for the purpose of the Board of Scientific and Industrial Research instead of merely and entirely depending upon any contributions which my Honourable friend, the Finance Member, has been good enough and generous enough to place at my disposal for the purpose. I do admit personally that Government have got a duty in this matter but I claim and emphasize that industry has even a greater duty in this direction and that those industrialists with large resources who have the good of the country at heart, who wish to industrialise this country more and more and bring into existence more industrial institutions should now come forward and show their practical patriotism by contributing towards this Board of Scientific and Industrial Research. I am prepared to recommend to the Government that the fund so constituted should be earmarked for the purpose of this industrial research and to that fund should flow whatever contribution Government may make and, let me hope, whatever greater contributions which industrialists and commercial men, will make. I make that appeal to industrialists in their own interests and with that larger patriotism which must characterise their activities, the fund should be brought into existence by their contributions as well.

An Honourable Member: Industrialists have contributed one of their best men, Sir Homi Modi, to this fund.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: His opinions may be golden but he is very much himself brass.

Now, let me refer to the question which has been raised by more than one Member—what about foreign companies?

Mr. Muhammad Nauman: Foreign industrialisation.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes. There is a provision in the Government of India Act, section 116, which deals with that question and I hope Honourable Members will turn over that section and then suggest what could be done. But apart from that, the development of industries is largely, as I said, a question for the Provincial Governments. I cannot commit myself to any statement on that subject. There are two views which may legitimately be taken. A Provincial Government may take the view that instead of allowing the resources of the country lying barren without any exploitation whatsoever, in the hope that at some dim and distant future an industrialist like Tata may come to exploit those resources, it will be in the best interests of the country to have even now capital attracted from abroad for that exploitation. It is for the Provincial Governments to decide, because the development of industries, as I said, is a responsibility of Provincial Governments. If, on the other hand, you realise that there are enough industrialists in the country who can take advantage of it, well, it is open to that Provincial Government to devise ways and means within the ambit of the Government of India Act to see to it that those industries are developed by those who can legitimately claim to develop them and let me make it perfectly clear that by the word 'foreign' I

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mean foreign in the sense that it is foreign to the British Commonwealth of Nations and I attach no other meaning to the word 'foreign'.

Mr. Muhammad Nauman: What about the Bata Shoe factory?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: In view of the definition I have given, the Honourable Member can form his own opinion of that factory.

I have one last point to touch upon. I have dealt so far with industrialisation and industrial needs. Let me turn for a moment to the commerce of this country. I attach as much importance to commercial development as to industrial development and it is because we attach so much importance to commercial development that this Government has deliberately followed the policy—a policy which is being given effect to more and more—of having Trade Commissioners in various parts of the world. My Honourable friend, Mr. Gwilt, very rightly referred to this policy of appointing Trade Commissioners. We have, at the present time, Trade Commissioners in London, Japan, in Australia, East Africa, Egypt and in the United States of America. Only the other day the Standing Finance Committee has approved of the proposal which was put forward by the Commerce Department that there should be a Trade Commissioner in Canada and one in Buenos Aires to look after the trade in the South American States. These Trade Commissioners have been appointed or are going to be appointed, so that they may be the necessary link between the commercial community in this country and the trade and commerce of the countries where they are located. I should like to emphasize that the greatest good can come out of these Trade Commissioners only to the extent that commercial bodies in this country take advantage of the presence of trade commissioners, have dealings with them, make enquiries of them and try to get the utmost benefit from their knowledge and experience. Within the past few months two of our Trade Commissioners were here and I have taken the opportunity of advising those trade commissioners to get contacts with various commercial bodies and they have toured throughout India, got into touch with the various chambers of commerce, explained the position of the commerce of that country and have had in return valuable information conveyed to them by those commercial bodies.

