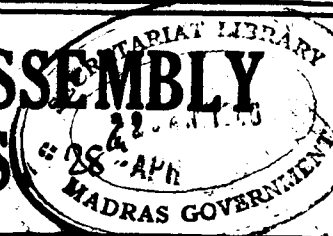


LEGISLATIVE ASSEMBLY DEBATES



THURSDAY, 11th MARCH, 1943

Vol. II—No. 1

OFFICIAL REPORT



11th March to 2nd April, 1943

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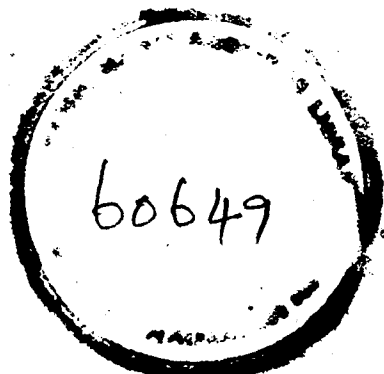
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LEGISLATIVE ASSEMBLY

Thursday, 11th March, 1943.

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:

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

Mr. Krishnanath Ganesh Ambegaonkar, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS

IMPROVEMENTS IN THE COMBINED "C" TYPE QUARTERS IN NEW DELHI.

279. *Sardar Sant Sirgh: (a) With reference to the answer to part (f) of starred question No. 437, asked on the 18th March, 1940, will the Honourable the Labour Member please state what improvements in the combined "C" type orthodox quarters in New Delhi were asked for in the representations received by Government, either through Tenants' Associations or from individual residents of such quarters?

(b) What would have been the cost of all the additions and alterations asked for per quarter?

(c) Have any additions or alterations been made in any clerks' or officers' quarters in New Delhi since the 18th March 1940? If so, which are the different classes of quarters in which such additions, etc., have been made?

(d) What was the amount of expenditure incurred on each different class of quarter so added to or altered?

The Honourable Dr. B. R. Ambedkar: (a) A statement containing the information is laid on the table of the House.

(b) and (d). The information is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

(c) Yes. Additions and alterations were made in 'A', 'B', 'C', 'D' and 'E' type quarters.

Statement.

(i) The kitchen, the bath and store rooms at the existing sites be dismantled and new ones constructed in lieu thereof in the open space in the courtyard between the latrines and bath room, and a long verandah be provided in front of all the three rooms.

(ii) A window may be provided in each of the rooms towards the inner verandah to make the rooms well ventilated.

(iii) A window may be provided adjoining the outer entrance of the first room.

(iv) A door may be constructed in the room on the other extreme opening on the outer verandah.

(v) One more water tap may be provided.

(vi) A servant room.

(vii) An additional bath room with a window therein.

(viii) Standard type ventilators in all the rooms and closing of the existing holes in the ceiling.

(ix) Wooden mantles in all the rooms without fire places.

(x) Wall almirahs in all the rooms.

(xi) Increasing the inner verandah accommodation, etc.

IMPROVEMENTS IN THE COMBINED "C" TYPE QUARTERS IN NEW DELHI.

280. *Sardar Sant Singh: Will the Honourable the Labour Member please state the cost of making the following alterations in each combined "C" type orthodox quarter in New Delhi:

(i) fitting in of a window in the front room;

(969)

1762
26/3/43

- (ii) provision of regular ventilators, like those provided in other types of quarters, in all the three rooms;
- (iii) providing a pucca floor in the courtyard; and
- (iv) providing another window in the kitchen?

The Honourable Dr. B. R. Ambedkar: Rs. 415 per quarter.

IMPROVEMENTS IN THE COMBINED "C" TYPE QUARTERS IN NEW DELHI.

281. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state whether it is a fact that all "D" type orthodox quarters in the D.I.Z. Area, New Delhi, were provided with pucca floors in the courtyard in 1940 or 1941?

(b) what is the number of such quarters and other quarters in which this modification was made?

(c) What is the total number of combined "C" type quarters which are located in the midst of these "D" type quarters?

(d) What would have been the cost of providing pucca floors in all of these combined "C" type quarters?

(e) What was the amount spent on all "D" type quarters in which this modification was made?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) 1079.

(c) 60.

(d) Rs. 13,500 at present day prices.

(e) Rs. 29,415.

INSPECTION OF COMBINED "C" TYPE QUARTERS IN NEW DELHI.

282. *Sardar Sant Singh: Will the Honourable the Labour Member please refer to the answer to two supplementary questions to starred question No. 438 answered on the 18th March, 1940, in which the then Labour Member promised to inspect the combined "C" type quarters in New Delhi, and state whether he actually inspected these quarters? If so, does he propose to lay on the table a copy of his report on the matter?

The Honourable Dr. B. R. Ambedkar: No. The latter part of the question does not arise.

IMPROVEMENTS IN "D" TYPE ORTHODOX QUARTERS IN NEW DELHI.

283. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state whether it is a fact that in 1940 when the galleries inside the "D" type orthodox quarters in the D.I.Z. Area, New Delhi, were covered, a suggestion was made that ventilators provided in the walls of the two rooms on either side of the gallery should be of glass case so that they might be closed?

(b) Is it a fact that only wire gauze ventilators with big holes were provided, instead of the old type glass-case ones, on the ground that the Health Officer, New Delhi, objected to the provision of the latter type of ventilators as being unhealthy?

(c) Is it a fact that it was proposed to cover up the open space between the bath room and lavatory in these quarters in order to provide shelter for storing fuel, etc.?

(d) Is it a fact that this covering up was also objected to by the Health Department, New Delhi?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) No.

(c) Yes.

(d) No.

Mr. President (The Honourable Sir Abdur Rahim): The answers to the other questions of Sardar Sant Singh will be laid on the table.

INSPECTION OF COMBINED "C" TYPE QUARTERS IN NEW DELHI.

+284. *Sardar Sant Singh: (a) Will the Education Secretary please state whether the Health Officer, New Delhi, was ever invited to inspect the residential accommodation in New Delhi, and to see that all accommodation for living purposes was provided with proper ventilation, etc.?

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

(b) If the answer to (a) be in the affirmative, did this officer ever inspect the combined "C" type quarters in the D.I.Z. Area, New Delhi?

(c) If the answer to (b) be in the affirmative, did the said officer submit any report either to the New Delhi Municipal Committee or to the Government of India about the suitability or unsuitability of the rooms in those quarters for use as bed rooms, etc.? If so, does he propose to lay a copy of that report on the table of the House? If he did not submit any report, why not?

(d) If the Health Officer was never invited to inspect these quarters, what were the reasons for not doing so? Is he prepared to issue instructions that these quarters are thoroughly inspected at an early date? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) No.

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

(d) The design of these quarters was approved by the Municipal Committee before they were constructed and Government have not considered it necessary to have these quarters inspected by the Health Officer. I am however arranging to have these quarters inspected by the Health Officer.

TRANSFER OF LIEN TO ALLOTTEES OF COMBINED "C" TYPE QUARTERS IN NEW DELHI.

+285. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state whether it is a fact that up to last year the allottees of the combined "C" type quarters in New Delhi on Maud, Ibbetson and Reading Roads, were allowed, on application, to exchange their quarters with lien with the regular "C" type quarters in Havelock Square, Baird Road, Market Road, Irwin Road, etc., as and when such quarters were available?

(b) What was the longest period which it took to allot a regular "C" type quarter to an allottee of combined "C" type quarter in cases where such allottees asked for an exchange from the very time of allotment of such combined quarters to them?

(c) Will the present allottees of such combined quarters be allowed to exchange with lien this year? If not, why not?

(d) What is the total number of quarters (regular "C" type) in the squares and roads mentioned in (a) above which will fall vacant this year due to the present allottees having to vacate them permanently for some reason or other, like retirement or allotment of a higher type of quarter?

(e) Does he propose to see that at least the tenants of these combined "C" type quarters are allowed to exchange with lien if they so want? If not, why?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

(c) and (e). Yes: the revised rules are being altered to allow of this as soon as possible.

(d) The information cannot be given unless all applications for next summer and winter seasons are received in.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 174 asked by Mr. Ananga Mohan Dam on the 11th March, 1942.

OFFICERS IN THE INDIAN ORDNANCE SERVICE.

(a) The total number of officers in the Indian Ordnance Services as it stood on 31st March, 1942, was 161 of whom 26 were Indians.

(b) The total number of Foremen (including Principal Foremen and Assistant Foremen) as it stood on 31st March, 1942, was 487, of whom 194 were Indians.

(c) The position in regard to pay and establishment privileges is as follows:—

Foremen of Asiatic and non-Asiatic domiciles who entered service on or before 27th September, 1931, get the same scale of pay. A lower scale of pay is admissible to foremen of Asiatic domicile who entered service after 27th September, 1931. Foremen of Asiatic domicile are not entitled to the following emoluments and privileges admissible to foremen of non-Asiatic domicile:

(i) Overseas pay of Rs. 75 per mensem;

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

(ii) An educational allowance of Rs. 20 per mensem for each child between the ages of five and fourteen attending school;

(iii) Free medical treatment for families, except to families of those who live in factory estates; and

(iv) Passage concessions.

Apart from the differentiation in pay, the prospects of a foreman of Asiatic domicile are in no way inferior to those of his colleagues of non-Asiatic domicile.

(d) Except in the case of the Harness and Saddlery Factory and the Clothing Factories, the recruitment of apprentices in ordnance factories has been suspended for the period of the war and a scheme for the rapid training of selected trainees for supervisory posts has been introduced instead. These trainees are given a subsistence allowance of Rs. 40 per month during the period of training which lasts from six to eighteen months.

As regards the Harness and Saddlery Factory and the Clothing Factories, apprentices are recruited on Rs. 40 per mensem. On completion of the apprenticeship, the majority of the men are absorbed in the temporary Supervisory establishment on starting pay varying between Rs. 70 and Rs. 155 per month depending on the experience and progress of the individual concerned. Further prospects depend on merit and seniority and promotion up to the gazetted appointments of Assistant Works Managers is possible.

(e) Government do not propose to set a definite time limit by which all the personnel of the Indian Ordnance Service will be completely Indianised. Every effort is being made however and will continue to be made to recruit suitable Indians, but since there is a shortage of trained men, any restriction of the nature proposed would be unworkable.

Information promised in reply to part (c) of starred question No. 121 asked by Mr. Lalchand Navalrai on the 17th February, 1943.

ABUSE OF POWERS OF SANCTIONING PROSECUTIONS, ETC., BY ASSISTANT INSPECTING COMMISSIONERS OF INCOME-TAX.

(c) Eight prosecutions have been instituted under section 52 of the Indian Income-tax Act, 1922. In two of these cases complaints were also filed under section 177 and in one case under section 193 of the Indian Penal Code. Three cases in which tax estimated at about Rs. 8,700, was sought to be evaded were compromised for a sum of about Rs. 16,700.

Information promised in reply to starred question No. 212 asked by Mr. Muhammad Azhar Ali on the 2nd March, 1943.

PRICES OF FOODSTUFFS IN SIMLA AND DELHI.

Statement showing the wholesale prices per maund of certain commodities ruling in Simla on the 1st week of each of the following months.

Commodity.	October 1942.			November 1942.			December 1942.			January 1943.			February 1943.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Wheat	6	10	0	6	10	0	7	12	0	8	3	0	10	10	0
Wheat flour	7	0	0	7	4	0	7	12	0	8	3	0	10	10	0
Arhar	16	0	0	16	0	0	15	8	0	16	0	0	15	0	0
Mash	15	10	0	15	8	0	15	8	0	16	0	0	15	0	0
Moong	15	10	0	15	8	0	15	8	0	16	0	0	15	0	0
Salt	8	0	0	8	0	0	5	0	0	9	0	0	3	8	0
Ghee	80	0	0	100	0	0	100	0	0	100	0	0	100	0	0
Mustard oil	30	0	0	33	0	0	35	0	0	35	0	0	35	0	0
Soft coke	5	0	0	1	8	0	1	8	0	1	14	0	1	14	0
Charcoal	3	2	0	3	8	0	5	0	0	5	0	0	4	0	0
Fuel wood	1	0	0	1	0	0	1	4	0	1	8	0	1	8	0
Gur	13	8	0	13	8	0	13	0	0	13	0	0	12	0	0
Sugar	15	10	0	16	4	0	16	4	0	18	4	0	18	4	0
Bura	13	12	0	13	12	0	13	12	0	13	12	0	13	12	0
Juar															
Juar flour															
Millets and its flour															

(Information not available).

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, eleven Members to serve on the Standing Finance Committee for Railways for the year commencing 1st April, 1943."

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, eleven Members to serve on the Standing Finance Committee for Railways for the year commencing 1st April, 1943."

The motion was adopted.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): 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, 1943."

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, 1943."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

Sir Gurunath Bewoor (Secretary, Posts and Air Department): 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 1943-44."

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 1943-44."

The motion was adopted.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): On a point of information, Sir, may I know how many times this committee . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is too late.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE POSTS AND AIR DEPARTMENT.

Sir Gurunath Bewoor (Secretary, Posts and Air Department): 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, other than 'Roads', dealt with in the Department of Posts and Air, during the year 1943-44."

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, other than 'Roads', dealt with in the Department of Posts and Air, during the year 1943-44."

Sardar Sant Singh (West Punjab: Sikh): Sir, in this connection the complaint is that this committee did not meet at all during the last year . . .

An Honourable Member: It met once this year.

Sardar Sant Singh: May I know the functions of this Committee as well as the number of meetings held during the last three years and the business carried out in it, so that the House may be able to appreciate the position?

Sir Gurunath Bewoor: Sir, I explained in the last meeting of this House in November that formerly there used to be a Standing Advisory Committee for the Department of Communications, which dealt with all subjects dealt with in that Department except Roads. When the Department of Communications was bifurcated and we had a separate Department of War Transport, and a separate Department of Posts and Air, I made a motion in this House to elect a Standing Advisory Committee for subjects dealt with in the Posts and Air Department, except Roads, which are covered by the Standing Roads Committee. Therefore, this particular committee about which Sardar Sant Singh is mentioning is the one that was elected only in the last Session of this Assembly. Therefore there has not been any time for the committee to meet except now, and we have had a meeting of this committee on the 15th February, when five items were put before the Committee: the committee disposed of three, and as there was not enough time it was decided to have a second meeting later on in the Session to deal with the remaining subjects.

[Sir Gurunath Bewoor.]

and a fresh date has already been fixed for a meeting of that Committee in the third week of March. As regards the meetings of the Standing Advisory Committee for Communications, I have here a list of the meetings since 1939-40. In 1939-40 two meetings were held, in 1940-41 two meetings were held, in 1941-42 only one meeting was held, and in 1942-43, as I mentioned, the Department was bifurcated and have had one meeting of this Committee so far. That is the information, Sir, that I have to give to the House.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): I had the misfortune or good fortune of being on this Committee once and only one meeting was held during the period that I was there, and that was in connection with the amendment of a Port Trust Act. We had to deal with amendments relating to Port Trusts Acts, and particularly the Madras Port Trust Act. That was the only meeting held. If this Standing Advisory Committee is not going to do any other work than having to deal with petty subjects and meeting only once, it is no use having an Advisory Committee on these subjects other than Roads.

Sir Gurunath Bewoor: On a point of explanation Sir, I think the Honourable Member is mistaken. I see here in this list that in the meeting held on the 8th March, 1941, there were five subjects presented for the advice of the Standing Advisory Committee. One of them was the Madras Port Trust Act Amending Bill. The other subjects were, the establishment of a Broadcasting Station at Karachi, the replacing of the present Broadcasting Station at Peshawar by a 5 kilowatt medium wave station, civil aviation development programme, and Air Force reserves training scheme. The Honourable Member therefore cannot complain that he has not been consulted on a sufficient number of subjects. I am afraid his memory is rather short.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): I am not satisfied with . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have got up before the Government Member replied.

Mr. Hooseinbhoj A. Lalljee: This was an explanation only. The explanation is that in 1941 they had other subjects, but he himself has said that by bifurcation we have removed the Communications Department. Therefore, the things that are dealt with are only Posts and Air, and we should like to know what is to be done in regard to Posts and Air, what subjects will come before that Committee.

Mr. President (The Honourable Sir Abdur Rahim): The Government Member has spoken twice as a matter of fact. The first was a proper reply and the second was by way of explanation. He cannot go on indefinitely like that.

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, other than 'Roads', dealt with in the Department of Posts and Air during the year 1943-44."

The motion was adopted.

ELECTION OF MEMBERS TO THE DEFENCE CONSULTATIVE COMMITTEE.

Mr. O. M. Trivedi (Secretary, War Department): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, six non-official Members to serve on the Defence Consultative Committee for the financial year 1943-44."

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 non-official Members to serve on the Defence Consultative Committee for the financial year 1943-44."

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): Sir, I would like to say a few words as regards the method of election, from the point of view of Members of this House as well as from the point of view of the Government which took part in the election of Members, because there are

certain members who represent the Government Party. As regards election of Members, I should like to say this, that the Members of this Committee should be such as can take an active interest. They should be physically fit. It is no use having decrepit old men who have their own use in drawing rooms or the Library men who are decrepit and unfit, become a sort of drag on those other members who take an active interest in the work of the Committee, and the active members of the Committee cannot carry on the work in the way they would like to do it. Therefore, while making selection, the different parties, as well as the Government should select only such people who are physically fit, as well as medically fit, who can give the necessary amount of work and energy that is required of them. Another thing is this. At times Members are told that certain trips are being arranged and sometimes those are tantalising trips. For instance, we were told we would be taken to the Middle East. We were put individually to some extra expense for preparing clothes, etc., but at the last moment it was cancelled. No doubt, we have got the clothes, they were not wasted, but all the same the disappointment is there. I would therefore request the War Secretary that in the matter of selection of Members from his own Party or in the matter of arranging trips he would take necessary precautions so that this Standing Committee may function properly and render fit service. Another thing I want to suggest is this. I have said that there should be a physical test and a medical test. Apart from that, the persons to be elected on this Defence Consultative Committee should be such as are men who move among the masses from which recruitment is made, who mix with students from whom the officer class is chosen.

Mr. President (The Honourable Sir Abdur Rahim): I understand this Committee is elected.

Mr. Govind V. Deshmukh: Yes.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can take his own steps to secure right men.

Mr. Govind V. Deshmukh: I am making a suggestion.

Mr. President (The Honourable Sir Abdur Rahim): It is a matter for election.

Dr. Sir Ratanji Dinshaw Dalal (Nominated Non-Official): I shall be glad to examine candidates for Defence Consultative Committee physically.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I would point out that the constitution of a Committee like the one that exists, presumably mainly with the object of undertaking trips, is sheer waste of money and no such committee should be elected. We are opposed to the idea of electing a committee like this.