Let me at this stage refer to a report which has been published recently of a deputation which I had the honour to send to America a few months ago. I refer to the deputation of Dr. Gregory and Sir David Meek. I am afraid my Honourable friend, Sir Ziauddin, has not done justice either to them or to the report which they have produced when he so airily remarked that sitting in the Library of this House or probably in the more compact room of Windsor Place he can produce as good a report with as many details as is contained in the report of Dr. Gregory and Sir David Meek. Now, Sir, that is not a fact. This report contains invaluable material and I could understand Sir Ziauddin making this observation, because like myself he knows little of trade or commerce. The commercial communities have appreciated that report. The Export Advisory Council on which various commercial organisations are represented has considered the report so valuable that not only did it not like to immediately pass Resolutions on the subject but it postponed the

consideration of the report to the next meeting, so that members may have more time to study that report and more time to get the invaluable advice of their various organisations on that report. But the matter does not stand there. On the basis of the report and on the basis of the recommendations, steps have been taken by the Government to enable larger exports of various commodities from this country. Take one example, mica. We were told in the report that large stocks of mica were being built up in the United States of America and that there is a large market for mica and that if here and now we advantage of the position, we shall be able to export large quantities of mica to the United States and thereby prevent Brazil from working its mica mines and capturing that trade and we have done that. We have now an agreement with the United States of America whereby very large quantities of mica are being exported on the strength of the recommendation of Dr. Gregory and Sir David Meek and on that one commodity alone, let me assure my friends, the expenses charged to the mission have been met a thousand-fold. There are other recommendations which my Honourable friend will see in that report—recommendations relating to lac which we have passed on to the Indian Lac Research Committee, and that Committee has gratefully acknowledged the very valuable hints conveyed in the report of Dr. Gregory and Sir David Meek. One of my friends pointed out the fact that there is a negative recommendation,—perhaps far more valuable sometimes than a positive recommendation. You know that there is no market for a particular class of goods, you wish to find out whether you have alternative markets elsewhere than in the United States of America and that in itself is an invaluable help to the trader and business man.

Sir, my Honourable friend, Mr. Gwilt, made a very interesting and very important suggestion relating to these Trade Commissioners. If I understood his suggestion aright, it was that these Trade Commissioners should form a *corps de elite* by themselves, that they should be as far as possible a self-contained body, and that their experience should not be frittered away by calling them back and putting them on normal routine duties from time to time. It is an interesting proposition and I shall certainly have that further examined. I am aware that with reference to commercial attachés and commercial secretaries of various British legations and ambassadorial staffs, the position is that many of these gentlemen taken from the Board of Trade are permanently engaged on this duty. They are officers attached to the consular services. They are called from the Board of Trade but are attached to the Foreign Office services. His Majesty's Senior Trade Commissioners in various places are not shifted every three years, from country to country but are fairly permanently located, so that they know the whole business of the country; they get to know and are in direct contact with the leading commercial magnates of the country, and very often they know the politics of the country and those who belong to the political life of the country. That is an advantage and I am prepared to have this question examined that Mr. Gwilt has raised—whether it is possible to turn that service into a self-contained service and so utilize it that the experience that individual members of that service have gained will not be frittered away but will be constantly in use wherever they go and howsoever they may be disposed. I may at once say that it is not an easy proposition with which I am faced and I am conscious of many difficulties in the way, but perhaps to a limited extent at least it

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may be possible to bring about what I myself and Mr. Gwilt equally consider—and I hope the House shares his opinion—to be a very desirable result indeed.