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 non-official Members to serve on the Defence Consultative Committee for the financial year 1943-44."

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 Railways, Central Advisory Council for Railways, Standing Committee for Roads, Standing Committee for the Department of Posts and Air and Defence Consultative Committee, the following dates have been fixed for receiving nominations and for holding elections, if necessary:

	Date for nominations.	Date for election.
1. Standing Finance Committee for Railways.	15th March, 1943.	17th March, 1943.
2. Central Advisory Council for Railways.	18th March, 1943.	24th March, 1943.
3. Standing Committee for Roads.	15th March, 1943.	17th March, 1943.
4. Standing Committee for Department of Posts and Air.	16th March, 1943.	18th March, 1943.
5. Defence Consultative Committee.	16th March, 1943.	18th March, 1943.

[Mr. President.]

The nominations will be received as usual in the Notice Office up to 12 O'Clock on each day appointed 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 WAR INJURIES (COMPENSATION INSURANCE) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move for leave to introduce a Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability.

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

"That leave be granted to introduce a Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I introduce the Bill.

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 fix maximum rates of postage under the Indian Post Office Act, 1898, to continue for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942, to fix rates of income-tax and super-tax, to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged, and to amend the Indian Finance (Supplementary and Extending) Act, 1931, 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 fix maximum rates of postage under the Indian Post Office Act, 1898, to continue for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942, to fix rates of income-tax and super-tax, to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged, and to amend the Indian Finance (Supplementary and Extending) Act, 1931, be taken into consideration."

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President: The Honourable the Finance Member's speech this year was one of absorbing interest and most thought-provoking. He covered a very wide field of the Government's financial policy. In most speeches made by Finance Members introducing the Budget, it is the last few passages that have been of the greatest interest—passages which explain to what extent we are to be further burdened but in this speech nearly every portion of it contained information and propounded policies which will have a lasting effect on the finances of this country. I only regret that some of the passages were not included in last year's budget speech or in other speeches made by the Finance Member. It may have avoided a certain amount of criticism. In discussing the few points on which I wish to offer criticism I will try to follow the order followed in the Budget speech but there are some important issues which the Finance Member has discussed in several different parts of the speech.

I will first come to the most important question of the settlement arrived at between the Government of India and the British Government in November 1939. The fundamental principle underlying that settlement was that the cost of Indian war measures, that is such war measures as can be regarded as purely Indian liabilities by reason of their having been undertaken by India in her own interest, should be borne by India. In other words, Indian finances shall be burdened with cost of that part of the war effort which is directly for the defence of India and the cost of all other war efforts in this country which may not be for the direct defence of India should be borne by the Allies. That is the fundamental basis of this settlement and in examining every problem of

war finance this fundamental principle should be kept in view. The Finance Member has informed us that there are many war measures which are of great interest both to the Allies and to India. He has brought these joint war measures pointedly to the attention of this House and of the public. It must be admitted that this is not the first time that these joint war measures have been mentioned but he will also admit that they were never so pointedly brought to the attention of this House or of the public as he did in his speech. He has mentioned several of these war measures and he has made a genuine attempt to explain them. The first question that arises to one's mind is who is it that decides what is a joint war measure. I can see nothing directly stated in his speech on which I can put my finger down and say so and so is responsible for deciding what is a joint war measure. He has explained that the principal parties interested in examining these important questions which involve the expenditure of crores of rupees are the Auditor General of India, the Public Accounts Committee in India, the Controller and Auditor General in the United Kingdom and the Public Accounts Committee of Parliament. From this it appears that the only Indian representative body that has anything to do with these joint war measures is the Public Accounts Committee of this House. There are so many questions of such vast importance that have to be dealt with that it becomes necessary to examine the constitution of this Public Accounts Committee. I have not the slightest desire to be in any way personal. I am talking of wide principles. Let us see how this Committee is constituted and I will be forgiven if I read out the names of the Members of this Committee. The Honourable the Finance Member is its Chairman. Then we get the following names: Maulvi Muhammad Abdul Ghani, Mr. Muhammad Azhar Ali, Mr. H. M. Abdullah, Professor N. G. Ranga (who no longer happens to be here), Mr. Chapman-Mortimer, Pandit Lakshmi Kanta Maitra (who, I regret, is unable to be present in the House today on account of illness), Kunwer Hajee Ismaiel Alikhan, Sir Syed Raza Ali, Dr. Sir R. D. Dalal, Khan Bahadur Sheikh Fazl-i-Haq Piracha and Khan Bahadur Sir Abdul Hamid. This is the Committee which on behalf of India has to examine these joint war measures and to express an opinion on these joint war measures. And remember what it means. It means to decide and express an opinion as to what proportion of these joint measures should be paid for by India. Well, Sir, I will leave it to the Honourable House to reflect and consider whether it is really the function of the Committee constituted as this one is to examine on behalf of us and on behalf of India and to consider such important problems of this character.

Kunwer Hajee Ismaiel Alikhan (Nominated Non-Official): May I know what is wrong with the Committee?

Sir Cowasjee Jehangir: I will ask you to answer that question and if you can answer it to your satisfaction, then all I can say is that the Honourable Member does not realise the responsibilities thrown upon the shoulders of a public body.

Kunwer Hajee Ismaiel Alikhan: We have got a sub-committee of the Public Accounts Committee called the Military Accounts Committee.

Sir Cowasjee Jehangir: The Honourable Member need not interrupt. I know what I am talking about. Well Sir all I can say is that it was never intended that the Public Accounts Committee should have to shoulder such vast responsibilities in war time. This Committee was constituted and thought of in peace times and it did the work which was legitimately placed before it in peace times, but I do desire to bring to the attention of this Honourable House this very important matter. Now, Sir, there are several problems which the Honourable Member has mentioned in his speech. I have asked—who is it that decides what is a joint war measure? I would like to know whether the question of the division of the cost of the army which has been explained in the Honourable the Finance Member's speech—I am not going into further details, anybody can read it and study it—and the question of the division of the cost of the Supply Department—this is also explained in the speech and also what changes

[Sir Cowasjee Jehangir.]

have been made—was placed before this Committee. Did they express any opinion on these matters? I am not aware of it and I would like an explanation from the Honourable Member.

The Honourable Sir Jeremy Raisman: I do not want to interrupt the Honourable Member, but the point is that the actual decisions are made by the Executive Government. The Auditor General scrutinises whether those decisions are in accordance with the agreement between the two Governments. He and the officer in charge make their comments and that material is placed before the Public Accounts Committee to see whether there is anything which they should take up. They do not make a decision.

Sir Cowasjee Jehangir: I quite understand that and I am grateful to the Honourable the Finance Member for making it perfectly clear, but it is the only body that has a right to express an opinion. Decisions are taken by the Executive Government as they do in everything else. But the Honourable the Finance Member has heard several criticisms that decisions are taken behind the back of this Honourable House. The answer to that criticism is that these decisions are placed before our own Committee. That is the answer the Honourable Member has, and I am pointing out to this Honourable House that decisions taken by Government in these vital matters costing crores of money are placed before this Committee and I have already read out the names of the Members of this Committee and I ask . . .

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member ought not to make any reflection. He can point out that their ordinary functions are different.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Only the audit aspect of these questions is placed before the Public Accounts Committee.

Sir Cowasjee Jehangir: That is not so in the speech. The Honourable the Finance Member has already explained the position and quite correctly. I ask whether it was ever intended that this Committee should do this work in war time? That is all I ask.

Now, Sir, there are these grave decisions that Government has taken. I do not disagree with some of them. The Government has taken a decision on the question of the division of the expenditure of the army. Then they have taken a very important decision with regard to the supplies, namely, that such factories which were working in this country at the cost of the British Government should now be shared half and half. That is a very important decision and it has been announced. I ask whether the Public Accounts Committee examined that question and whether they examined the reasons which Government had to give for this decision?

The Honourable Sir Jeremy Raisman: I would point out that that is in the nature of a proposal by the Government. It is what the Government intend to do and it is open for discussion in this House now.

Sir Cowasjee Jehangir: As far as I understand, the decision about the Supply Department has been taken according to his own speech. I will point it out to him. The decision with regard to the army has been taken. Decisions with regard to some other matters are pending, but these two decisions have been taken. If the Honourable Member will see his own speech, he will find this. That is my understanding of it. If I am wrong, I am open to correction. He knows better than I do. That is how I look at it. At any rate, may I proceed.

What I now seriously suggest in the interests of this House, in the interests of Government themselves and in the interests of a very wide public is that an *ad hoc* Committee should be appointed to take the place of this Committee to do this work. I make this suggestion most seriously and with a full sense of responsibility. I do not mean to say that the Members of this *ad hoc* Com-

mittee should be deliberately chosen who will look at every question with a jaundiced eye. I do not mean that. What I mean to say is that this Committee should consist of Members of both the Legislatures and, in addition, men representing finance and business should also be on it, men who are vitally interested in the finances of this country and men who are in a position to express to Government considered opinions on this vastly important question, opinions which Government themselves may consider it worth while having. I would make this suggestion, I repeat, with a full sense of responsibility, throwing no reflection whatsoever on the present Committee but simply on the ground that this Committee was never constituted to do this most important work on behalf of this Assembly and the country. I fully realise the argument that all these Benches are empty and it is not the fault of the Government. I fully realize that it is a great handicap to the public of India. But I am prepared to say that the absence from this Honourable House of so many Members, who are not only absent but who refuse to allow others to take their places, is doing disservice to this country at this critical time and it is in conjunction with the remarks I have already made that I am prepared to make these remarks openly from the floor of this House. Government may well argue that they allowed this work to be done by an important committee of this House and it is not their fault if so many elected representatives of India deliberately chose to neglect their work. But I will still ask Government to consider the suggestion I have made to see if something could not be done at this time to appease apprehension, to avoid criticism and above all to set aside this suspicion that is rampant throughout the country, a suspicion that in most cases has no foundation. But if you create a situation whereby suspicion is encouraged then I do not know what will happen.

Now, Sir, I think the Honourable House must have heard with considerable satisfaction that the main principles of this settlement remain unchanged. When the Honourable the Finance Member went to England we had some inkling of the object of his visit. On his return he will remember that he had to answer several questions in this House. He was then not in a position to give us a definite reply. We have now his definite reply on behalf of the Government of India: and I feel sure that this decision was not arrived at without considerable hard work—conscientious work—and that with regard to this settlement he has shown that he and the Government of India are servants of India and not as in reality and in theory the mere agents of the Secretary of State for India. Now, Sir, there are a great number of problems that are still left unsettled. I will give an example. The division of cost of air forces in India including the capital and recurring costs is still left unsettled. I am not quite sure as to what is the meaning of recurring and capital costs. I presume and I think I have every right to presume that capital costs only refer to capital cost in India excluding the capital cost in England on aircraft and other things. Now, the point again arises when this important decision is being considered as to the division of costs on the expanding Air Forces, who is really going to express an opinion on behalf of this House or on behalf of the public? Is not that a matter that causes reflection? I would again urge upon the Finance Member and the whole of the Government Benches to give this matter very serious consideration.

Now, Sir, the next very important announcement made in the Budget speech was the suggestion that there might be a direct mutual aid agreement between India and the United States. I regret I cannot accept this suggestion with any great enthusiasm. I think it is necessary to sound a note of caution. I will just read a few lines from the speech for ready reference. This is what the Finance Member himself says:

"One view would be that the Lease-Lend goods which India receives have really been lease-lent by the United States of America to His Majesty's Government who might pass them on to India on such conditions as were mutually agreed upon."

[Sir Cowasjee Jehangir.]

He further says:

"His Majesty's Government could not pass such goods to India unconditionally because of the obligations it has assumed in respect of them."

Then he again says:

"It would almost certainly be expected that India would afford reciprocal Lease-Lend to the United States Forces within her territories as one element in this consideration."

Personally I cannot see the advantage of having a direct agreement with the United States. I cannot understand why it should not fall within the four corners of the settlement of 1939. Now, I may be told that the circumstances have changed and American Forces are in this country, I do presume that the cost of these American Forces in this country will be divided between India and the Allies on the same principle as was enunciated in the settlement. If that is so, then Government must come to a decision as to what proportion these Forces directly defend India, for what purpose are these American Forces in India? How far up to now have they been used for the direct defence of India? How far up to now have they served other war measures? These questions will have to be decided sooner or later: and having decided them why should not the cost come within the four corners of the settlement. But all one can do just now is to express an opinion. All the facts are not before us. We must know a great deal more before we can really make up our mind. But on the face of it, it does appear to me that notwithstanding the change of circumstances, namely the arrival of American troops in India, there is no reason not to decide the whole question of division of expenditure under the settlement. Now, Sir, this matter has not been definitely decided. It is under consideration. It must be under consideration because Government have met with difficulties, difficulties of which we are not aware. But in the meantime, the whole cost that would fall on the shoulders of the country in which such forces happen to be, under the main agreement between Great Britain and U. S. A. have been debited to India: 16.70 crores in the current year and 8.04 crores in the next year. I should have thought that the same principle that was followed in the case of air forces, namely that half the amount should be taken to suspense account, would have been adopted in this case also.

The Honourable Sir Jeremy Raisman: What would you do with the receipts?

Sir Cowasjee Jehangir: Which receipts?

The Honourable Sir Jeremy Raisman: Receipts arising from lease-lend, including cash receipts.

Sir Cowasjee Jehangir: Before the American forces came to India, what did you do? You got receipts from people to whom you sold. What did you do with the money?

The Honourable Sir Jeremy Raisman: The question then had not been settled at all. It had not arisen in this practical way.

Sir Cowasjee Jehangir: I am unable to follow the Honourable Member.

The Honourable Sir Jeremy Raisman: I am only suggesting that the difference here between this field of expenditure and the field of expenditure which we share with His Majesty's Government is that there are benefits, there are receipts to be taken into account.

Sir Cowasjee Jehangir: Yes, there may be, but I do not say that the whole amount should be put to suspense. I say half the amount should be put in suspense as you did in the other case. This is an indication that Government have in mind this that India will have to pay the whole cost, the same as any other country would pay for the reception of such troops. My main point is this: that India should pay only such proportion of those costs which reflect exactly how far these forces are for the direct defence of India.

The Honourable Sir Jeremy Raisman: And forego the receipts?

Sir Cowasjee Jehangir: Oh! no. The receipts are from the people in India. They do not come from America. At any rate this is an expression of opinion on my part. If such an agreement is to be entered into, then I would urge that the

fundamental principle enunciated in the settlement should be extended to that agreement, namely that India shall bear only such part of the cost as correctly reflects the direct defence services of those forces to India.

I will now come to a point which may not be of such great importance as the one that I dealt with now, but which appears to me to be rather unique, that is the division of war expenditure into revenue and capital. I cannot fathom for what purpose it was done. In peace time, all expenditure is divided into capital and revenue to enable Government and this House to see that a sound financial policy is followed. All revenue expenditure should be met from taxation, all deficits in revenue expenditure should be met from taxation, while capital expenditure may be met from revenue, but it would be legitimate to meet it from loans. That is the general principle in peace time. In war time, the principle is very different indeed. The principle is what proportion of this expenditure should be borne by the present generation and what should be borne by future generations. The present generation should be called upon to bear taxation to its own capacity, to its utmost capacity, let me say, without dislocating its social and economic life, and the balance should be borne by future generations. In a war of this immensity, in a war that is fought for such great principles of life and death, the future generation is just as much interested as the present generation. I admit that the present generation should pay to its utmost capacity. I have explained what I mean by "to capacity". Then, why was this divided into revenue and capital? I am unable to see the reason. If it is merely to show the country that some assets are available from war time expenditure, it can easily be done by a statement every year showing what those assets are, what the country has gained by this war expenditure, aerodromes, air fields, whatever you like. Why divide this in this way when it does not give a correct picture of the finances of the country. Of course anybody who studies the figures understands it clearly. But by this division, there has been a misunderstanding and I will point it out now. The Honourable Member said that we shall have to raise 40 crores by way of loans to meet the deficit of 60 crores. But that is not a correct picture. During the current year, war expenditure comes to 238 crores. He has budgetted for 133 crores leaving a deficit of 105 crores to be met from loans. In the next year, it is stated that he is going to raise 40 crores to meet the deficit plus 16.85 crores which he has set aside to capital. Therefore the total amount of borrowings necessary according to his own budget figures is 105 crores plus 56.85 crores or 161.85 crores. It is this division of capital and revenue that has caused this confusion. I have seen leading articles in some important newspapers who have not been able to understand the position. Due to the deficit of last year and the deficit of the coming year, we shall have to borrow a sum of 161.85 crores. Therefore, Sir, it makes me think as to why it was done, why this division was made. It is quite evident that it is not to guide us or the Government as to what should be borrowed and what should be paid out of revenue. No such principle is followed here. The capital expenditure is shown and the loans are out of all proportion to capital expenditure. Therefore it is not made for that purpose, it was made for some other purpose; whatever that purpose was, I am not able to understand. At any rate, let it not be contended in the future, in war times that because capital expenditure is 'X' lakhs, the loan should only be 'X' lakhs. That cannot be contended.

Now, Sir, due to the many points which the Honourable the Finance Member has made, more clear than ever before, the House will now be aware of how the Government finances the war, how it raises its monies. So far as I can see, it raises its monies in five different ways, firstly by taxation, secondly by rupee loans from the public, thirdly by treasury bills, fourthly by *ad hoc* Treasury Bills and fifthly and lastly by the expansion of currency. These are the five ways in which Government raises money today. The last two methods, namely *ad hoc* treasury bills, and expansion of currency, are due to and caused by our sterling balances in England.

[Sir Cowasjee Jehangir.]

Now, let us not forget that whenever Government uses these balances for repatriation of sterling loans, or for the funding of an outside obligation in respect of railway annuities, or for the redemption of railway debentures stocks, the *quid pro quo* in rupees has to be raised by one of these methods. The balances are not a portion of the Government treasury. Government cannot put their hands on these balances; it is not the Treasury from which they can take out millions as they like. They have got to raise in India a *quid pro quo* in rupees. And, therefore, the broad result, as has been shown in the Honourable Member's budget speech, is that, of about 400 crores raised so far, for financing various repatriation and funding operations, about 60 crores up to now have been raised by way of *ad hoc* treasury bills. That is a very important factor which I would like the Honourable House to keep in mind when I discuss matters in a minute or two, and my reason for giving clearly the ways in which the Honourable Member raises his finance is to illustrate, to a certain extent, my remarks that are to follow.

Now, the Honourable Member proposes to go further with regard to our sterling balances in two directions. India has to pay by way of sterling pensions, family pensions and provident funds from 5 to 6 million a year. He proposes, in ordinary language, that this amount should be capitalized; that it should be taken out of our sterling balances in England. So far as I can see the transactions can be carried through only by the issue of further *ad hoc* treasury bills, thus sterilizing a certain portion of those sterling balances. Now, again I am unable to follow the reasoning for this proposal. In a speech made the other day he called it a long term investment. In the first place, we do not know what is the capital amount and we do not know what interest he is going to get on this long term investment. Those matters, I think, he told us, are not yet decided. But if it is a long term investment he cannot go on financing it by *ad hoc* Treasury Bills. He will have to convert those *ad hoc* Treasury Bills into rupee loans of the same years of maturity. Does he expect to be able to borrow in India at the same rate as he will receive from the British Government for the funding of this amount? He cannot. We have one example given to us already of the question of those railway annuities. They cost us 30 millions on which we are getting 2 1/4 per cent. In time they will be wiped out. But here in this case you cannot go on financing this with *ad hoc* Treasury Bills. These pensions will go on for years. They will go on and the rate of interest will be calculated according to the way they are liquidated and, therefore, you will have to raise rupee loans correspondingly and the rate will be higher and ultimately it will end in a loss. What is the object then of trying to settle a four or five million sterling a year liability by capitalizing it if it is likely to end in a loss? Is the Honourable the Finance Member obsessed with the idea of sterilizing these big balances? I do not follow him there. Why is this nervousness to sterilize these balances? They are earning some interest on British Treasury Bills; they are not going to disappear and therefore I would ask for the serious consideration of the Honourable Member of the points I have placed before him. If he believes that the Government in future is going to finance this transaction by *ad hoc* Treasury Bills for all times, it will not be sound finance. Therefore, so far as I can see it, this transaction must result in an ultimate loss. There may be a temporary gain. I think Honourable Members are able to see that: The temporary gain is the difference between the rate of Treasury Bills and the rate he will receive from the British Government for what he calls a long term investment.

Now, with regard to this 'Reconstruction Fund' it is another way of sterilizing some part of the sterling balances in England. We want a great deal more information on this matter before we can really express our considered opinion, and I see today that this question has been referred to the Reconstruction Committee. May I ask the Honourable the Finance Member if that is correct?

The Honourable Sir Jeremy Raisman: Yes, Sir, that is correct.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadian Rural): I am a member of that Committee, but I have no information.

The Honourable Sir Jeremy Raisman: The question was discussed before the presentation of the Budget by one of the Post-war Reconstruction Committees.

Mr. K. C. Neogy: I beg your pardon. This question was never discussed by the Committee which was attended by me and many others. The whole question that was put down for discussion related to the question of acquisition of capital goods during the post-war period. That has no connection with this.

The Honourable Sir Jeremy Raisman: I am sorry if my Honourable friend does not realize that that is the same thing.

Dr. P. N. Banerjee: But it was not discussed.

Mr. K. C. Neogy: As a matter of fact no specific suggestion like this was ever made at that meeting, though there was the proposal up the sleeves of the Honourable Member for the constitution of a reconstruction fund.

The Honourable Sir Jeremy Raisman: I think I had better clear this point. The Reconstruction Committee dealt with the question of drawing up a programme for the utilization of a part of our sterling assets for the acquisition of capital and necessary goods after the war. In such a programme the word 'Fund' has nothing sacred about it. An adopted programme in relation to sterling assets which are available obviously constitutes the elements of a Fund.

Mr. K. C. Neogy: I appeal to my colleague here—Sir Frederick James—to clear the position.

Sir F. E. James (Madras: European): I certainly confirm what the Honourable the Finance Member has said, namely, that the proposal placed before the Committee of which my Honourable friend and I are members was the proposal which has been summarized by the Honourable the Finance Member just now. In fact we did discuss the necessity of drawing up some system of priority in regard to purchases after the war. My Honourable friend, Mr. Neogy, may be perfectly right in saying that he did not associate that proposal with the later reference which the Honourable the Finance Member made in his Budget speech to the formation of a Reconstruction Fund.

Mr. K. C. Neogy: There was not a word said about any reconstruction fund. The whole discussion was in regard to the necessity and desirability of drawing up a programme for the purpose of acquisition of capital goods.

Mr. President (The Honourable Sir Abdur Rahim): Sir Cowasjee Jehangir can go on with his speech.

Sir Cowasjee Jehangir: At any rate, whether understood or misunderstood, this matter is going to some committee.

Dr. P. N. Banerjee: May I know who appointed this committee?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member can sit down.

Sir Cowasjee Jehangir: I do not know. You had better ask the proper authorities. I read in the papers this morning in answer to a question in the other House that this question of having a Reconstruction Fund is being examined by a committee called the Reconstruction Committee. Beyond that I know nothing more.

Dr. P. N. Banerjee: But the Finance Member ought to be able to give us some information.

The Honourable Sir Jeremy Raisman: It was announced in this House by Sir Ramaswami Mudaliar sometime ago and the post-war Reconstruction Committee has been in existence for, I think, more than a year. It has various sub-committees and this is one of them. One of these committees, called the International Trade Committee, held a meeting the other day at which, at any rate, the substance of this idea was actually discussed.

Dr. P. N. Banerjee: How were the members of this committee appointed? Appointed by Government or by this House?

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): This is a very important question to be put before this Committee:

Sir Cowasjee Jehangir: It is still to be put. Let us examine it on its merits and forget that it is going to a committee. I admit that more information is required before an opinion can be given. But still I do not see the object of forming such a fund unless it is to sterilize some portion of the sterling balances. It will mean raising *ad hoc* Treasury Bills, which I admit will be liquidated as these capital goods are received in this country. But what is the object of earmarking it (this must be a very substantial amount) for an object which cannot be fulfilled today? You cannot get any capital goods today. There is no country who makes these capital goods for export except one or two neutral countries and such goods cannot be brought because there are restrictions. Therefore, there is no question of getting capital goods today. All the great allies are making war materials which can only be exported to this country for war purposes. Therefore, there is no urgent hurry for deciding how these goods shall be financed at the time when they will be available. Why then sterilize this large amount of money? It will remain safe in sterling as it is today. You will be earning one per cent. on it, or whatever the British Treasury Bills may be. Why sterilize it straightaway? I cannot understand it.

If by doing it these sterling balances became any safer than they are today, if there were less chances of their depreciation by your sterilizing in this way, the argument for having such a fund would be strengthened a hundred fold. But the vulnerability of these sterling loans remains whatever it is, good, bad or indifferent, and they are not affected by any of these proposals, such as the one raised before us. Repatriation is quite a different matter. Using these monies for repatriation was as different as the north pole is to the south. This is merely a proposal for the sterilization of this fund without any object. You can consider by all means in your committees how the country is to be reconstructed. But I am only a layman and I cannot fathom what is the object of this fund under present conditions.

Now, Sir, I must allude once more to an issue that has been raised in this House directly and indirectly on more than one occasion, and that is this public apprehension that these sterling balances, whether in a fund or not, whether there is a reconstruction fund or not, will not be available to purchase capital goods from any other part of the world except Great Britain. It is an apprehension that has been expressed in this House and I have tried my best to clear the point but I do not think I have yet succeeded, and there is some sort of vague idea amongst Honourable Members that there is something up Government's sleeve in this connection, and I desire that it should be cleared up. Therefore I am going to read out two little passages from the Honourable the Finance Member's speech. In para. 39 he says:

"It may be taken for granted that it will be found necessary even after the end of the war to proceed on some orderly programme for the purchase of these capital goods from the producing countries."

He does not say Great Britain. Then let me refer to para. 52 of his speech. He says:

"Apart from their being available as a reserve wherewith to pay for the capital goods which the United Kingdom will be in a position to supply for India's industrial expansion."

He visualises only the United Kingdom. In the passage I have just quoted, he visualises goods coming from all parts of the world. What is therefore the exact position?

Now, I am sure that this House realises that there may be great difficulties in getting goods from America due to exchange being against us. It may be that sterling has depreciated, *vis a vis* the dollar, and goods may be too expensive to be brought out, and it will not pay us to get goods at that time. It may be because of some impending settlement between the allies with regard to currency and exchange. As a matter of fact it is under discussion just now, and the result may be that it will not pay India to get goods from America. I am

only mentioning America as a possible country. But that should not prevent Government from making a categorical statement that it is not their intention, whatever the difficulties may be that these sterling balances, whether in a fund or outside a fund, should be earmarked for goods only to be imported from England. I think it is possible for Government to make such a categorical statement, realising as I say that we know the difficulties that there may be in the way of doing so. Whether it pays us or not is a domestic question; it is also a domestic question whether it pays us to buy in Great Britain or not. But the fact that we should be free to buy in the cheapest market after the war for the reconstruction of India is a principle which nobody can contest and I do not see why it should not be mentioned in such categorical terms as I have stated.

Now, there is a passage in the Honourable Member's speech which, if I may take the liberty of saying so, is rather unfortunate, and I am going to read it. He says:

"I cannot share the anxiety of those who are prepared to regard the surplus balances as almost in the nature of useless assets."

Now, Sir, I never heard that criticism—verbal or written—that they are useless assets. Have you?

The Honourable Sir Jeremy Raisman: I have seen it; that was why I put that sentence in.

Sir Cowasjee Jehangir: The person who made such a criticism and called them useless assets was not, perhaps, very knowledgeable or did not know exactly what he was talking about. You cannot possibly call them useless assets. At any rate when the Finance Member used those words, I wish he would have said that he was using somebody else's words, that he was trying to reply to criticism. At any rate these balances are by no means useless assets. The only criticism of a real serious nature which we hear practically every day is that these balances may depreciate in value *vis a vis* other currencies—dollar or the rupee. That criticism was offered in this Honourable House—I think by Mr. Neogy—I think it was discussed here and the Honourable the Finance Member very correctly said it was a very delicate subject to discuss in an open Assembly and that he was very rightly not in a position to place all the cards on the table immediately. It is a very delicate question, and all that we can say now is that we hope that the Government's minds are working on this problem, and that they are attempting to make some arrangement whereby the rupee and the sterling will remain stable. I am fully aware that the Government of India have no control at present over the sterling and dollar exchange, but I think it is possible to come to some arrangement whereby sterling *vis a vis* the rupee can be stabilised. Then, if sterling depreciates *vis a vis* the dollar in spite of all efforts let not the sterling depreciate *vis a vis* the rupee. It is a very complicated question, a question which requires deep thought and study, a question intimately connected with our exchange policy; but the Honourable Member will realise that we have had bitter experiences during the last war, and therefore a warning is not only essential and wise but it is an absolute necessity.

The Finance Member called these sterling balances a debt the other day in some discussion, when I took the opportunity of pointing out that I could not understand why he called it a debt. Such expressions of calling these sterling balances a debt cause suspicion and apprehension. As everybody knows, these balances are payments made by the Allies in sterling for goods sent from India, manufactured in India, and delivered from India

The Honourable Sir Jeremy Raisman: That is not the only source.

Sir Cowasjee Jehangir: That is one source; there are other sources too. These balances are invested in sterling treasury bills; these balances have been used for repatriation and for other purposes. I ask if these balances were a debt as we understand under the ordinary definition of a debt, how can he use them? They are not his money; but they are not a debt owed by England to

[Sir Cowasjee Jehangir.]

India. A debt is something which you have not got; a debt is something which is owed to you; a debt is something which may be delayed in payment—something which you may have to whistle for. Is that the definition that my Honourable friend wishes to place on these balances? Is there any chance of our having to whistle for them? Then, why does he call it a debt? So far as I can see, they are certainly not a part of his treasury, but they are certainly not a debt; they are good money paid by the Allies for goods delivered, not by Government, but by the people of India for the war purposes of the Allies. It is really good money.

Mr. Hooseinbhoy A. Lalljee: Would you put it as consideration?

Sir Cowasjee Jehangir: No; it is money in the possession of the Reserve Bank—it is neither the Government of India's money nor does it belong to the people as a whole, it really belongs to a certain extent now to government, because they have raised *quid pro quo* loans against those reserves; but the reserves are monies paid in for goods delivered.

Mr. Hooseinbhoy A. Lalljee: It is a trust with those who have to repay.

Sir Cowasjee Jehangir: Therefore I trust he will give us some explanation of why he used this word 'debt'

The Honourable Sir Jeremy Raisman: Obligation.

Sir Cowasjee Jehangir: If money is lent out on treasury bills, you call it a debt; it is not a debt.

Coming now to the end of my remarks, I will deal very shortly with this all important question of inflation which the Honourable Member has done a great deal to explain. He has strongly controverted the criticism that there has been pure credit inflation; but he admits that "a temporary situation in which an increase in volume of purchasing power impinges for a time in a stationary or diminishing volume of consumable goods" exists—I am reading his very words. He further states "India's war effort has clearly not yet reached the ceiling of the maximum utilisation of available man power and resources and public expenditure on supplies, purchases, works etc." Therefore our sterling balances are going to increase so long as the war lasts and this temporary situation that the Honourable the Finance Member has so clearly defined will continue for some years. It is to finance the purchases made by the Allies from India that there has been an expansion of currency—one method of finance. If the temporary situation is to continue, or to increase, during the war and sometime after the war, and if the only method that has been adopted is to expand currency, may I ask when this expansion of currency is going to stop and what is the ceiling of this expansion of currency? We have not reached the ceiling of supplying goods to the Allies; therefore surely there must be a ceiling; there must be a stop to this expansion of currency. Here are his own words again, both sensible and wise words, I will read them out to the House.

"This is not to say, however, that any of us can afford to evade the problem or to allow what may not be a serious situation to-day, to develop into one for lack of timely and vigilant action."

It shows that he is wide awake to the situation. From his own words I have shown that the reasons which compelled him to go in for this expansion of currency will continue. Not only will they continue but they will be in a more aggravated form. Then it is time that this expansion of currency must stop. I agree with him when he says that there has been no pure credit inflation. It may be that these higher prices, higher values of the necessities of life, are not entirely due to this expansion of currency. But the critical point has been reached and there may be the danger that if this expansion of currency goes on the critics may turn out to be right in the end. I say that with some hesitation but I will repeat it, that if this expansion of currency goes on, it may be that the critics may turn out to be right, and therefore some other ways and methods must be found.

What can be a substitute for this expansion of currency? There can be only one answer, and the Honourable Member has given it—larger and more extensive borrowing. We know the difficulties that prevail to-day in borrowing large amounts on rupee loans. If that is to take the place of this expansion of currency in order to finance the war, then I earnestly plead with Government Benchers that some balance must be struck between the advantages and disadvantages of borrowing in the future on terms and by methods other than have been followed in the past, and on the other hand, a further expansion of currency; you must strike a balance between the disadvantages of both. Having considered that question most carefully, you must come to a conclusion. But the present state of affairs cannot be allowed to continue even if the Honourable the Finance Member is right, for the sake of argument, that it has not caused inflation. The fact remains that the cost of living has gone up. The fact remains that prices have risen. But let it not be said that that was surely due to the action of the Government. There is still time and the matter deserves very serious consideration. I know he is between two fires. I fully realise the difficulty of the position. But one method or another must be adopted. Courage will be very necessary, and I will not again emphasise what I have already said, the two great handicaps between which the Government will have to judge.

Now, Sir, finally coming to the Honourable Member's taxation proposals, I will only say this, that I fully realise that great wars cannot be fought without the sinews of war. I fully realise that taxation must be heavy but it must be according to our capacity. I would ask him to avoid taxation of food. I do not like his proposals with regard to the taxation of Banaspati. It is a food that is being consumed in larger and larger quantities by the middle classes, but I will have occasion with other Honourable Members to speak on this subject at greater length in the future. But I would draw the Honourable Member's attention, serious attention to the under-estimate in revenue, particularly in the direction of the excess profits tax. He estimates that he is going to get 26 crores in the current year and 40 crores in the next year. It has been very well known, specially in Bombay and Calcutta, that Government have not been able to collect all that was due to them from the excess profits tax. It may not be their fault; it may be that their machinery was incapable of collecting these very large amounts of taxation. And I have heard on reliable authority that the amount due to Government during the current year, not collected but due to them, is to the extent of Rs. 75 crores. I have heard larger amounts, I have heard figures right up to 200 crores. My Honourable friend, Sir John Sheehy laughs, his mouth waters most probably. He feels probably it is true. But he will have to admit that a great deal is due and the minimum amount that I have heard placed on this non-collected revenue is Rs. 75 crores for the current year. As a matter of fact, anybody connected with big business will tell you that large amounts of their money are lying in current account waiting to be taken by Government, but Government refuse to take it. It may not be their fault. It may be that their machinery is not suited to the collection of such revenues at such a rate. But that is no reason why the Honourable the Finance Member should not have made an allusion to it in his speech. He should at least have said something that there were uncollected revenues to some extent which he could not collect, and if Rs. 75 crores is the amount uncollected in the current year, is it likely that Rs. 40 crores is the right estimate of what will be due to you next year.—I do not say what you will collect, I do not know what is your capacity to collect this, but what will be due to you is surely not Rs. 40 crores next year as things go. There may be a change of circumstances or conditions, I cannot foretell, but as conditions prevail to-day, I make bold to say that Rs. 40 crores is an under-estimate. If you tell me it will be much more but you are quite unable to collect it, that is another matter.

The Honourable Sir Jeremy Raisman: The Honourable Member knows that budgets are based entirely on the cash position in each year.

[Sir F. E. James.]

I do hope, therefore, that my Honourable friend, the Labour Member, will tackle this question with his well-known zeal and enthusiasm.

Now, Sir, I will come back to the main purpose of my intervention in this debate, and that is to say a word or two about the armed forces of the Crown, to say something about their needs during the war and to say a good deal more about their needs after the war. First of all, let me refer to the Indian army. As a member of the Consultative Committee I can say that we accepted with considerable pleasure the proposals which have now been put into effect to increase their pay and their messing allowances. The Honourable the Finance Member, in one of the most interesting portions of his speech dealing with the progress in the armed forces of His Majesty in this country, referred to the proposals to defer a certain amount of the pay of the Indian soldier so that it might be used for his advantage after the war. He also said that in addition to that amount the Government of India themselves were making a direct contribution to a Fund to be used for purposes which would benefit the soldier on his demobilisation from the army. I should like to know something about that Fund. I am sorry the Honourable the Defence Member is not here.....

The Honourable Sir Sultan Ahmed (Leader of the House): May I just mention, Sir, that the Honourable Member was here but he is slightly indisposed and had to leave, but I am prepared to listen to the remarks of my Honourable friend and will convey them to him.