Now, Sir, we are talking of industrialization, we are talking of raw products, we are talking of the export markets, and there is one continuous cry which is often raised by many people, a cry which I hope will not be heard here often, and that cry is "something must be done", and "something must be done by the Government". I have heard this more than once from many friends, from many responsible persons, viz., that "Government must do something to see that this is not the case". Now, it seems to me that that is a cry of despair. In the Commerce Department we are not omniscient. I do not claim for myself or for even my advisers who have all the knowledge that I am lacking in, that omniscience; but with reference to commerce and industry, especially in these difficult times, problems altogether of a novel nature, problems which were never dreamt of before, constantly arise for solution, and that is why from time to time we have been forced to the necessity of having *ad hoc* meetings, conferences, committees, where various commercial men and industrialists are represented. Only when we have their experience pooled and placed at our disposal are decisions reached,—that is, after we have had their experience at our disposal. I believe the Commerce Department has had a nickname that it is a "Committee Department"; that constantly, committees are being convened and conferences are being convened. But my justification is the fact that enormous problems, problems of a very difficult character, and problems which were not contemplated and which could not be contemplated in normal times are constantly arising, and we have to get behind the screens, if I may say so, to know the whole technique of an industry before we can deal with these problems. May I take this opportunity of paying my meed of tribute to the devoted and whole-hearted services which the Members of the Commerce Department, the advisers of the Commerce Department and their attached offices have been rendering to us during these difficult times. Sir, I ought to be in the best position to know how much strain has been put upon them, how much we have asked of them and how much we have got from them; there has sometimes been an attenuated staff, sometimes a staff in which members have been in a convalescent stage, due partly to the over-work which is entailed on them in these difficult times. Sir, that work has been great, and few people outside the Secretariat realize what their work is. I do not know how many of them can claim to have enjoyed holidays, even those declared holidays, and how many of them have enjoyed even a Sunday as a day of rest. If any Honourable Members were to go to the Grand Place, they would see on any holiday rows and rows of cars—I am not saying that merely for the officers of the Commerce Department, I know I can say it for the officers of almost every Department of the Government of India. Sir, we take the credit and make long speeches in this House, but they are the cream who do the work, toiling day and night, putting up drafts, trying to find out solutions, rocking their brains for such solutions and I take this public occasion to pay my tribute to the devoted services which every one in my Department in particular has rendered in these difficult times.

I said that difficult times were ahead for the exporting industries in particular. The last war provided a chance for developing our industries, and after that war was over, several industries came to stay. They captured the internal market, the domestic market. This war, as I see the trend, will give an opportunity for capturing some of the export markets. It is already doing that in several directions. It is bound to continue to do that after the war is over, but it will not be able to keep these expanding export markets, and to retain the present position, unless the industries try to integrate themselves, unless there is some sort of unity brought about with each class of industry, unless there is a certain amount of co-ordinated effort both for the industry in the domestic market and for the industry in the export markets. At the last Industries Conference the suggestion was made that some kind of standardization of products may be brought about—a suggestion that I am pursuing and I hope I shall have the help of the various industrial concerns. That standardization is eminently desired for if we have to keep our export markets, and in that connection again my friend, Sir Ziauddin Ahmad, will find that the Meek-Gregory Report has given very valuable hints and made very valuable recommendations. I trust that the industries concerned will try to see whether their export markets can be retained by organizing themselves so that they may be able to speak as one unit for each of the industries concerned. We are doing our best to see that on this organised basis they will be able to meet this competition. If there is a tendency for such an organisation and if I see that industries really want to get together and evolve a common policy and work out the details in that way, Government will be prepared by any legislative effort on their part to see that that process is hastened. The exporter has a great deal to do, whether he is an exporter of raw products or of manufactured goods, before he is in a position to capture and keep this export market. He could do by effective joint action what otherwise would be very difficult and he could make himself efficiently competitive in the world markets. By pooling the resources he would be able to acquire control of marketing facilities which is the weakest point in the chain from the producer's end to the final point of distribution. If in these directions, industrialists and those who are engaged in the export of raw products could organise themselves, I am perfectly certain that when the time of peace comes they will not be in that dilapidated condition which many of them found themselves in after the last war.

~~For my friend, Sir,~~ I have taken longer than I had intended to but my excuse must be the fact that there were several problems which were raised in the course of the debate and to which I felt I had to give an answer.

Sir F. E. James: Sir, It is not an easy task to follow such a comprehensive and important speech as has just been delivered and I think the House and indeed the country may well be pleased with the circumstance which places at the head of the Commerce Department today a distinguished South Indian. It is only in South India, I think, that the balance between industry and agriculture has been more evenly maintained than in certain other provinces which I could mention. I was particularly glad to hear my Honourable friend refer to the question of the appointment of overseas representatives and I would ask him, when he is considering that matter, not to overlook the representation of India in Ceylon, Burma and Malaya, where there are already able representatives of India

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whose duties are limited to the problems of dealing with the immigrant populations. I suggest for his consideration that their functions might be widened to include all matters relating to trade and commerce between this country and the countries in which they are situated.

Sir, I should like to say a word or two about the speech of my Honourable friend, Sir Cowasji Jehangir. He has a most engaging personality which succeeds in attracting the attention of the House whatever may be his particular line of argument. On this occasion when the world has been or is engaged in a death struggle for the defence of democracy, my Honourable friend, turning the other way, fights as hard as he can for plutocracy, and there is some contradiction between what is going on throughout the world and what he is today endeavouring to protect. I gathered from his speech that his policy would be to rob Peter so that he can pay Paul or to rob the future so that he can pay Sir Cowasji Jehangir.

Sir Cowasji Jehangir: May I tell the Honourable Member that I was at great pains to show that I was not for the postponement of the evil day but for spreading the burden. If my Honourable friend is not capable of seeing that, I am sorry for him.

Sir F. E. James: I followed him perfectly. He is trying to spread the burden as far away from him as possible. That I understood perfectly and I was going to ask him what his son will say in the future when he realises that daddy has passed on to him the burden. I gathered that he was criticising the Finance Member for being too cautious at the expense of others. Well, I prefer that policy to the policy of being generous in order to benefit the present generation. Our own representatives in this Group have made various suggestions during the course of the Budget discussions and I think, as was suggested by my Honourable friend, the Deputy President, there was undoubtedly a note of satisfaction, or shall I say congratulation, in most of our utterances. In fact, someone suggested to me the other day that my Honourable friend, Mr. Chapman-Mortimer, might have been a parliamentary Secretary to the Honourable the Finance Member defending his case. But there was justification for that, because we believed he had a good case.

But there is also in our community a note which perhaps has not been given full expression to during these discussions, a note which on some matters is perhaps a little sharper and more insistent. I referred at an earlier stage in the discussions of this Session to the demand for a lead and more definite lead than has yet been given by the Government of India in the matter of private and public expenditure. We realise that it is extremely difficult for a secular Government to give a satisfactory lead in the matter of private expenditure; but my question related not only to private expenditure but also to public expenditure, and I have missed up-to-date any very definite lead in that matter from the Honourable the Finance Member not only in regard to expenditure as far as the Central Government is concerned and on matters not directly connected with the war but also with regard to expenditure by the Provincial Governments and by those authorities whose expenditure does not fall within legislative control or scrutiny. During the last year, 1940, when we were all passing through very difficult times, most of us on these Benches did

not have an easy task in reassuring our own constituents as to the policy of the Central Government. In fact, at one time, His Excellency the Viceroy considered it necessary to take rather unusual and special steps in an endeavour to infuse a greater measure of confidence in the Central Government. People had a feeling that they wanted a greater assurance, a greater lead in the matter of India's defence policy, in the matter of expenditure and in the matter of all those activities which were directly associated with the war. It was natural. But I am glad to be able to tell the Honourable the Finance Member that certainly as far as my part of the world is concerned, there is far greater confidence today in the Central Government, in its activities and its leadership than there has been for some months. That sense of uncertainty was partly due, I think, to the fact that the present Government, as it is constituted, is not in a position to keep as closely in contact with the public opinion as might otherwise be the case.

The problems of dealing with a country like India during war time are sufficiently exhausting and difficult. They are being dealt with by a Government which was organized for times of peace. I am not complaining of that in the least. But I am suggesting that because of that very fact there is a much greater need for the people of this country to be taken into closer association with the policies of Government than has been possible in the past. The speech of my Honourable friend, the Commerce Member, today, is a speech which will be read with the greatest possible interest throughout the country. If it were possible, I would like to see Honourable Members get about the country more so that they might have an opportunity of making that kind of speech in different centres of India. I realise the difficulty of that. My Honourable friend has pointed out that his own Department is over-worked and we know there are other Departments in a similar case. At the same time it should not be necessary for the feeling which spread throughout the country in the months after May last to develop to the extent to which it did. Special steps ought to be taken on these occasions to infuse confidence into the public mind. There are many in my own community who would prefer heavier taxation today and less reliance upon loans.