Sir F. E. James: I am exceedingly sorry to hear that and I hope he will soon be better. I am grateful to my friend for promising to convey to him anything that I say, because I do know that the Defence Member is exceedingly interested in the problem of the ex-service men after the war. Indeed, I believe he himself happens to be an ex-service man and thus his interest in these matters is but natural. I should like to know something about the Fund to which the Central Government is now contributing. What is the estimated contribution each year? Who will administer the Fund? On what basis will expenditure from the Fund be made after the war? What will be the relation between the Central Government and the Provincial Governments in regard to the expenditure of this money for those soldiers who return to their respective provinces? And what, in particular, will be the position of those members of His Majesty's Forces who come from the Indian States, when they return to those States? That is the first observation I have to make on the question of the Indian Army.

The second observation I have to make relates to the Burma campaign. When the news first came that troops had marched into Burma along the Arakan coast, I well remember the thrill of anticipation which was experienced by almost everybody in this country. We felt that at last we were on the threshold of great events, and that possibly as a result of that campaign which was then beginning not only would the Japanese be swept out of these parts but also possibly the road to China might be re-opened. There was a wave of enthusiasm through the country which was subsequently damped by the statement of the Commander-in-Chief who made it perfectly clear that these operations were of a comparatively minor character and that no particular importance should be attached to them. So, the first enthusiasm was written down. Then, came the advent of the war correspondents in Burma. In these days the war correspondent has greater freedom than he has ever had before in any war, not excluding the Boer War when Mr. Churchill himself was a war correspondent and had certain difficulties with the authorities. One of the dangers of the freedom of the war correspondents in these operational areas is that they naturally write what they see. They mirror faithfully the hopes and enthusiasms of the troops among whom they move. Their despatches come swiftly to this country through the censorship, and then reach the newspapers; whereas the planned and very carefully prepared statements of the military commands come later on. Of course, the men on the spot are busy fighting and cannot send the

reports with the same speed as the war correspondents. As a result, therefore, there is a danger, which was noticeable in the Middle East campaign and which has been noticeable since the invasion of Burma by our troops—there is a danger that, first of all, the war correspondent writes up the campaign, and then the statement of the responsible military authorities writes it down. There is a great need for a balanced view in regard to all these operations, and particularly in regard to the Burma campaign. After all, there are people in this country who know a good deal about Burma and they can read behind the communiqués. I suggest, therefore, that the duty of the Public Relations Department is to preserve a nice balance between the quite natural exuberance and enthusiasm of the war correspondents, and the rather deadly but practical realities of actual fighting. It should be their duty to avoid creating undue optimism or undue pessimism in public opinion. Public opinion in this country is perhaps not unnaturally rather volatile in this matter. It has not been through all the shocks through which public opinion in my own country has been in the last three or four years. Therefore, it is all the more important to avoid these violent fluctuations from the height of optimism to the depth of pessimism, because that kind of fluctuation tends, unfortunately, to undermine public confidence in our troops. I hope they will get the full support of every citizen in this country.

Now, I will refer to the Royal Indian Navy. I personally always had a predilection for the Navy as against other Forces, because I was a failed Naval Cadet, and my brother is serving in it today! But my Honourable Friend, the Finance Member has, as I have been able to detect in his speech, a certain preference for the latest arm, the Indian Air Force. I do not wish to say anything derogatory to the Air Force, but the senior service is the Navy and it must continue to be so. It will ultimately be the Navy that will defend India's coast. However, my purpose at the moment is to refer to the splendid work which is being carried on by the Royal Indian Navy, in the Eastern areas, on the passage from Australia to this country, and on the Burma coast. I need only refer to the gallant feat of H. M. I. S. Bengal. I had the honour of being in Bombay just in time to see the officers and crew of that ship marching through the streets of that great city. There was no mistake about the enthusiasm of the public as these gallant men and their leaders passed by. I would also pay a tribute to the splendid work of the Royal Indian Navy in the Persian Gulf. Though this work is not much known, nevertheless it is of a very high order. It preserves and maintains to the highest possible degree the maritime traditions of the mother and parent navy—the Royal Navy. I am sure that when the war is over and when some one writes the saga of little ships—the little ships of the Royal Indian Navy, will have the pride and honour of a verse all to themselves. Now, Sir, I was a little disappointed to see that the Honourable the Finance Member did not find time. I am sure that was the real reason, to pay a tribute to Vice-Admiral Sir Fitz Herbert who is shortly leaving India. Vice-Admiral Fitz Herbert has, in my opinion, done a great deal to bring the Royal Indian Navy to its present strength and efficiency. I may say as a member of the Consultative Committee, and I am sure I am voicing the views of my colleagues, that the Flag Officer Commanding is the most popular of all the officers who appear before us. Of course, like some of his great predecessors in the Royal Navy, he has been a nuisance to the Treasury. I remember reading an account of Lord Fisher's attack upon the Treasury in the last war. I understand that Admiral Fitz Herbert has made similar broadside attacks on the Treasury. But it is due to his enthusiasm and energy that the Royal Indian Navy is as efficient and as strong as it is today. Let the House remember what he has done to pilot the Royal Indian Navy proposals through the Chetfield Committee, and to build up important naval training establishments. His force has been expanded tenfold since the outbreak of the war. That is a great achievement, in view of the lack of shipping establish-

Sir Cowasjee Jehangir: I know that. But in that case there ought to be an allusion, some mention made in the budget speech that we shall be able to collect only Rs. 40 crores, but so many more is due to us. Then Honourable Members will be in a position to judge the financial position of this country. If Rs. 75 crores more are due and only Rs. 26 crores can be collected, surely there must be some whipping up of the method of collection. I would urge the Honourable Member not to quibble about small points with the taxpayers. Take their money without quibbling about, a few hundreds or a few thousands one way or the other. Take the money and bring it to your treasury as soon as you can, and don't leave it with them. It may be risky. Just now there is no risk, but do not leave all these vast amounts hanging about in current account in the names of very well known companies. Take the money, even take part payments. Then frankly tell us what is the amount in your estimation which has not been collected in the current year and what is not likely to be collected in the next year. We know what you think you will collect—Rs. 40 crores. My opinion and the opinion of men who have a right to express an opinion on this question is that much more than 40 crores is going to be due to you, that in fact 75 crores is waiting to be collected. That upsets the whole of your budget proposals. That does not mean that you should not tax in war time. I am not placing all this before the House as an argument that there should be no taxation. No. I am placing this matter before the House so that we may not be misled with regard to what we are going to get from this one particular tax. Mr. President, I have finished. I am indebted to the House for the patience with which they have heard me for so long a time.

Sir F. E. James: Sir, I rise to support the Bill and shall make no further reference to it, except to say that this House has voted the expenditure without a single division and is now being asked to vote the means by which that expenditure must be met.

I propose to devote the major portion of my remarks to some observations which relate to the armed forces of the Crown. It is strange that during all these days that we have been discussing the Budget very little reference has been made in this House either to the Indian Army or the Indian Navy or the Indian Air Force. I feel that those of us who are not actively engaged in operations but are, so to speak, defending the Home Front, owe a duty to those men from all parts of India who are serving with such distinction in so many fields, both here and abroad. I am sorry that there is no representative of either the War or the Defence Department in the House, which is particularly regrettable as I gave both of them warning that I was going to touch upon their particular departments.

Perhaps while they are being sent for, I may interject a reference to Sir Cowasjee Jehangir's point in connection with the Reconstruction Committee. The Honourable the Finance Member made a part reference, but I happen to have here the actual composition of the Committee to which the Finance Member referred in his speech. The House may be interested to know that this Committee, which is called the Reconstruction Committee on Trade, International Trade Policy and Agricultural Policy, consists of representatives of the Government of India, the Provincial Governments, the Indian States, the Imperial Council of Agricultural Research, the Board of Scientific and Industrial Research, the Federation of Indian Chambers of Commerce, the Associated Chambers of Commerce and a number of other bodies classified under "other representatives." At the meeting of this Committee, which was held on the 16th February, and I may say that this was the second meeting, the Economic Adviser to the Government of India made an exhaustive statement which came under the head of 'Acquisition of Capital Goods for the proposed reconstruction' on the agenda. Sir Theodore Gregory made an exhaustive statement, which was of particular interest in view of his recent visit to the United Kingdom, explaining the background of the question concerning the acquisition of capital goods

during the post-war period. After his statement, there was a discussion in which Mr. G. L. Mehta, Mr. G. D. Birla and the Honourable the Finance Member and others took part. While it is more than probable that the phrase 'fund for reconstruction' was not used, I think there is no doubt that every one had in mind the utilisation of these sterling balances. In any case, the discussion concentrated upon the great need in India after the war for facilities for the purchase of capital goods for the process of reconstructing her industries.

Now, Sir, as the Honourable the Member in charge of Labour is here, I will deal with him, before I come on to the armed forces of the Crown. Some time ago this Group took part in a debate upon the use of paper and we made some suggestions. But the trouble at that time was that my Honourable friend, who is accustomed to the 45 minutes of the lecture room, was not able to complete his speech in the 15 or 20 minutes which was allotted to him and therefore he made no reference whatever to the proposals which we had put forward. I now give him an opportunity of rectifying that omission, because I understand that there is no time limit on speeches during the Finance Bill and my Honourable friend can now have the 45 minutes of the lecture room to which he is accustomed. The proposals which we made centred mainly on the appointment of a paper economy committee. I understand that in another place yesterday the Honourable the representative of the Labour Department said that a committee had been appointed. I should like to know what kind of committee that is, and whether it is a purely official committee. We had in mind a non-official committee not because we do not have confidence in the officials but because we believe that non-officials would bring fresh minds to bear upon this question of the use of paper by Government Departments. The misuse of paper goes on merrily. Only the other day I had placed in my hands a copy of the *Calcutta Gazette*. I don't have the same feelings of reference to these Gazettes as some officials appear to have and therefore perhaps the House will forgive me if I mention some of the items which are included in this Gazette, which runs to something like 450 pages. There is here, our old friend, the list of all the enemy firms in the Latin American Republics which were copied from the *Gazette of India*. There are a number of pages giving the results of examinations at the Dacca University, mostly small examinations, and not really important at all. There is a list of all the distinguished male and female students who succeeded in passing in these examinations in the various degrees. There is also repeated in the *Calcutta Gazette* the useful and highly important information that the Governor General has been pleased to place a certain distinguished officer of the Government of India 27th in the order of precedence! That will give immense satisfaction to his many friends, but it does not seem to us to be a sufficiently important item to be published in the *Gazette of India* and then to be republished in the provincial Gazettes. Now, I do ask the Honourable the Labour Member whether something cannot be done to restrain this extravagant outflow of paper on the part of the Central Government and the Provincial Governments on purposes which are not in the least connected with the prosecution of the war, when to my certain knowledge industries which are connected with the prosecution of the war cannot get paper. In our last attack upon this matter we pointed to the experience of the United Kingdom where the need for economy in paper is as great as it is in this country, and where they decided that a Committee, consisting of a distinguished Chartered Accountant as Chairman, a representative of a publishing house and a representative of a printing establishment, should go into the question of the economy of paper and take such steps as were necessary to advise the Minister concerned in the use of paper, particularly by Government Departments. Has my friend the War Secretary ever conducted an inquiry into the amount of paper necessary to recruit one soldier to His Majesty's Forces? If he does, he will find it is formidable. I only hope that the amount of paper required to demobilise such soldier will not be as great; otherwise the paper shortage will go on for some years after the war.

[Sir F. E. James.]

ments in this country and the shortage of experienced instructors. I understand that he is shortly to retire. I am sure he can go away from the shores of India with the feeling that he has left behind him many who will remember him as having played a very important part in building up India's most important defence force.

Now, a word about the Indian Air Force. We are told by the Finance Member that seven squadrons will be added to the Air Force in 1948-44. This is welcome. He tells us that they are to be re-equipped with the latest type of aircrafts. May I ask him to tell the House if these latest types of equipment are really arriving. When I first visited some of the Air Force training establishments two years ago, I was shocked to see the splendid youngmen, gallant youngmen trained to the last degree, asked to operate obsolete planes. Gallant youngmen being sent into the air in Wappities and Atalantas. As a matter of fact there is an amusing story. An Atalanta was mistaken by a Japanese flight for a Catalina, because it was flying very close to the water. The Japanese flight little knew it was an Atalanta which struggled along in the air at about 85 miles an hour. If they had known, the Atalanta would not now be in use for the purpose for which it is being used today. Therefore, I do hope that the Indian Air Force is at last going to be equipped with really up to date aircrafts of the latest type.

May I also make another point. May I request the Finance Member or the War Secretary or whoever will reply to these points, to tell the House whether the repair and maintenance facilities provided in this country are keeping pace with the tremendous expansion of the operational service. I do hope that in India, we shall not repeat the mistake of the United Kingdom. She had operational aircraft, but inadequate spare parts. I am informed that at least 25 per cent. of aircraft production should be concentrated upon producing spares. I understand that in the United Kingdom some of the important units of the Royal Air Force were grounded at one time because there were no spares.

Now, I am going to ask those who are responsible to deal with four matters which have given great concern to a large body of soldiers serving in this country some of whom come from overseas. I do not know who is responsible for the provision of accommodation for the families of soldiers who are attached to General Headquarters, and, therefore, do not quite know to whom I should address these observations. On the 6th February an office memorandum was sent out from the Home Department. This memorandum was sent out officially on the 6th February, but it did not reach many for whom it was intended until two or three weeks later. In Government, I have learnt that when something is "issued", it does not mean it is sent. It is a long time afterwards, sometimes, before the document is actually sent out. When you issue something, it means you issue it to the Despatching Department, where it usually sits for several days before it is taken away; unless, of course, you send it by special peon. Anyway, this memorandum reached the homes of a number of junior officers towards the end of February, and it contained the startling information that;

"all the existing Government bungalows and hotels in Simla were likely to be required for officers on duty and therefore, the officers stationed in Delhi, wishing to send their families to hill stations during the summer will be well advised."

— mark the complacency of this, —

"will be well advised to proceed on the assumption that they have to make their own arrangements for the accommodation of their families. The officers concerned may be informed accordingly."

Now, may I ask, who is responsible for this fatuity? If the Labour Department is responsible, then I hope the Honourable the Labour Member will make himself responsible for this accommodation. Let me observe that the authorities are responsible for bringing large numbers of people to Delhi to work in G. H. Q. Many of these officers have young families, both Indian and European. They ought to have young families, I quite agree; and some of them

to my knowledge had made arrangements for sending their wives and small children to Simla. Suddenly down came the guillotine,—"you cannot go to Simla, and, therefore, you must proceed on the assumption that you will have to make your own arrangements for the accommodation of your families." Where can they go? Can the Honourable the Labour Member tell me, where they can go, if they cannot go to Simla at this stage in the year, in the middle of March, when the hot weather is coming on? Can they go to Nainital where all accommodation is booked by the U. P. Government? Can they go to Dehra Dun, which is filled by a lot of miscellaneous offices from Delhi and also a certain number of distinguished prisoners of war?

An Honourable Member: Prisoners who get preference over everybody else.

Sir F. E. James: I am not saying that. They are prisoners of war. Can they go to Lansdowne? Where can they go? Somebody ought to take the responsibility for the provision of accommodation if for young families of officers who are stationed in Delhi now, Simla is closed to them. It is not the slightest use leaving it to these people, many of whom are strangers to the country, to "proceed on the assumption that they must make their own arrangements." I hope the Honourable the Labour Member will look into that point because it is very important. I may tell him that there is already a good deal of heart burning among the junior officers in the services.

The next point to which I wish to refer is the payments to the families of prisoners of war. There is a difference in the allotment made to officers in the British Army and officers in the Indian Army. I have already mentioned this point in the course of supplementary questions. I would assure my Honourable friend, the War Secretary, that there is, in fact, an actual difference of about 10 per cent. in the total emoluments drawn by the dependents of prisoners of war who are officers of Indian army or officers of the British Army. That should not be and I hope he will look into it.

The next point I wish to make is to ask whether something could not be done to prevent these sudden changes in the allotments made to the dependents of those who are prisoners of war or missing. I have had several instances of allotments being cut in half without the slightest notice being given to the wives or dependents concerned. That should not be. There should be some means of advising the dependents of these unfortunate officers, dependents who sometimes have to bring up, and educate quite large families, on comparatively small allowances. There should be some means of warning these people if their allotments are to be seriously cut.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now adjourn for lunch. 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.

Sir F. E. James: Sir, when the House adjourned, I was dealing with certain needs of the service men and their dependents. I have referred to the matter of accommodation, to the pay of prisoners of war and to sudden changes in allotment of dependents.

The fourth point is as to facilities for the dependents of British officers in the Indian Army or in British Units serving in this country to return, if they so wish, to the United Kingdom with their families. I would like the Honourable Member to tell the House what is the position with regard to the provision of such facilities at the present time?

I have one more point to mention, and that is the difference which exists in the pay and allowances of the Emergency Commissioned officers and the pay

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and allowances of the regular officers of His Majesty's forces. I understand that there is a differentiation. Representations were made and that differentiation was narrowed; but a differentiation still remains, I would like my Honourable friend, the War Secretary, to tell the House what it is and why it continues to exist. Although the Emergency Commissioned officers are recruited for the war only, they are recruited for the same purpose. They wear the same uniform, they belong to the same units, they fight the same battles, why then is there this differentiation in the pay and allowances which they receive as compared with the regular officers. It is a matter on which my own community feels strongly, as my Honourable friend knows, and I would be glad if the War Department would look into that and remove the differentiation as soon as possible.

Now, Sir, those are certain matters relating to the present. What about the future? I have already said that I consider it to be the duty of those now in power, particularly those not concerned with the actual operation of the war, to do what they possibly can to prepare for the demobilization of these great bodies of men. In India alone it is probable that at least a million soldiers experienced in mechanical warfare or trained mechanics and skilled labour will be thrown back into civil life. I take it that it is the Defence Department's responsibility to prepare actual demobilization plans. The House was given a hint of these plans, but no more than a hint, the other day in answer to a question by my Honourable friend the Defence Member, I should like a little more information about these plans. The statement that there is at present a card index of every soldier in His Majesty's Forces means that there must be well over a million cards and it sounds a very formidable proposition. And it is, and accurate records must be the basis of any demobilization plans. But what are those plans as far as they can at present be prepared? And when the Defence Department has prepared plans for the actual demobilization of the Forces—and I realize it is a very difficult problem—what are the civil departments doing in order to assist in making plans now for the reception of those demobilized men into civil employment. This is a problem with which every country is going to be faced after the war. After the last war, the United Kingdom faced it unprepared to a very large extent. I hope that India will not face it unprepared after this war. It is true that the present Government cannot foresee what the *interim* Government or the future National Government may want in regard to the defence forces of this country; and to that extent I am fully aware that the political uncertainty of the future of this country makes it difficult to make too specific plans either for demobilization or for the reception of the demobilized men into civil employment. Yet the responsibility is there, and I have urged on a number of occasions during the last eighteen months that more active steps should be taken to deal with what are called the problems of reconstruction and my main interest in dealing with reconstruction is the preparation for the reception into civil life of the *ex-service* men. Of course, the reconstruction of industry and agriculture,—all those are involved. But I am thinking principally of the men who will be known as *ex-service* men after this war. When I say '*ex-service* men', I include all those who have been specially recruited in Ordnance Factories and other establishments as technical and skilled labour.

Now, Sir, the story of this Reconstruction Organization is an interesting one. I believe, it was set up in 1941. There was a Reconstruction and Co-ordination Committee consisting of Secretaries to various departments. Then there were four other committees set up, dealing with labour and demobilization, disposals and contracts, public works and Government purchases, and international trade policy, and agricultural developments. The Chairmen of these four Committees in the absence of the Commerce Member—for this whole organization was linked to the Commerce Department because, as I understood, of the association of that Department with the trade and industry of the country—the Chairman of those

Committees were, in the absence of the Commerce Member, the Secretaries of the Defence, Supply, Labour and Commerce Departments respectively. Then, there was a Consultative Committee of Economists under the Chairmanship of the Economic Adviser. I have already said that the Defence Department has its own organization in the Demobilization Directorate of the Adjutant General's Branch now located in Simla. Now, this machinery has never really fully worked. I can understand the reason; Officers of Government have been pre-occupied with the war effort and the year 1942 was undoubtedly a year of tremendous strain from every point of view in this country, and, therefore, I am not indulging, I hope, in carping criticism; but I merely mention the fact that this organization has never really functioned. The Reconstruction Co-ordination Committee held one meeting in June, 1941. Of the four main committees only one has yet been constituted, and that has held two meetings. The last meeting was particularly interesting and its members were brought from all parts of India. We commenced our meeting at 2.30 in the afternoon and completed it somewhere about 5.30 in the evening, and the main decision of that committee was to appoint eight other committees. That may be important. I do not for a moment suggest that we should not work through committees.

Dr. P. N. Banerjee: Eight other committees?

Sir F. E. James: Yes, I think it is eight.

The Honourable Sir Jeremy Baisan: Six.

Sir F. E. James: I give up the other two committees. But ~~however~~ it is, there were a number of other committees appointed to deal with various subjects. I have not the proceedings here, but I think my Honourable friend, Mr. Neogy, has a copy of them and no doubt he will refer to this matter in the course of his speech. Now, Sir, I have always argued that to achieve any positive results, it is essential that there should be a separate department dealing with reconstruction, in charge of a full time officer with a status, at least of that of a Secretary, and that this department should have direct liaison with all the other departments and with the Provincial Governments. Fundamentally, the point I am trying to make is that the first essential of any scheme is that the Government of India itself should recognise and accept the fact that the task of preparing for reconstruction after the war is as important as any other task which the Government of India undertakes, second only to the winning of the war. I said yesterday, or the day before, that I was disappointed in the attitude of the Honourable the War Transport Member to our suggestions about reconstruction after war as far as the railways were concerned. Naturally, he said that the war effort must come first. Well, of course, we admit that. My reply to him would be, to use the American colloquialism: 'You are telling me'. Of course, we admit that, and we admit that it imposes a tremendous strain, particularly on certain departments; but the fact still remains that we have a responsibility to those men who are now fighting our battles, and it is that responsibility that I am so anxious the Government should take steps to discharge adequately after the war. I will not say anything more on this point, because from a leakage which has occurred, apparently, in the *Madras Mail*, I understand that something is in the wind, and no doubt we shall be told what it is when my question on this subject, which I believe will come up on the 20th March, is answered by the proper authority. But I do hope that we may be informed that the Government of India as a whole do now recognise and accept the importance of preparing for this all important task after the war: and as the shadows and the gloom begin to lift from the war horizon, and we see brighter things ahead, surely the urgency becomes even more apparent!

Now, Sir, my final word will be of a very general character. When we look at the wider horizon of world events, as compared with last year when we discussed the Finance Bill, we see the clouds definitely lifting and tremendous encouragement and hope are justified. When we look into our own internal situation in this country as it stands at present, there does not appear on the

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surface much room for encouragement. Yet I would suggest that the events of the past months should not mean that India, or Indians of any party whatever, need give up fighting for their aspirations. They do, I suggest, mean that the goal must be approached in a different way. There is a poet in my own country who once said a very true thing. "A great design is seldom snatched at once. 'Tis patience heaves it on". What is the design for India's future? I think that there is greater encouragement to be found in looking ahead than in looking at the immediate present. I speak entirely for myself, but may I suggest that a great design would be a United States of India, a United States whose common obligations would be defence and all that pertains thereto, and whose common interests would be trade and commerce and the well-being of the peoples in their boundaries. Surely, it is possible to organise or create a union or association of States in this great continent, which would be of great material power and would be potent for peace and civilization in this part of the world? Isn't that a dream of which every man might well be proud?

And may I say a word to my Indian friends particularly, not about their own country, but about mine, of which I am perhaps better qualified to speak. In the heat and passion of debate and controversy, we talk of this Government and that Government, and we begin to mirror in our conception the sins and omissions of the Governments which we criticise. But after all behind the Governments are peoples. The sons of England and the sons of India are fighting side by side today. That is a great thing. I look forward to the time when these present Governments will have gone, and the sons of England and the sons of India will learn to live together and to trust one another again. But as far as my own country is concerned, let the House remember that the national fibre has been toughened by the experiences of the last two or three years. Yet the peoples of my country are still passionately enamoured of freedom for themselves as well as freedom for other people. Of course, they love their freedom first and they have on successive occasions in the last 100 odd years stood firm between their liberties and the tyrants who would overthrow them—Napoleon, Bismarck, the Kaiser, and now Hitler. All have tried in their way to beat down the spirit and the independence of the people of the Island from which some of us come. On this occasion they have failed again, as they will always fail: and my own people's defence of their island home has meant also the defence of the freedom of other countries. It is recognised today by the United States of America, as never before, that the Battle of Britain was in effect the battle of the United States. Let it be recognised today that the battle for Britain was also the battle for India.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): What about the freedom of India?

Sir F. E. James: The freedom of India will be assured by victory, and victory will, I think, be assured by the united effort and concentrated purpose of the United Nations. That is the immediate task. My Honourable friend talks about doomsday. Doomsday may be many many years ahead, but the doom of the oppressor is near: that is the doomsday for which we are all working. That is the doomsday which will break open the doors of freedom for many countries and races and will give India her opportunity to build the freedom which she so much desires, after her own heart.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, as we are in the midst of the war, naturally we are preoccupied not only with the safety of this country but with the social security which is to follow in the post-war period. To begin with, before I touch the most important points of my speech, let me associate myself with what has fallen from my friend, Sir F. E. James, regarding Admiral Fitzherbert. He has really done a great service to India; and so far as we, members of the Defence Consultative Committee, are concerned, we have found him a very straightforward man.

When we put him questions which for any other officer would have been awkward to answer, he answered us in a straightforward manner and it appeared to us that, many a time he put forward the view which we would have put ourselves: he used to say "Gentlemen, I have done this, but the Government is not likely to agree". He went so far as to tell us what the British Government was likely to do or not to do and what the Government of India's view was. I think a plain-spoken man like him is necessary. I am sorry he is going, a man who has been serviceable; especially when the navy is expanding; we do not know who will be his successor and how far he will be able and sympathetic and carry this programme forward. Personally I shall be sorry to lose him and I should have very much liked that he would serve this country for some years more.

The next thing I wish to mention is that while my friend has complimented the several combatant services, a gallant man like him should not have forgotten the Women's Auxiliary Corps—I do not know why he did not refer to it.

Sir F. E. James: May I explain that modesty forbade me to mention it?

Mr. Govind V. Deshmukh: Truth requires that at times you forget your modesty. You were dealing with the several branches of the forces, and that is also a force, which is not negligible; and I think it would have been right and proper that the women should have certainly a word of encouragement from this House, and an appreciation by this House for the work they are doing and they should not suffer on account of modesty on your part. I hope that hereafter my friend, instead of being modest in that respect, when he is so outspoken and bold in other respects, will not allow that force to suffer in any way and that everything would be done to encourage that force also.

Now, before I come to the combatants or to the situation in the country regarding the defence of our country, I wish to refer to post-war reconstruction because at present when the war is going on the minds of everybody are concentrated more on the safety of their country, and everybody is in a hurry and ready to make sacrifices and collect means to make the nation's sacrifices as much as possible; but what about the post-war reconstruction? People are very slow to recognise the responsibility which they will have to face but those who have experience of the last war, the aftermath, know very well that there was a slump in agriculture, slump in trade and the people suffered heavily. It was because of that that in the very beginning of the session almost the very next day, I concentrated my attention on post-war reconstruction and put certain questions to the Treasury Benches which were answered then. The first thing I asked in connection with the army was, when the several forces are demobilised—the air force, the naval forces or the land forces—what was to happen to them? Has any provision been made and what are the steps and precautions taken that they shall not remain unemployed? I was given a very big and long answer—the long and short of which was that a fund was earmarked and that card index was prepared for every soldier and the rest was left on the knees of God. Then as regards the agriculturists also I put a question because that is another subject in which I take interest—in fact there are only two subjects in which I primarily take interest—agriculture and the army.

The Honourable Sir Sultan Ahmed: I take it not Hindu law?

Mr. Govind V. Deshmukh: Then I put down a question and the answer given by the Honourable Mr. N. R. Sarker was, regarding the slump in agricultural prices that generally result after a war, that steps were going to be taken to face a condition like that; to see that the agriculturist is not faced with that particular critical situation, and that this subject was considered at the first meeting of the Reconstruction Committee for trade, international trade policy and agricultural policy, held in May, 1942, and a sub-committee on agriculture has been set up to consider the post-war problems of agriculture.

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that an agricultural sub-committee or consultative committee is also examining the question. That is all; but whether anything was done, what was the upshot of this examination and how long it will take we do not know. Similarly another question was put by me, to the Honourable the Labour Member—"Have you done anything to prevent mass unemployment which is likely to result after the war?" And the Labour Member's answer was, "No formal scheme to provide against mass unemployment has been planned. In war time the scope for employment has increased enormously"—an answer which I did not require because I knew it. "As regards the post-war conditions, the Reconstruction Committee appointed by the Commerce Department will devote attention to it;" I do not know what his department exists for. I think this is as much a primary concern of the Honourable Member to see that we are not faced with such difficulties and it is the primary responsibility of the whole Government to co-ordinate their efforts to see that all these trouble do not arise. Of course, when we put these questions, we have to address them to different persons who are in charge of different portfolios, but it is surprising to see that somebody says "This is his concern; this is not my concern", and thus gets rid of his responsibility. I, therefore, hope that all these departments, besides having this Reconstruction Committee and sub-committees, will act in a co-ordinated manner. From all the talk we have heard just now about Reconstruction Committees, its antecedents and who appointed them and what work was done and what was not done, it appears to me that nothing was done. I came across a bit of news in this Madras Weekly Mail. Very likely they woke up after these questions of mine were addressed to them—this is the latest news and it is from their correspondent—and dated New Delhi, March 6th. This news has not appeared in any other newspaper and so it has got a value of its own:

"Sir Jwala, Prasad Srivastava, the Member for Civil Defence, Government of India, it is understood, has been appointed Chairman of the Post-war Reconstruction Committee, with Major General Hutton and Sir Theodore Gregory as Secretaries."
"The Committee which was set up some years ago has not been functioning in a real sense but."

—Here is an astrologer prophet, the correspondent himself a prophet—

"... with the appointment of Sir J. P. Srivastava."
—Evidently with inside knowledge of the working which is likely to come and also of the qualifications of the several gentlemen who are appointed—
"... but with the appointment of Sir J. P. Srivastava and the two new Secretaries."
—It is not merely Sir J. P. Srivastava, but the two new Secretaries, and who are those Secretaries? Major General Hutton and Sir Theodore Gregory.—
"... it is expected that the Committee will take up this work in earnest."

We are, therefore, entitled to know what this Reconstruction Committee which came into existence about two years ago was doing. Was it sleeping? What were the Secretaries doing, and why was it necessary for two new Secretaries to be appointed? Are these Additional Secretaries, or is this a separate Department with separate Secretaries and Sir J. P. Srivastava, or has the same Reconstruction Committee been handed over to the new organisation? One of the things necessary to deal with reconstruction and the several ideas over which this reconstruction is going to concentrate itself, is funds; and the funds are the sterling assets. Yesterday it was suggested by Sir Frederic James that the sterling assets should be utilised to purchase such goods as according to him are necessary to rehabilitate the agriculture of this country, and he suggested power machinery, namely, tractors, pumps and several other things. Of course, one who has knowledge of agriculture in western countries or countries which are very advanced, can suggest such ideas only as are before them. But to spend money on a scheme like that in India would be sheer waste. In a country where you have very small holdings and where the owner of the holding is a poor man you cannot expect that that sort of machinery will be profitable.

The person has no capital to work with. Not only small holders, but holders who possess less than 500 acres of land to cultivate will not find it economical to keep tractors and other power machinery. For handling the power machinery it would be necessary to have skilled workers and the ordinary agriculturist will not be in a position to engage the services of experts. So, before making recommendations like these, one has to think of collective farming. Unless one has collective farming on the basis of Russia or at least collective farming of 500 acres and above, it would not be possible for anybody to have cultivation with power machinery on economic lines. As the suggestion was made yesterday that some of the assets should be utilised in purchasing capital goods like this, I sound a note of warning that it would be useless. At present, as it is, it is only the Government which can afford to have machinery like this, but then they have no cultivation of their own. They are merely experimenting and using this machinery on experimental farms.

I come now to the National War Front, and the propaganda carried on to instil patriotism amongst Indians to impel them to get prepared for the defence of their country. Some of the leaflets which we receive are curious, and they have a way which the authors may think are appealing, but which are not appealing. Let me give some instances. Once we had, or at least I read a little pamphlet or brochure saying that if the Japanese come and capture India your trade will suffer. Instead of saying this,—because we immediately think of the time when India's trade did suffer when the East India Company set its foot on this soil it would have been better to say Defence of your country is necessary that your trade may survive. I may refer to another pamphlet. It said, if Japanese come here, then they will treat you in a most barbarous manner. One gets reminded of the barbarities committed in the old days of 1857 by the East India Company. This is not the way to appeal to the people and create a psychology for defending India or get themselves ready for it. Instead, they should have said, if you fight, your position will be much better, your trade will prosper—not that it will suffer if they come, but if your country is defended by you your trade will prosper, if you defend your country, you will be in a position to secure freedom for yourself. This is the mentality which should be created. Some hope should be given, some promise made,—look here, this is what you are going to get, this will be a political benefit; if you do this, then you will get independence or what you ask, instead of saying you do this, then you will lose what you have. You must inculcate this. If if Japanese come you will lose what you have. You must inculcate this. If you do not do a particular thing you stand to lose that is one way; and another is, you stand to gain if you do this. I would rather have somebody tell me, if you do this, you will stand to gain, and not, if I do not do a particular thing I shall be losing something, because I am reminded of something which I have lost. Then there are other things like this which do not very much appeal. At times, it so happens that what appears on behalf of the National War Front is not also correct. There was an advertisement published in one or two newspapers which said that the agriculturists were in a very prosperous condition. I have shown in my yesterday's speech that the agriculturists are really not in a prosperous condition. The primary producer gets no benefit out of the high prices that are prevailing. Somebody else benefits, but instead of benefiting by this, the ryot has to pay something more for clothes, more for kerosene and other necessities of life. Instead of benefiting, he is losing, not gaining. If somebody says that on account of high prices the agriculturist is enjoying a prosperous time, then he is not telling the truth. The agriculturist who can read says this is false propaganda. I hope that in future the National War Front will study the psychology of people and see to it that their propaganda is not a negative propaganda but a positive one.

I now come to the question of the education of men as technicians. I find that there are not sufficient schools or workshops for this purpose. My friends

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suggested that it is only the expansion of the army we are concerned with, the Army, the Navy and the Air Force but we also want repairing work to be done and with that idea the Department is advertising for technicians and for applicants to be trained as technicians. I do not know whether the Defence Department is aware of this but I have found from enquiries in my province that there are not sufficient opportunities for training. The applicants are coming in in large numbers and in my province there is a long waiting list. It is very necessary that with the expansion of the army, there should also be side by side, expansion of the repairing section for machines. More schools are necessary. I hope that some more money would be spent on this object and if it is necessary to reduce expenditure in other lines for this purpose, it should be done.

Reference was made by Sir Cowasjee Jehangir to the direct reciprocal agreement between the United States and India. I am looking at this agreement from the point of view of the status of India and if we can enter into a direct agreement with the United States, without the intervention of His Majesty's Government, it would be decidedly a political advantage. The financial aspect of this has been stressed. I hope that the agreement will be such, as will benefit this country and I hope that the House will be taken into confidence in due course and that the agreement will be placed before this House. I am particularly looking at this matter from the point of view of political status. If we follow this up with similar agreements with other nations on our own initiative, our political status would rise higher and that is the one thing we are after.

Another point I wish to refer to is broadcasting. I am not concerned with the language problem or the paucity of members in service from a particular community. I am referring to the subject from the point of view of giving proper information about our own Allies in this country. I do not know how far efforts have been made to familiarise Indians regarding the conditions of people in other countries, their forms of Government and other matters. We might, in this case, follow the example of Great Britain or the United States. Great Britain is taking great pains to instruct its people about Russian society, about how they are fighting and how from being a backward nation they have now come to the forefront. Some time ago, Russia was not considered a European nation but an Asiatic nation and it is only recently that it has come to be regarded as a European nation. In England, they are giving information to the nation, so that there may be proper understanding between the two countries. I very much hope that in this country also we may follow the same example of instructing our people about the conditions of our Allies. A good deal can be done in the way of creating a good understanding between the persons of different nations who are our Allies. By means of broadcasting we can do some such service, as they are doing in Great Britain. For instance, take the celebration of the Red Army day. Unfortunately that was not done here on the 21st of February. They said that was the day fixed in England for their own celebrations and they never fixed any other day for such a celebration in this country. If we had celebrated that, it would have created better ties and established greater sympathy between Russia and India. We have taken no means, as other nations, particularly Great Britain and the United States, are doing, to bring the two nations together. I had also suggested that we might have expressed our gratification at the achievements of the Red Army . . .

Manlana Zafar Ali Khan (East Central Punjab: Muhammadan): And the liquidation of religion throughout Russia!