Sir H. P. Mody: You are always misguided.

Sir F. E. James: I am not speaking for my Honourable friend's community. I am speaking for my own community.

Sir Cowasji Jehangir: War profiteering.

Sir F. E. James: I speak for my own constituency. I would tell my Honourable friend, the Finance Member, that there are many who feel that now is the time to impose the heaviest possible taxation and that the burden of this war should not be passed on to the generations of the future. There is, of course, no hard fixed and rigid principle upon which it can be based, the fixation of the ratio between direct and indirect taxation at any one time; but if the dependence upon loans reaches more than a certain proportion of the revenues which are required for the prosecution of the war, then in my view the finances of India being what they are today, a distinct injustice will be done to the future. That is why I should like personally to see a far greater reliance upon taxation during these war periods. Indeed, I am constantly asked in my own community

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when I address meetings, why is it that we have a new budget or a new Finance Bill every few months; why could not, for example, this taxation, whose necessity must have been foreseen, have been imposed in November last? I appreciate, as well as anybody, the difficulty of the political background in this country when dealing with matters of taxation. I have observed indeed that in other parts of the Empire, where there are difficulties of a political character not altogether unlike some of the difficulties which are in existence here, that the Government of the day has been careful about imposing too heavy burdens of taxation. It is impossible in my view to appreciate the financial policy which is behind the Finance Bills of the present Finance Member unless some attention is paid to the political background against which he has to raise his money for war expenditure. Therefore the House perhaps will forgive me if I leave the financial field and turn to the political field for a few moments.

My Honourable friend, Sir Cowasji Jehangir, who has recently returned from Bombay was one of those who participated in the Bombay conference. Whatever one may think of the results of that conference, I think those persons who were good enough to go there and to discuss matters performed a distinct public service and it would, I think, be unfair and unjust for anybody in this House to minimise their efforts. That conference has produced another scheme for the Central Government. That now makes the third proposal which is before the public mind as to the reorganisation of the Centre. The House will remember that the first authentic proposal for the reconstruction of the Centre on a wide basis was made at one of the Congress meetings and largely at the instance of the late Premier of my own province. I held the view then and I still hold it that the proposals which were then made involved great constitutional issues which were so difficult of solution during war time as to make them impracticable. Now, we have the Bombay proposal which, as far as I understand it proposes to substitute for the existing Members of the Viceroy's Executive Council a number of prominent Indian gentlemen drawn from the various groups outside the Congress and the Muslim League who would be in a position to work together as a Cabinet and thus present to the country what I may describe as an Indian facade.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): It will be a facade all right.

Sir F. E. James: I am glad my Honourable friend, Nawabzada Muhammad Liaquat Ali Khan, has referred to this as being a facade. I chose that word advisedly. When I read the Resolution, I was reminded of a comparison which was once drawn by a British Prime Minister between the French and the British methods of conducting revolutions. He said that when the British have a Revolution, and decide to have an entirely new house, they do not pull it down and rebuild it. They leave the front exactly as it is, or as it has been for years and apparently nothing goes on in the way of change until one day when you go inside you find that all the time the back premises have been reconstructed. In other words, it is a new house with the same facade. Whereas the French pull the house completely down and rebuild it. It is a different front and they call it by a new name but the back premises are just the same. That seems to me in essence the proposal of the

Bombay conference; for in my view there would be no advantage in merely replacing A, B, C and D by E, F, G and H, unless there is behind that change something more substantial than merely a change of front. What I should like to know is this. How do the Congress and the Muslim League regard the Bombay proposals? My Honourable friend, Mr. Jinnah, is here and can speak for himself. Mr. Gandhi is also at liberty and can speak for the Congress, although of course it is difficult to catch Mr. Gandhi on a specific point. Honourable Members will probably recollect that on one occasion Mr. Lloyd-George said that arguing with Mr. De Valera was like being on a round-about trying to catch the man who is sitting on the horse in front of you. The same applies to any attempt to get a specific reply to a direct question like this from Mr. Gandhi. But my point is this that unless this proposal for a new front in the Central Government carries with it the support of the major political parties in this country, then it is only changing one facade for another, and I very much doubt whether any advantage is to be gained from that either politically or in the prosecution of the war.