Mr. Govind V. Deshmukh: About that you can speak. We might have expressed our appreciation of the Red Army's efforts in Russia, by sending a message to the Commander-in-Chief and Premier Stalin, but that step was

not taken. When other countries are very keen on establishing contact and on increasing it and making it better, we should not be lagging behind in following their footsteps.

Now, Sir, I come to the question of agriculture again. The Railways are contributing to the general revenues some 20 crores of rupees. As I said before, part of the revenue which the railways derive is due not only to the third class passengers, of whom the agriculturists form the major part, but to the freight that has been increased on the goods of the agriculturists. I have already pleaded that that freight should be reduced because it hits them hard. My friends, the members of the European Group, yesterday expressed great sympathy for the agriculturists. I hope they will strengthen this demand of mine that something should be done to reduce the freight which the agriculturists find it very hard on themselves and thereby stimulate agriculture. For instance, when an agriculturist has to bring seeds from some other place to his own place and he cannot have a full load of wagon, then he finds it very expensive and troublesome to get the proper seed and for want of proper seed, he cannot grow a better crop. Similarly, if he wants to send his produce to the market, he has to pay this heavy freight. So, this heavy freight also comes in the way of his marketing. These markets are not usually situated near his own place where the cultivator grows his crops. They are situated at a distance of not less than 50 miles from his place. So, it is necessary that the railways should reduce the freight of all those things which are essential to an agriculturist. Then, from the point of view of the agriculturist, it is very necessary that the freight for the transportation of cattle should be reduced. Very often he has to purchase his bullocks in a distant market and also he has to purchase his cattle in distant places and then bring them home. Then, he has to transport his dry cattle to distant lands where they can be fed cheaply. So, if you take all these factors into consideration, then it is necessary that the railway freight should be reduced to help him to rehabilitate the agriculture.

Something was said about the manure which the agriculturist has to purchase. Of course, for that also it would be necessary to reduce the freight. But let me tell this House that it is not such a vital thing that we should use the artificial manure. The manure that we need is what they call farm-yard manure. It is the best for this country. It is the experience of many cultivators that if you use the artificial manure and if yours is not the province where there are any facilities for irrigation, then certainly the crops suffer if you do not get the rains at the proper time. Therefore, this artificial manure is a risky thing. Besides, manure is not such an important thing that I should press the Railway Board to reduce the freight on it. Then, you have to get this artificial manure from foreign countries. Sir, I am not in favour of the food of the poor man being taxed. As a matter of fact, in other countries there is no tax on food. So, in India, which is a very poor country, there should be no tax on food. One of the measures proposed is to tax the vegetable Ghee. Now, in the absence of the animal fat, this is the only thing on which the poor man can rely to meet his several needs. The poor man, who was formerly an agriculturist, could produce his own Ghee, his own milk and he and his family used to live on them. As a matter of fact, the agriculturist's profession was not merely to cultivate the land but to have a small breeding farm to get the necessary milk and Ghee. It has become now a very difficult task to maintain cattle on the farm. This is primarily due to the policy followed by the various Governments with regard to grazing. The grazing rules have become so pressing that the agriculturist finds it difficult to maintain the cows in his own farm. In the absence, therefore, of this Ghee, it is very necessary to have some kind of Ghee which is necessary for the building up of the individual's energy. So, I trust the duty that is proposed on vegetable

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ghee will be considerably reduced if not abolished altogether and the necessary money will be found by some other means. The expenses of the administration could be curtailed to find out something which could meet the requirements of the Finance Member instead of imposing this particular tax.

I hope, Sir, that the Army Department will take into consideration some of the suggestions made by me regarding the pay of soldiers, Lance-Naik and Naik. I do not know whether they have taken into consideration the growing expenses that an individual has to meet when he has got a family. From my personal experience and on enquiries made from some of these officers, I can say that the pay that they are receiving is not sufficient to meet their expenditure. Of course, you cannot expect these officers to come forward and speak about these things. If one comes across these persons in an informal way, if persons like us having opportunity to have a talk with them, one finds that they are not satisfied with the pay they are getting. I say they are not satisfied; for reasons you can go and find out for yourself. I say their needs are becoming very expensive on account of dearness of several necessities of life. In the end, I will make this one request that the pay of these persons in the Army, namely, Indian Sepoy, Lance-Naik and Naik, should be increased so that you may be able to get better men and a contented Army, which is the basis of bigger army to fight your own battles to victory.

Rai Bahadur Seth Bhagchand Soni (Ajmer-Merwara: General): In the atmosphere of this war, I stand in my seat to raise a voice of complaint however humble and feeble it may be, against the step-motherly treatment of the Central Government against my constituency of Ajmer-Merwara. While my other Honourable friends in this House have talked of big things, unfortunately it is my lot to talk in terms of elementary needs of men. I mean only water, health and education.

Imagine that in the year of Grace 1943, when primary amenities of life are within the easy reach of men, I urge for water.

Bitterness created by the indifference of Government leads me to think of the character of the people I represent. I am proud to say that when every part of India witnessed mass uprisings, and individual crimes after August 8, 1942, when acts of sabotage and arson, burning of public property and looting of banks and post offices, were resorted to by misguided mischief-mongers almost all over India in response to the Quit-India call, there was a corner in this country which remained calm and quiet. If you want to know in what part of this country, there lived no political malcontents and wire-pullers whose business was solely to agitate the public mind in and out of season against the established Government; if you are keen to ascertain in which particular tract of India there was no act of sabotage, no act of cutting the communication lines, no incendiarism, no deeds which the present day vocabulary styles as quislingism, I would refer you to Ajmer-Merwara. I am sufficiently proud of my people. I realise the implications of what I say and mean. Let my words be not twisted to mean that Ajmer-Merwara has no political consciousness, has no sense of what a Government ought to be and ought to do, has no aspirations for political advancement. The facts, as they actually happen to be, are that my people realise that the present is a critical juncture in the history of civilisation which is threatened to be replaced by jungle-law and brutalism and the people of Ajmer-Merwara are fully determined to give their full support in this titanic struggle against the Axis barbarism. They are anxious to see that they may not be guilty of any such action that will retard or weaken the war effort of the United Nations. Their efforts, their prayers, nay, every act of theirs, is imbued with the zeal for the victory of the United Nations.

Sir, such are the people of Ajmer-Merwara. I am sorry I have got no figures available now otherwise, I could have shown that among all the provinces of

India, the contribution of Ajmer-Merwara towards the war stands at a very high level, considering the contribution *per capita* in spite of severe famine that raged for about three years. Lately Government raised the Ajmer-Regiment and we are proud that recruits have come forth to join its ranks beyond even the expectations of the authorities. The other day the Commanding Officer of the Ajmer Regiment toured my province and was deeply impressed by the good will of the people.

Perhaps I am digressing. I must come to my original point of water for the people of Ajmer. Since 1889, when Ajmer got its first water works, several extensions were carried out from time to time on the recommendation of experts which all, however, proved to be inadequate on account of the growing population of Ajmer.

Now, there is the scheme of Mr. Griffin who recommended taking water supply from the Saraswati Valley. We believed that Government was now going to redress this great cause of our grievances for good. We on our part in spite of our meagre resources agreed to bear an additional 25 per cent. of the cost on account of the rise in prices. But to our great disappointment, we were told later that the scheme is postponed for the present. I wonder if the Government proposes to assure us that this scheme will have precedence over all other schemes after the war or wants us simply to depend on the future. This Sir, is the awful tale of Ajmer's water supply.

What about education? In respect of the primary educational facilities to be provided to the province of Ajmer-Merwara, there is practically the same story as of water. I do not want to bother the House with the details of Government promises which were made presumably more for breaking than for keeping. The whole scheme of educational facilities has now been shelved. Let me thank Government for this act of their generosity. It would also not be out of place to mention that in Ajmer we have got only one High School for Girls for imparting higher education and that is the Savitri Girls High School which is being raised to college standard to meet the growing public demand. It depends for its existence on the generous help of the Government. Their building is lying still incomplete. May I expect that Government will consider its importance and give more substantial help to enable it to continue the useful service? There is another very astute way by which education in my constituency is actively discouraged. The young men of a place after receiving education naturally look up to the services of the place as their natural right, for in these days of provincialism nobody from Ajmer has the slightest hope to be taken in Government service in the neighbouring Provinces of U. P., Delhi, the Punjab or Bombay. Hence the natural inference will be that the people of Ajmer-Merwara should be provided in the services of the place. However, you, Sir, should not be surprised if I tell you that during the last two years, almost all the posts of Ajmer-Merwara have gone to outsiders through the agency of the Federal Public Services Commission which has thought it wise to treat a directly administered area so shabbily under the very eyes of the Government of India.

May I, Sir, invite the attention of the Government to the deplorable medical facilities in Ajmer and specially to those of the Victoria hospital? I wonder if the tottering condition in which the hospital is eking out its existence with an underpaid and overworked staff, unable to cope with the work, not because of any want of merit, but owing to the quantity of work being outside their capacity, can melt the hearts of the powers that be. The repeated representations of the local authorities have failed to crack the hard nut of the Government purse. The hospital had an additional civil surgeon, but since the time the last incumbent left his post, the Government preferred to keep the post in abeyance. Surely a suitable local man could have been found if no outsider was available. This would have satisfied us. Sir, it is the primary duty of a Government to discharge its obligation towards the maintenance of the health of citizens. Health

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of what would happen in this country after the war and that is the sort of thing which I would very much like to safeguard against at the present moment, if it is possible to do so. If the currencies of all these countries are linked together then there will be no danger and we will be in a better position to plan our future re-construction. But if it is not done—and this is the proper time to initiate a debate on this particular point—then there may be a danger after the war. . . .

Sir Cowasjee Jehangir: A debate in the House?

Dr. Sir Zia Uddin Ahmad: The Finance Member should initiate on behalf of India and he should make a suggestion to the United Nations that the currencies ought to be linked together. In that case the danger which was expressed some time back, that after the war the sterling may go down and may not have the same value and our sterling securities and credits which we have in England may also go down in the world market, will be safeguarded. It is very desirable that we should discuss this from purely economic point of view and from the point of view of the prosperity of the United Nations, i.e., we should not think only of the war, but we should also think what would happen immediately after the war.

Then, we should have discussion as to the manner in which our floating reserves should be kept. A suggestion was made that the low interest of half per cent. and one per cent. is not good enough. We should invest it in order to have good results and investment should be better. I hold a somewhat different opinion—I may be wrong—namely, that this reserve should be kept in floating account. It should not be invested in a long term contract because we do not know how much money we require and at what time, and I believe it would be a mistake to invest this money in any long-term contract even if it may bring double or treble interest. We may invest in the form of treasury bills, which is a short term contract, or any other form which would be short term investment, but I would not like to have this money invested on long term contract either as paper currency reserve or by any other name. We know from our experience what happened after the last war: People who had invested their money only in buildings and factories came to grief; they could not find money when they needed it and they had to borrow it on very unfavourable terms. I know of a friend who was tea planter in Assam who had invested all his money in tea gardens—his income was about three lakhs a year—and when he required the money, he had nothing. He had to borrow from some businessman in Calcutta on terms which no person could even dream of and which should not be allowed in these days of civilization and there ought to have been restrictions on money lending, but the result was that he borrowed the money on unfavourable terms and he came to grief. He could not pay the debt and some of his tea gardens were sold.

I can very well understand that we should change our sterling liability to rupee liability and the less sterling liability we have the better it is because this will always be a doubtful factor in the future budget of this country. Therefore, the steps which the Honourable the Finance Member has been taking are very welcome and we appreciate that all these sterling liabilities should be changed into rupee liabilities.

Then, I come to the purchase of Railways. This is a very good use of spending our sterling credits and we highly appreciate that as well. But whatever money is left, it should be spent in purchasing the articles which we require and particularly heavy machinery which we will need immediately after the war, but the proposal to invest this money and purchase pensions or provident funds out of the reserves is a proposition which is not quite intelligible to me. It reminds me of a story of a person in the Punjab. He was a magistrate. He went to a village and asked the headman to pay a fine of Rs. 100. The headman said, "What for? What

have I done?" The magistrate said, "I cannot wait till you have committed an offence. I want the fine. I cannot wait for you". This is the story of my friend who is not in his seat just now. The same is the case of the purchases of security. We have kept this money and we cannot bring it out in the shape of treasure or gold. We have to bring it back in the shape of articles. We have supplied it in the shape of commodities, so we have to bring it back in the shape of commodities. But if the commodities cannot come on account of shipping or because other things are not available, it does not follow that it should be spent somewhere else, like the fine that was imposed. So, if there is nothing to purchase, why should we create something so that we can purchase it. In other words, why should we purchase our future liabilities, e.g., pensions and provident funds. But if we purchase the present liabilities, then I am sure when our liabilities increase we will also purchase the liabilities we shall incur in the course of the next few years in the retirement of persons in 1945, 1946 and 1947. I think this system of purchasing security is not a fair one. I understand that we ought to pay for certain things for our future generation, but there are others for which we are not responsible for payment. The payment of pensions not only in England but in India also is really the work of future generations and the present generation should not be responsible for it. This I think is not a legitimate way in which we should spend our sterling security. The point made out on the floor of the House by my friend, Sir Cowasjee Jehangir, and by Mr. Jamnadas Mehta and others was that this money should be available for us after the war and we should be at liberty to purchase commodities from any country and that we should not necessarily be tied down to borrow from one particular country. We should be able to go to the cheapest market available at the time and the credit should be utilised to purchase our requirements after the war. So, it is really a great thing that we have got sterling securities, and it is very desirable that we should not waste them in purchasing our future liabilities.

The next thing I would like to take up is the question of inflation and deflation of currency, about which I heard so much. There is no doubt that our currency needs, just about the beginning of the war, valued 170·92 crores. Now they have increased to 560·57 crores, nearly an increase of more than three times. But what is the meaning of inflation? This is a thing I would like to understand. Does inflation mean that we have more currency than we require for ordinary transactions? Is this the meaning? Or does it mean that we have a currency against which we have got no currency reserve? These are the two points which we have to consider before we can express an opinion whether we have an inflation or whether we have just the normal requirements of our currency.

Before I take up these two points, I may point out the background of the general political considerations which have to be reckoned with when we have to settle this question. There is at present a tendency in the country, initiated by the enemy countries, which is taken up by a class of persons, who only want to have some kind of disturbance in this country for the dislocation of traffic, including terrorism, dislocation of currency and dislocation of the food markets. As soon as war broke out the people began to hoard money. They hoarded money, not so much with the intention of keeping with them a metallic reserve, but they hoarded primarily with the object of creating shortage in the currency and dislocating the ordinary transactions in matters of currency. The Finance Member realised this in time and he initiated the theory which was quite correct from the point of view of our purpose and it should not be tested by old economic theories which were made for peace time. When he found that there was a tendency to hoard all this currency, he issued his rupee not in metal or silver, but in paper, and since it was a token coin it was just as good as to publish it in paper. So let people hoard this particular rupee. It does not matter very much. Nobody would like to hoard this paper rupee

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for a very long time, and it did meet the requirements at that moment. You will remember what happened 18 months ago? There was such a shortage of rupees on account of the attempts of certain individuals to dislocate our currency policy that the rupee was not available. We had five rupee and ten rupee notes and we took them to the market but we could not get food and many restaurants published notices asking people not to come and purchase anything unless they had rupees in their pockets because the restaurants could not give change. This was realized in time by the Finance Member and he met this dislocation by issuing his paper rupee.

Now, I just want to know how much currency is required for normal work, keeping in mind the tendency which is there already for dislocating the market and putting this currency out of circulation. Any one who gets up and charges the Finance Member for having inflation should establish his case after taking into consideration our purchasing requirements in the Supply Department which is 18 crores per month, the expenditure now incurred in the Defence Department, British, American and Indian and also the budgetary position of the Government of India and of the Provinces, and in addition the increase in the business all round necessitating an increase of currency for ordinary transactions. The answer to the question whether there is inflation or not will depend on the answer to these questions. If I require one hundred rupees for a transaction and I print notes for Rs. 100, then you cannot call it inflation. But if I require Rs. 100 for my normal business and I print notes for Rs. 20 then you may say I have overprinted Rs. 100. It is not, therefore, sufficient to say that your currency notes are three times the amount before the war. Such a proposition has no meaning but the answer is that business has increased about four times what it was before the war, and since business has increased naturally we require more paper currency to meet our requirements. Anybody—economists or politicians or those who are accustomed to curse everybody but themselves or any other set of people—has really this first duty to see how much currency is necessary to meet the present requirements of the time in order that we may not be put down by the propaganda to dislocate the currency of the country.

The second argument which they bring forward is that you have printed the notes, but what is the currency reserve behind it? I tell these gentlemen that the theory of metallic reserve is a theory of old times: it was true about ten years ago during peace time; but now during the war this theory is out of date and it will never come back into this country. In the old days the currency was either gold or silver. For the sake of convenience, so that we may be saved from carrying a large metallic amount in the pocket, they invented notes; but for every note issued they kept at some place sufficient silver or gold so that they may be able to pay the entire note currency if it came back to the currency authorities at any moment. But now gold and silver have gone out altogether: they are no longer currencies—in fact they are no longer commodities. A commodity is a thing which is available in the market but if a thing is located in one particular place—like America—you can call it gold or silver or anything you like—it has got no value at all; and, therefore, at the present moment gold is neither a currency nor a commodity; it has absolutely no value whatsoever and so what is the use of keeping it as a metallic reserve? It is nothing better than stone or iron because when a thing is locked up in one place, it makes no difference whether you put a stone there or whether you put gold there. Therefore, this theory of metallic reserve is obsolete, out of date theory, and you cannot say there is inflation of currency because there is no metallic reserve. This argument may have been good enough before the war, but now when there is no gold available in any form, this theory is no good. Therefore, when we discuss inflation, I say it has no meaning whatever. It is merely a word which neither they understand nor we

understand; and I challenge whether anybody understands it at all. Therefore, when they do not understand the meaning of the word 'inflation', the arguments which they advance on the basis of a wrong definition of the word must also be fallacious. My friend the philosopher—the Finance Member—knows that if your major premise is wrong, then all your other conclusions from that premise are also wrong. You say that because there is inflation of currency the value of the rupee has gone down; and since the value of the rupee has gone down therefore the value of the other commodities in terms of the rupee has gone up and therefore that is the reason of high prices prevailing all over the country; and that if you print less notes then the prices will go up. Suppose the Finance Member stops now and reduces the number of currency notes from 680 to about 500 crores, do you mean the prices will go up? This is absolutely unthinkable and though it may be good enough on paper it is not good enough in practice. Their calculation will be like the calculation of that person who attempted to cross in a boat by calculating the height of the persons in the carriage in which he was travelling. The story is this: a person was going in a bullock cart and had to cross a river: there were five persons in that bullock cart; and he found out the depth of the river to be only 15 feet; then he said, "What is the height of the bullock cart? 7 feet. What is my height? 5 ft. 6 in. What is the height of my wife? 4 ft. 6 in. What is the height of the other persons, and so on? The total is 18 feet; and since the depth of the river is only 15 feet, we can cross the river". So he went on and everybody was drowned unfortunately. Then this *bania* who had calculated the figures said: "No, my calculation is all right; there is absolutely nothing wrong about it. Why has this happened?" So, this happens, that if you start with a wrong definition of inflation, then you come to wrong conclusions, just as this *bania* did. I would, therefore, like to give up this particular kind of argument. The cause of high prices should be sought elsewhere, and when I begin to discuss this question of control—which I will do later on—I will discuss the mistakes which the Government of India have made and which are responsible for the sudden rise in prices.