A third offer which has been before the country for some time is the offer or the plan, if you like, which was suggested by His Majesty's Government which involved the expansion of the existing Council and the appointment of an Advisory Defence Council which would contain representatives of the Indian Provinces and the Indian States. Now, Sir, if you rule out Mr. Rajagopalachari's plan because it involved such major constitutional changes as would raise important political issues which cannot be easily solved, and if you rule out the Bombay plan because it in fact involves no substantial change in political support, then we are left with the proposals which were made on 8th August. Sir, I do not think any Viceroy has faced at any time a more baffling problem than the present one and it is open to question as to whether that problem can be solved merely by leaving it to time to solve. There are two essential things which should be put in the forefront of any consideration whether in politics or in the economic or financial sphere. The first is the efficient prosecution of the war. This means making stronger and more efficient India's defences and making India a stronger link in the commonwealth chain of defence and attack. That is the first thing. I know there are many people in this country who are not prepared to subscribe to the view that this is India's war, but I yet have met no one of any standing or intelligence who is prepared to agree to the view that India, if she has any help to give at all, can afford to let Britain lose. And, therefore, it is from that point of view that I consider the situation should be viewed.

Sir, we have been in these days sitting comfortably in this House and yet during these very days the margin of immunity from attack which has hitherto surrounded India's shores has diminished and I believe will diminish still further. Therefore is it not the bounden duty of all who believe that it is in the interests of India and indeed of all democratic countries and of all countries who are looking to their own freedom to concentrate upon the first task, and that is, the task of assisting those who are defending the citadels of freedom in my own country and throughout the world? Then, I suggest that the second task is in a sense a negative one, and that is to do nothing which would serve to increase the divisions which already exist in this country. We have all, I think, been greatly inspired by reading or hearing the magnificent speech of President Roosevelt, a President who is in the direct line of succession

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from some of the great Presidents in the past. President Lincoln perhaps was one of the greatest and he knew from bitter experience that a house divided against itself cannot stand. That is as true of India today and in the future as it was true of the United States in the middle of the last century; and the strength of America today is the strength of her unity, and that fact should not be lost sight of by any party in this country. Today what is happening in India in the political sphere? The policies of the major political parties are aiming or have already aimed a vital blow at the settled policy of successive British Governments for the last 25 years in regard to India. What is that settled policy? First of all, the achievement of the organic and constitutional unity of India as a whole; and secondly, the establishment in this country of representative institutions on a democratic basis. Anybody who watches the political scene in India today will see that both these great pillars of policy are being attacked from different sides.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): They are both dead.

Sir F. E. James: My Honourable friend says they are dead, but he cannot possibly stop the march of history. However we may feel with our Muslim friends that readjustments are necessary in any new constitution that may be devised, I do not believe that we can suddenly arrest the development in this country in the constitutional sphere of the events of the last 150 years. I am prepared to admit that there is much in the present constitution that needs adjustment. India today is not the India of the days of the Round Table Conferences. But I do feel strongly,—and I speak here on behalf of no party, but on my own behalf and as one who has been in public life in this country for nearly 20 years,—that it would be a tragedy in these days of power politics if the central unity of this country were shattered. If I may repeat it a house divided against itself cannot stand today and certainly will not stand in the future when reconstruction comes.