Before I come to the question of shortage, I should like to mention the question of the shortage of small coin. This is a very important question, and I think our friends have succeeded in dislocating trade and creating dissatisfaction among the smaller people. In spite of the attempts of the Finance Member in introducing the new pice coin with a hole in it, and managing to reduce the quantity of metal in it to half its former weight, he must have calculated this mathematical problem as to how much reduction could be effected by this hole with so much radius—by 50 per cent.—he must have made his mathematical calculation—I have made no calculation but perhaps he left it to fate as to what quantity of metal he could save in preparing this new pice. I do not know either how many of the new pice he has minted. But certainly many persons here even in this House have not seen it.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I have not seen.

Dr. Sir Zia Uddin Ahmad: I think the Honourable the Finance Member had probably the first or second pice coin that was minted in this country, and I know of one Director of the Reserve Bank who had one in his pocket. Otherwise I have never come across any such coin in ordinary dealings anywhere else. This shows that the number of coins is very small and it is not sufficient for daily requirements. I do not want to take up much time of the House in describing the way in which the old coins have disappeared from circulation. That may have been due to melting for reasons of profit, but I think they have been hoarded in order to dislocate the currency of the country. I asked the Honourable the Finance Member one question as to how many smaller coins would be necessary for meeting the ordinary transactions. I do not know whether any attempt has been made to make such a calculation. I would like to give notice now to him that I shall raise this question in the Standing Finance

[Rai Bahadur Seth Bhagchand Soni.]

is a provincial subject, and we could very well expect that in a centrally administered area, the Central Government would discharge its obligation in this respect in such a way that would serve as a model for the Provincial Governments.

May I request the Government that they should at least take over the work of the annual repairs of the hospital buildings, as the hospital with its meagre resources is unable to meet this expenditure which would be a mere trifle for the Central Government and a real help to us? Such a deplorable state of affairs cannot continue for long.

Sir, the District Board of Ajmer-Merwara has its own story of grievances. The previous Government grant of Rs. 15,000 has been cut down to Rs. 6,000 per year whereas the Delhi district with a population of 33 per cent more is given Rs. 1,50,000 a year.

Sir, famines are very frequent in my Province. Recently one lasted for about three years and the Government spent about 70 lakhs on relief measures. Prevention, I maintain is better than cure. If Government would have spent over some years much lesser amount and carried out a constructive plan, the famines might have been avoided and agriculture improved permanently. This would have been a much cheaper insurance premium against distressing famines.

Mr. Akhtar Hussain, I.C.S., Officer appointed on special duty submitted his report to improve sanitation, health and housing a few years ago and no action has since been taken on it. It is unfortunate that the document has been pigeon-holed in spite of all assurances given by the Government. Anyhow, Sir, I request the Honourable Sir Jogendra Singh to kindly take up this matter and to pay us a visit in Ajmer and study matters on the spot.

I was once told by a friend that blessed are the ignorant for they will not suffer from the consciousness of an untenable political situation. The irony of the remark came home to me when I discovered that Ajmer-Merwara had no place in the beneficent scheme of Sir Stafford Cripps. On discovering this, I wrote asking for an interview to apprise Sir Stafford Cripps that Ajmer-Merwara existed if not politically, at least geographically. I received a very courteous reply which indicated that to him that hath shall be given and those that have not shall be considered later.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I want to continue the speech which I commenced on the occasion of the general discussion of the Budget but which unfortunately the President did not permit. The last point on which I was speaking the other day was about the accumulation of sterling credit. Now, Sir, we know very well how sterling credit has been accumulated. We know very well that currency notes are not sent from one country to another. The currency notes have full significance only in India, but our currency notes have no significance in other countries. Take any country, say England. We purchase goods from England. Now the difference between the prices of import and export is called balance of trade. When the balance of trade is not equal, in olden days they were equalised by the transfer of treasure. Before the Great war, generally speaking we had a credit balance of 50 crores of rupees and this we spent in purchasing what is called treasure. The difference is always made up by the transfer of gold or silver which is called treasure. In prosperous days, before the war, we always accumulated gold in the country, which was the difference in the balance of trade.

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

When depression began, the tide turned against us. We had an unfavourable balance of trade which was made good by the transfer of gold from this country to England in order to equalise the balance. No doubt if we take up

visible balance of trade and also invisible balance of trade, then they must equaise as I said eight years ago, that the sum of visible balance and invisible balance of trade must always be equal to zero. In these days it is not possible to get gold, so that whenever an unfavourable balance of one country is left over, it is accumulated in terms of currency which is really on the debit side. In these days we sell more to England and England sells comparatively less to us. Now this difference of balance of trade is not made good by the transfer of treasure, that is gold or silver from England to India, as the precious metal is not available anywhere for transaction purposes and, therefore, our credit has accumulated in England which is in the neighbourhood of about 600 crores. After the war, it will rise to even above one thousand million sterling. This is the big reserve which we have got and which we have accumulated during the war. The question arises as to how we should dispose of this sterling credit or sterling security which we have accumulated in England. Before I tell anything about the manner in which this may be disposed of, I should like to draw the attention of the Honourable the Finance Member, in whom we have very great confidence, as I think he is a good fighter for the cause of Indian finance, to consider a few points.

We have to see whether the time has not arrived when we should have direct negotiations with America about reciprocal Lease-Lend arrangements. At present we negotiate through England and by my means of sterling, but I would very much like to see—with the credit at our back—that we should have a direct negotiation between rupee and dollar. This is just the time to begin and to discuss this matter and if you take up this question I am sure that the opinion of the people of India,—at least that section of our people who are in favour of having a solid financial basis of our Indian finance,—will support the Finance Member. Any Lease-Lend arrangements that may be negotiated should not only include war requirements, but should also include the requirements of trade and particularly the requirements of educational institutions. There is a lot of very costly apparatus which we require for experimental purposes which you cannot possibly purchase in these days. In the first place, we have got no money; and, in the second place, dollar securities are not available. Therefore, these requirements should also be considered in any Lease-Lend arrangements that may be negotiated, and we should be permitted to purchase on Lease-Lend basis the requirements of our industries and also the requirements of educational institutions. This is one point on which I would very much like the Finance Member to initiate discussion: whether we should not have Lease-Lend arrangements direct with the United States of America by means of rupee and dollar and not through the medium of sterling.

The second point on which I would very much like him to initiate—and I hope the public opinion not only in this country but in all the countries which form part of the United Nations will support this—discussion on the suggestion that the time has now come when there should be some kind of economic connections between the countries forming the United Nations, who are now putting up a fight against the Axis Powers. At present, really speaking, there are two important currencies—Dollar and Sterling—but other countries have got their own currencies, for example India has got a rupee. I think it is very desirable that we should take legal action and link up all these currencies by means of law. It should not be left to the natural movement of the trade and to the banks, but we should have a law which will establish some kind of legal link between the currencies of the different nations forming parts of the United Nations. If this is done and the rupee, sterling and dollar and currencies of other countries are legally linked together by a Commission appointed by all the Nations, it will lead to great stability of the countries not only during the war but also after the war. If that is not done, I am very much afraid

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Committee as it is exceedingly important from the point of view of ordinary daily transactions. The other day I had a deputation of people who carry on trade in a small manner, *kanchawalas* and others, who sell things for Rs. 2 or 3 a day and make about eight annas. They say their trade is absolutely gone, because people have not got one pice or two pice or one anna or two annas to purchase from these *kanchawalas* and they say they cannot sell anything. These men are starving, they have got no trade because people have not got sufficient small coins to purchase from them. We ought to come forward and save such people from the misery into which they have fallen and this can be done by means of issuing more small coins. Though some portion of our old coins have been melted for profit because the value of copper in the coin was more than the value of a pice, still the number of coins melted in this manner was comparatively smaller than that hoarded in order to dislocate currency. In some provinces they have taken some strong action and punished those persons who hoard small coins, but the action taken in some other provinces is not sufficiently rigorous. I suggest that we should have an advertisement that any person who may find out that any individual has hoarded small coins in excess of requirements for ordinary business, should be given a reward of Rs. 1,000, and the person who is arrested should be heavily punished. Not only should he be fined but he should be fined in such a manner that it may have a deterrent effect in future.

The Honourable Sir Jeremy Raisman: We have done that.

Dr. Sir Zia Uddin Ahmad: Strong action is necessary in that direction. Along with that, we should also introduce small coins whose actual value may be less than the value of one pice and so on, so that by hoarding it people may not gain at all. This is a point which requires the careful attention of the Finance Department. As my Honourable friend, Mr. Azhar Ali, pointed out on the occasion of the debate on the Railway Budget, even the booking clerks in the railway stations who get change keep them. Whenever any person comes with small change to buy a ticket, the booking clerk keeps it, and when anybody else asks for a change he does not part with it. Either the passenger has to go without change or he gets postage stamp, which is very unfair because at night they might pass off used stamps. Even when I go to purchase petrol I cannot get change. If I buy two gallons of petrol, the cost of which is Rs. 4-9-0, I do not get small change of seven annas, but I have always got either nothing or seven one-anna postage stamps. Why these stamps are utilised I do not understand. It is also done under our very nose in the post office in this Legislative Assembly building.

I come to some points raised in the Budget speech. At page 14, the Honourable the Finance Member says:

"At this point I may also allude to measures we have taken to afford relief to large numbers of persons evacuated from Burma in the face of the Japanese invasion. Some 400,000 persons left that country by the land routes leading into Bengal and Assam and approximately 84,000 were evacuated by sea and air. Special organisations have had to be set up on an adequate scale to deal with these. In Assam we provided over 30 camps with medical and sanitary staffs for their reception. It has also been necessary to make advances of money to afford to those at present destitute an opportunity of rehabilitating themselves in their new environment. All these measures have cost us about Rs. 100 lakhs."

In this particular point, we were given to understand that the pensions and the reliefs that were given to the Europeans and Anglo-Indians who came out from Burma were paid for either by the Burma Government or by His Majesty's Government. I understood that we were not going to meet this expenditure. This paragraph which I have read reveals the fact that we have spent about one crore of rupees in providing houses for all these evacuees from Burma. We know that in every town in India houses have been taken up, a number of houses have been taken up for the residence of the evacuees from Burma. They are not Indians but belong to all nationalities who are friendly to us. Their expenses are paid by the Government and they also get some pensions. I

understand that they come out of the budget of His Majesty's Government and not out of the Budget of the Indian Government. I want to know in what manner this one crore of rupees has been spent. Is it spent in providing facilities for residence and advances to those persons who will ultimately settle down in this country and are really Indians who had gone to Burma in the hope of settling there but have since realised that their hopes were mistaken?

The next point to which I would like to draw the attention of the Honourable Member is on page 16, about the division of Budget expenditure into revenue and capital. I thought in war expenditure everything is revenue. There is very little capital in war expenditure. He may have spent some money in erecting a factory or in putting up certain machinery and so on. These will have very little value after the war. So, this division between capital and revenue was not intelligible to me and it is not explained how much of the expenditure he would debit to revenue and how much to capital and since these things do not come before the Standing Finance Committee, we have no opportunity of finding out the distinction between the two.

On page 14, the Finance Member has also mentioned the losses due to political disturbances. He said:

"On this alone we estimate to spend approximately a crore of rupees. This figure, of course, takes no cognisance of the great loss we have suffered in the damage to our property, particularly on Railways and in the Posts and Telegraph Department."

Now, I should like to have a rough estimate of the losses we have incurred and in what way they would be met. Under what head will that be debited? Will it be paid by the Railway Department from their own Budget or the Posts and Telegraph Department from its own Budget or will the expenditure be met by the ways and means accounts of the Government of India? This is a point which is not quite clear to me. Why should not this loss be recovered from those who have done the damage? Why should we, who are innocent and do not subscribe to these disturbances, be made to pay for these losses? This is unfair. Why should I pay for a loss for which I am not responsible and which I do not like? It should really be paid for by those persons who are responsible for the damage. This is a point which the Finance Member has not elucidated in his speech and I trust that on some occasion or the other he will make this clear. Before I take up the Finance Bill, I should like to associate myself with the Leader of the European Group in expressing our great sorrow at the loss of the Governor of the Reserve Bank. He was a great asset to the country and his loss will be felt on the present occasion.

I am now making the speech which I wanted to lay on the table on the last occasion. I now come to certain features of the Finance Bill, before I offer my criticisms on the other aspects of the Administration. It was pointed out that we have a deficit of 60 crores. The Finance Member suggested that one-third should be raised by taxation and two-thirds by borrowing. Some members say, 'No'. They say that the whole amount should be met by borrowing. It is very difficult to express any opinion on this. If you say, one-third, why not two-fifths or one-fourth or any other figure. I think in principle it is all right that we should pay what we can and leave the balance to future generations who will be benefited by this war. Now, whether we have reached the maximum taxing capacity is a question to be considered. I believe we have reached the maximum taxing capacity except in the case of certain persons from whom you can squeeze out as much money as you want. No one has any sympathy for them. The average person whose income is limited and whose expenditure has gone up is not in a position to pay on account of the rise in prices and he has to pay an invisible tax which my friend, Sir John Sheehy, does not take into consideration. I will explain what I mean by invisible taxation. I think the maximum taxing capacity has been reached and it is impossible now to tax even a man whose income is Rs. 200 a month, because he cannot afford to pay more into the coffers of Government. In every other country, the unemployed are supported by the State out of the taxes which we pay. In India, every one

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has some cousins or nephews or other relatives and friends to support, because there are no persons to look after them. These persons who would be supported by the State in other countries are supported by the people themselves in India. This is what I call an invisible tax. I calculate it at 7 annas in the rupee. This is the amount of the invisible tax which every one has to pay. Some years ago I raised this point when the Congress members were here and Dr. Deshmukh strongly objected to my figure. He said it ought to be ten annas in the rupee. Sir John Sheehy never takes into consideration this invisible tax which according to me is 7 annas in the rupee and according to others ten annas in the rupee. Now, my point is that this is a sort of tax and you cannot add another tax to this tax. The tax should be only on 9 annas after deducting this invisible tax of 7 annas and not on one rupee. I trust that the Central Board of Revenue will take this into consideration. This is a question which ought to be considered by the Finance Department in relation to the taxing capacity of the people. If you reduce the income of the people, their paying capacity will be less. I do not believe in the theory of the Finance Department that by spending less the commodities will be reserved for war purposes. This theory, to my mind, has got no foundation and it should not be supported. Therefore, the question as to what percentage should be collected by tax and what percentage should be collected by means of a loan is a problem which cannot easily be solved. Any theory which we may build up will be very artificial and the zero will be just as good as one-third. I think the taxing capacity has already reached its limit and it is very difficult now to impose further taxation at the present moment. I suggested one item of income on the occasion of the Railway Budget but the Finance Member did not take it up because he was opposed by his colleague, the War Transport Member. But I kept this in pocket for the utilisation of this amount during the coming year. It is the amount of 18 crores from the railway reserve fund. He could have easily taken this amount from the railway reserve fund. In that case, fresh taxation would not have been necessary. But I do not press this question just now and I did not press my motion to division when this question of finance was being discussed on the floor of the House. I thought I had better keep this amount in my pocket to be utilised in the coming year.

Sir Gomasjee Jehangir: I think you will be much mistaken if you do that.

Dr. Sir Zia Uddin Ahmad: Am I to understand my friend to say that there will be fresh taxation on the incomes next time? If there is such a fresh taxation, then only the excess profits tax should be increased and no other tax.

Now, I suggest one other method of taxation which will be very fruitful for the year 1944-45 which I call the poll tax. Now, what is this poll tax? The poll tax is a tax which is levied in the same manner in which the story of that magistrate was related. There was a gentleman who went to an Indian State for employment. Now, he found there was no employment there. So, he thought of a very novel scheme of taxing the people. He took a house close to the railway station and he employed well-dressed peons and so on. He had printed receipts and everything else was in a tip-top condition. Whenever any passenger came in, he asked him to pay the poll tax. They asked him what this poll tax was and he only replied, "This is *Sarkar-ka-Hukum*". In this way he realised two, three, four and even five rupees from each and every passenger. All this amount was credited to a fund from which he took his own salary and also the salary of the peons and so on. On one occasion the brother of the Ruler of that State came out and he realised this poll tax from him also. He complained of this tax and then an inquiry was made by the Ruler himself. This man told the Ruler, "Here is a tax which I have levied called the poll tax and I have paid so much money into your treasury". So, the Ruler said, "This is all right". So, I suggest a poll tax which I want my friend to levy in the year 1944-45. This will be a tax on all those persons who have got more than one crore of rupees.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): One crore in assets or in cash?

Dr. Sir Zia Uddin Ahmad: My Honourable friend has raised a very important subject of mathematics whether it should be a tax on capital or on income. Since it is a poll tax it should be a tax on both income and capital.

Now, Sir, I come to some important things and I begin with Delhi province first. In this connection, I would like to draw the attention of my Honourable friend the Law Member about the administration of the Delhi province. You know there is a law in the Delhi province by which they have authorised the Chief Commissioner to take away any section from any enactment of any province. He can take away one section from the United Provinces Government, another section from the Punjab Government and yet another section from any other Government with or without the permission of his department. I am not sure about this. But even if this permission is given, it is really confidential and the public is not aware of it. But the Chief Commissioner of Delhi makes a new Act in this way which is called the Delhi Province Administration Regulation. Now, the manner in which this is done reminds me of a very good story. There was one person who approached an artist to produce a very good picture. The artist said that he could not draw a picture from mere imagination; he must have a model from which he can draw the picture. So, he went to one shop and purchased a nose from there; he went to another shop and purchased a pair of ears from there; he went to another shop and purchased a pair of eyes from there; he went to another shop and purchased a set of teeth from there. In this way he bought different parts of the human body from different shops and put them all together. In this way he had his model from which he drew the picture. That picture was no better than the picture of the beloved drawn by some painter from the descriptions of the poets. Now, if you take up the descriptions of the poets and draw a picture, then it will practically be the same as was drawn up by this particular individual. So, if you take up the Regulations of the Delhi by this particular individual. Those sections may have been passed under entirely different conditions in different provinces and yet they form part of the laws of the Delhi Administration. Sir, I understand democracy and I understand Hitlerism, but I do not understand democratic Hitlerism. This is an expression which is entirely new to me. I do not know whether this practice has the permission of the Law Member or whether it is done with the knowledge of the Home Department. I hope these two Honourable Members will explain when they get up to reply to this question.