Sir, reference has been made in the course of this discussion to the distrust of India by the British people. I do not believe that such distrust does really exist. On the contrary, I believe that there is far greater misunderstanding in this country of my people's attitude than there is in my country of the people of this country. It has been said more than once and said in truth that this war is, as far as the United Kingdom is concerned—nay, in so far as the Commonwealth is concerned—a people's war; and who can doubt it when they read the letters of the ordinary people who today are suffering the most extraordinary and grievous burdens? Let me read, if the House will permit me, two extracts from letters which I myself have received—many of my countrymen have received similar letter from what I may call ordinary people. This is from a friend of mine in the middle forties:

"We had to leave London in the middle of the night about two months ago. We had three unexploded bombs at the back of our house. Mother, aged 87, was marvellous, and she had to go to a shelter about ten minutes' walk away, in the pouring rain, with guns going and bombs dropping round us. But she never flinched and as she went she said: 'I will teach that Hitler. . . .'. I expect you wish you were in England these days (and every one of my countrymen in this country wishes he could be there to share what what I am describing). There are some

sad sights but do not get depressed for one moment. We are doing fine; we are getting on well. There are lots of things we have to do without, but so far there is plenty to eat. Never let any one ever say one word against the younger generation in England. They are marvellous. Keep smiling. We shall soon be together, when Hitler has gone the way of all pests."

Here is another letter from a young woman who was in her house which was bombed, the splinters of which killed her mother

Sir Syed Raza Ali: What is the date of the letter?

Sir F. E. James: It is the 25th November.

"We were all hit in the house. Mother was hit on the temple and died immediately. I was hit in the leg; fortunately my father and my aunt got nothing. Mother did no suffer much: she died soon after we got her to hospital. The house was a shambles. We are now living in one room, because father refuses to move as long as there is one room left to live in. Every pane of glass is blown out, plaster from ceilings, soots from the chimneys inches deep on the carpets, windows' curtains, electric fittings, furniture blown all over the place. But do not worry about us. Things sometimes are bad but we are cheerful and there is not one of us who will not go through things ten times worse in order to beat Germany."

That is the spirit of the ordinary people. Nobody

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has more to say, perhaps he will resume his speech tomorrow.

STATEMENT OF BUSINESS.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Sir, I regret that for the second time during the course of a week I have to request you for a readjustment of the sittings of the House. The date of the holiday in Delhi for the *Chehlum* has been altered from Thursday in this week to Wednesday, and I understand that on this occasion there is no dispute regarding the propriety of the change. I would, therefore, request you to cancel the meeting fixed for Wednesday the 19th and to direct a meeting to be held on Thursday the 20th, instead of on Wednesday. Should you give this direction, the List of Business for Monday, Tuesday and Wednesday will stand as the list for Monday, Tuesday and Thursday. I have also to inform the House, Sir, that the House having debated the consideration motion of the Finance Bill already for four days, Government propose to request you to put the closure tomorrow at 4 o'clock

Honourable Members: Why?

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Is there any moral obligation to finish it at 4 o'clock?

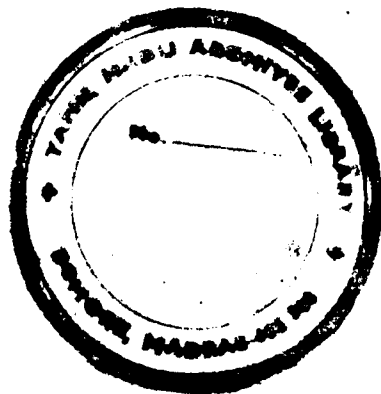
The Honourable Sir Muhammad Zafrullah Khan: Because Government feel that there has been—and certainly by tomorrow afternoon there will have been—ample discussion of this motion. I have ascertained that on three occasions when the Congress Party were in attendance the consideration motion did not last beyond four days. If the closure is accepted by

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you, Sir, tomorrow, it will have lasted for five days. Surely, what in previous years has been discussed in four days can be amply discussed in five days during this Session; and if the closure cannot be accepted at 4 o'clock tomorrow afternoon, I would then request that the House may sit tomorrow late to finish this motion.

Mr. President (The Honourable Sir Abdur Rahim): As regards the request of the Leader of the House that there should be a sitting of the Assembly on Thursday instead of Wednesday, I order accordingly. As regards the suggestion that I should accept closure tomorrow at 4 o'clock, it is entirely in the discretion of the Chair when to accept closure or not, and I cannot make any sort of pronouncement now on it.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th March, 1941.



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