Then, Sir, the only body that has got a representation in the Delhi province is the Municipality, otherwise they have got no representation of any kind. Though we have been talking democracy very loudly, it has not been translated into practice so far as the Delhi province is concerned. The income of the Delhi Municipality is 39 lakhs out of which 21 lakhs, more than 50 per cent. is spent on establishment alone and very little is left for the amenities of life. There is very little left for education, roads and other amenities of life. Then, take the Public Works Department of the Delhi Municipality. Their budget is of Rs. 80,000 and the pay of engineers and so on comes to Rs. 90,000. Now, they have appointed a medical officer not for one year or two years but for life. This life appointment I have never heard of. He has been given the salary not on the basis of the population of Delhi but he has been given the salary which is given to officers in Calcutta, Bombay and other big towns. This officer is getting more than the medical officer in Karachi. This is the method in which the Delhi Municipality affairs are conducted.

An Honourable Member: What is the salary of the medical officer in Calcutta?

Dr. Sir Zia Uddin Ahmad: That is not for me to answer. The Honourable Member who comes from that place will tell the House about the salary.

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Now, this is the way in which the affairs of this Municipality are conducted and this is the time when we should have some representative body who should look after the administration of this municipality and look after other things as well.

The next thing in this connection is that they gave a definite promise that land will be developed. Money realised will be utilised in developing slums of the old town of Delhi. Now, the price of land has been very much appreciated. The entire amount is going to be credited to the Government of India and very little is given for the improvement of slums. Sir, this is province administered directly by the Government of India, but this is a province which is most neglected and nobody cares for it.

I come now to the important question, i.e., amenities to the people of Delhi regarding their daily requirements, e.g., food, coal, kerosene and other things. This I will not take up at the present moment but I will take it up along with the question of food as a whole.

Now, Sir, I come to the Supply Department. I am sorry that Sir Homi Mody has not waited to hear the criticism of the administration of his Department and he managed to get away a little early. He could not hear what we have to say about his Department. Briefly speaking, I may say that the percentage of Mussalmans at the time when Sir Homi Mody took over the charge was 30.7 and during his regime it was reduced to 12.5. That is the result of his administration. He is a very old friend of mine, we have worked together on many occasions for the last so many years. I would like to explain on the floor of this House the causes of such deterioration in regard to the percentage of Mussalmans in the Supply Department. I will tell you, what has happened. They have five Selection Committees for the recruitment of establishment in the Supply Department and all the five Chairmen are Hindus. There is not even a single Muhammadan or an Englishman. I can never think of Selection Committees in which all the Presidents belong to one particular community or men thinking in the same way. They have utterly ignored this fact. Mr. Kirpalani is the Chairman of the Delhi Committee. Mr. Sarma is Chairman, Mr. Sukh Dev is Chairman in Bombay, Mr. Nehru is the Chairman of the Committee for the appointment of Planning, etc. Mr. Bhide is also Chairman. All these gentlemen are Hindus.

Mr. J. A. Mackeown (Government of India: Nominated Official): The Honourable Member is only 40 per cent. wrong.

Dr. Sir Zia Uddin Ahmad: I am not going to admit the statement of my Honourable friend. I have mentioned the names of the Chairmen of Selection Committees. It is for him to tell this House, when he gets up to reply to these points, that such and such is a Muhammadan Chairman. Will he please tell me, if there is even one Muhammadan Chairman? I wait for the reply.

Mr. J. A. Mackeown: There is no Muhammadan Chairman of the Selection Committees. There might well be of some temporary committees which are set up from time to time.

Dr. Sir Zia Uddin Ahmad: I am talking of the Selection Committees which are responsible for the recruitment of clerks and subordinate staff for the Supply Department. I am not concerned with temporary committees. I am concerned with the permanent Selection Committees. I am stating the facts. I am sorry, I have got no grouse against my Honourable friend, Mr. Mackeown. If Sir Homi Mody were here I could have fought with him on this question, but to my misfortune, he is not here.

Now, you cannot say that for these appointments technical qualifications are required. All these gentlemen belong to the Indian Civil Service. I ask are not there I. C. S. people in any other community except Hindus? Perhaps my Honourable friend might say, well Muslim I. C. S. officers are not available.

because Provincial Governments do not like to part with them. A poet has said:

"Ae roshni-e-taba tu bur mun bela shudi."

Because Provincial Governments think that they cannot spare them, so the Central Government is helpless. I make a suggestion. If you cannot get suitable I. C. S. people you can probably get men belonging to the Provincial Service to fill up this particular gap.

Now, this is really for the Selection Committees. When they found that the Chairmen of all the Selection Committees belong to one particular sect of people, they naturally assumed that the idea of the gentleman who represents the Government of India in the Supply Department is at least that these Committees should utterly disregard the Resolution of 1934. They disregarded it. They said all right. As regards the technical qualifications that Resolution is all right. I do not know whether they disregarded this Resolution with the consent of the Home Department. If it was done with the consent of the Home Department, I am sure it must have been obtained confidentially. They say that this Resolution does not apply to Departments which have been created on account of war emergency. I think this state of affairs is due to the fact that all the five Chairmen of Selection Committees belong to one particular sect.

Now, I come to another very important post in the Supply Department which has already been referred to in detail by my Honourable friend, Syed Ghulam Bhik Nairang. I do not want to go into details and repeat the whole thing. First of all I will draw attention to the few important posts which I consider to be the key posts. Before I take up this question I will just like to say that out of 18 crores which is spent by this Department annually the percentage which Mussalmans derive is 18. That also I will discuss when we come to the details.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 12th March, 1943.

LEGISLATIVE ASSEMBLY

Friday, 19th March, 1948

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.

SUSPENSION OF DIRECT RECRUITMENT TO ASSISTANTS' CADRE IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

286. *Maulvi Syed Murtaza Sahib Bahadur: (a) Will the Honourable the Home Member please state the names of offices in the Secretariat proper and attached offices where direct recruitment to the cadre of Assistants has been suspended?

(b) Is it a fact that direct recruitment to the cadre of Assistants has been suspended in the Posts and Telegraphs Directorate? If so, why?

(c) What measures have been taken by the Home Department to protect the interests of minority community officials in the offices referred to in (a) and (b) above? If none, why?

(d) Is it a fact that many senior second division Muslim clerks in the Posts and Telegraphs Directorate have recently been superseded by non-Muslims even though they (Muslims) had been declared fit for promotion to the cadre of Assistants? If so, does the Home Department as the administrative office-in-charge of recruitment, promotion, etc., of the ministerial establishments in the Government of India, propose to investigate these supersessions of Muslims and thus prevent a further fall in the ratio of Muslims in the cadre of Assistants in that office?

The Honourable Sir Reginald Maxwell: (a) and (b). I have no information, except in respect of the office of the Director General, Posts and Telegraphs and its collection would involve an amount of time and labour that would not be justifiable in these days. As regards the office of the Director General, Posts and Telegraphs the attention of the Honourable Member is invited to the reply given on the 1st March, 1948, to part (h) of his question No. 193, by Sir Gurunath Bewoor.

(c) Persons employed in offices in which direct recruitment has been suspended are not adversely affected by such suspension.

(d) I would invite the attention of the Honourable Member to the reply given on the 1st March, 1948, to part (f) of his question No. 193, by Sir Gurunath Bewoor.

Mr. Latchand Navarai: May I know why should not the Government leave the whole field to Muslims and turn out all the non-Muslims from the office so that there will be no trouble of questions like these? All questions relate to communal representation. Will the Honourable Member consider my suggestion?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. It is not a question. Next question.

Mawlana Zafar Ali Khan: May I know whether Muslims and inefficiency mean one and the same thing?

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

PROMOTION OF CLERKS AS ASSISTANTS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

287. *Maulvi Syed Murtaza Sahib Bahadur: (a) Will the Honourable the Home Member please state if it is a fact that promotion of Second Division

clerks to the cadre of Assistants is made by selection? If so, what is the method of selection prescribed in the rules and the prevalent practice in the various offices and Departments of the Government of India in the matter?

(b) Is it a fact that in some offices no selection is made but clerks are promoted according to the well-known principle of seniority *cum* fitness while in others like the office of the Director General, Posts and Telegraphs, selection has been resorted to only recently to deprive Muslim senior clerks of their due chances of promotion to the cadre of Assistants? If so, why? If not, what are the facts?

(c) Is it a fact that in 1940 or 1941 some 12 Second Division clerks were promoted to the First Division in the Posts and Telegraphs Directorate and that junior Muslim and non-Muslim clerks were not allowed to supersede their seniors? If so, why?

(d) Are the duties of Second Division clerks and Assistants interchangeable in the Secretariat and in the Attached Offices? If not, will he please define the duties of these cadres?

(e) Is it a fact that most of the Second Division clerks nominated by the Home Department have been carrying out the duties of Assistants in the Office of the Director General, Posts and Telegraphs, while their chances of promotion therein are very slight due to the fact that the strength of the Assistants is nearly half of that of the Second Division?

(f) On what basis was this strength fixed? Is this ratio of 1:2 between the cadre of Assistants and the Second Division clerks found in any other Secretariat Department or Attached Office? If not, do Government propose to take appropriate measures to increase the strength of Assistants in the office of the Director General, Posts and Telegraphs, and mitigate the hardship caused to the clerks in that office? If not, why not?

(g) In case the duties of clerks and Assistants are interchangeable in certain offices, do Government propose immediately to declare the cadre of Assistants as a non-selection one at least in those offices? If not, why not?

(h) Is it a fact that selection has not been consistently followed in the Posts and Telegraphs Directorate in the matter of promotion of Second Division clerks to the cadre of Assistants? If so, do Government propose to issue necessary instructions to cancel any recent selections which affect the interests of minority community officials adversely, especially when direct recruitment to the cadre of Assistants has been suspended?

The Honourable Sir Reginald Maxwell: (a) Under the existing rules, promotion to the grade of Assistants is made by selection. No specific method for selection has been prescribed but appointing authorities make selection from amongst the most meritorious candidates.

(b) No information is available about other offices but in so far as the office of the Director General, Posts and Telegraphs, is concerned, the principle of selection has always been followed.

(c) The reply to the first part is in the affirmative.

The second part does not arise as the principle of selection was followed in this case also.

(d) Duties are not interchangeable. Second Division clerks are generally employed on routine cases of minor importance while Assistants are required to handle important cases.

(e) and (f): The reply to the first portion of part (e) is in the negative. The strength in the various grades is fixed with reference to the amount of work and not with a view to create appointments for the promotion of clerks in the lower grades. The strength of the Second Division and of Assistants in the office of the Director General, Posts and Telegraphs was fixed after a review undertaken by a Special Officer appointed for the purpose in 1938.

(g) Does not arise in view of the reply given to part (d) of the question.

(h) The reply to the first part is in the negative. The second part does not arise.

Maulvi Syed Murtuza Sahib Bahadur: May I know if the selection board is of a representative character, so that the claims of Muslims may be duly considered?

The Honourable Sir Reginald Maxwell: I do not know what the Honourable Member means by selection board. Promotion is a departmental matter. It is not made by any selection board in each department.

Maulvi Syed Murtuza Sahib Bahadur: When selection is effected, there will be some authority to make the selection. I want to know if the selecting officer, or officers, is, or, are composed of Muslims so that the real difficulties of Muslims may be redressed?

The Honourable Sir Reginald Maxwell: We make every attempt to secure that object.

SELECTION AND NON-SELECTION CADRES IN CENTRAL SERVICES.

288. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable the Home Member please state the method of determining pure merit referred to in rule 18 of the Ministerial Establishment, Recruitment, Promotion and Seniority Rules? Do Government propose to consider the desirability of defining more exactly their rules and regulations in the matter?

(b) Have Government clearly defined anywhere which are selection and which are non-selection cadres in the various centrally recruited services? If not, why not?

(c) Do they propose to issue appropriate instructions in the matter early?

The Honourable Sir Reginald Maxwell: (a) The words emphasised by the Honourable Member do not occur in the rule, the intention of which is clear and well understood by those who administer it. It does not therefore need any further definition or clarification.

(b) and (c). Departments of the Central Government have at present discretion to determine what posts under their administrative control should be filled by selection. In order to remove any uncertainty in the matter, departments were instructed last year to prepare lists of appointments which may in future be filled only by selection of the best candidates available. So far as the posts in the Secretariat ministerial staff are concerned, the list will be prepared by Home Department after consulting the other Departments.

GRIEVANCES OF DIRECT RECRUITS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

289. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable the Home Member please state the method of fixing seniority between departmental officials and direct recruits in the cadre of Assistants and the Second Division?

(b) How far has this principle been observed in fixing seniority between the Second Division direct recruits and departmental officials in the office of the Director General, Posts and Telegraphs? If not, why not?

(c) Is it a fact that a large number of Third Division clerks were promoted to the Second Division *en bloc* without reference to the Home Department, just before the Home Department nominated direct recruits to the office of the Director General, Posts and Telegraphs?

(d) Was this promotion *en bloc* in accord with the principle or method referred to in (a) above?

(e) How do Government propose to redress the grievances of direct recruits whose interests have been adversely affected by fixing the seniority of direct recruits and departmental officials in the Second Division on the basis of 2:1 instead of 4:1? If not, why not?

The Honourable Sir Reginald Maxwell: (a) The relative seniority of candidates appointed to posts in the cadre of Assistants and clerks, Second Division, which are filled partly by direct recruitment, is normally determined according

as, under the rules, the vacancy to be filled by promotion or that to be filled by direct recruitment occurred earlier.

(b) to (e). In 1938, an officer placed on special duty to advise upon the reorganisation of the Office of the Director General of Posts and Telegraphs recommended that a certain number of clerks of the Third Division possessing particular ability should be promoted to the Second Division. A Committee appointed for the purpose selected nine such clerks and the late Department of Communications decided to promote them in existing vacancies in the Second Division. These appointments were made at first without reference to the Home Department but their concurrence was obtained later. Shortly afterwards, 22 external candidates were appointed by the Director-General to the Second Division. The seniority of external candidates in relation to the promoted departmental officials was examined by Government taking into consideration all the circumstances created by the reorganisation of 1938 and it was finally decided that one promoted departmental official should be placed after every two external candidates, this being regarded as fair to all concerned.

TOURS OF CENTRAL GOVERNMENT OFFICERS HAVING HEADQUARTERS AT SIMLA.

290. *Mr. Govind V. Deshmukh (on behalf of Mr. T. T. Krishnamachari): (a) Will the Honourable the Home Member please state the number and designation of officers of the civil departments or of attached or subordinate offices whose headquarters has been transferred to Simla subsequent to the 1st September, 1942?

(b) Does he propose to lay on the table:

(i) the details of the touring done by such officers from the 1st October, 1942 up to date; and

(ii) the details of the touring done by these officers for the corresponding period in 1941-42?

(c) Does he propose to state the steps taken by Government to restrict the touring of officers to the minimum required and to discourage unnecessary travel on railways and on motor transport in present conditions?

The Honourable Sir Reginald Maxwell: (a) and (b). The information asked for is not readily available and its collection would involve an amount of time and labour which would not be justifiable in war time.

(c) Government have no reason to believe that their officers are making unnecessary tours. The rail services between Simla and Kalka have in point of fact been reduced by one train service during the winter months in spite of a large number of officers and staff remaining in Simla.

Mr. Govind V. Deshmukh: Has any enquiry been made before arriving at that belief?

The Honourable Sir Reginald Maxwell: Government have a general acquaintance with the work done by their officers.

RESTRICTIONS ON OUTSIDE TRANSFER OF PERMANENT STAFF OF THE MILITARY ACCOUNTANT GENERAL'S OFFICE.

291. *Bhai Parma Nand: Will the Honourable the Finance Member be pleased to state:

(a) if it is a fact that the Military Accountant General in the interests of the efficiency of his own organisation has placed restrictions on the transfer of his permanent men outside the Department and that the orders to that effect were issued on the 13th March, 1941; and

(b) if it is a fact that these orders were considered not applicable in the case of a person who had applied for Emergency Commission before the date of the issue of orders?

The Honourable Sir Jeremy Raisman: (a) Yes. In the interests of efficiency of the Department, orders placing certain restrictions on the transfer of permanent men of the Military Accounts Department to other Departments, etc.

including the Army, were issued by the Military Accountant General on the 13th March, 1941.

(b) Yes, if an application forwarded before the 13th March, 1941, was accepted by the military authorities.

Mr. Lalchand Navalrai: May I know what harm will be done if they go from one department to another and specially for war front? Why should they not be allowed to go there and other people from outside competent to take their place got in?

The Honourable Sir Jeremy Raisman: We cannot allow our Departments to be treated as corridors for people to pass from one level of cadre to a higher level of cadre, if the work of the Departments is to be carried on efficiently. If the head of a Department finds that people who are recruited become birds of passage, it is natural that he should try to impose some sort of restrictions to prevent them from going out.

Mr. Lalchand Navalrai: He may get very competent and efficient people from outside to fill their places.

The Honourable Sir Jeremy Raisman: It is quite obvious that in the case of people who have worked in an office for some time and become useful, there must be some discretion to prevent their flying off to other Departments at a moment's notice.

Mr. Lalchand Navalrai: Did he take any interest in finding out whether there are other people also or not?

The Honourable Sir Jeremy Raisman: It is not merely a question whether there are other people, or not. There must be some kind of regime which enables departments to retain men for a sufficiently long period to carry out the work of their department efficiently.

Mr. Lalchand Navalrai: When these people go out of service, there will be other people who will take their place and they shall have to start in the like manner as these old people did.

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

Sardar Sant Singh: May I ask one question? With reference to the reply given by the Honourable Member to part (b) of the question, are there any cases in which candidates who made applications before the 13th of March, 1941, were given Emergency Commission?

The Honourable Sir Jeremy Raisman: I am afraid I cannot answer that question without notice.

Sardar Sant Singh: Will the Honourable Member make enquiries to see that there is no discrimination between the applications made by members of the different communities? I understand there has been some.

The Honourable Sir Jeremy Raisman: I have no reason to think that there has been any such discrimination.

MESSAGES FROM THE COUNCIL OF STATE

Secretary of the Assembly: Sir, two messages have been received from the Council of State. The first message reads as follows:

"The Council of State at its meeting held on the 11th March, 1943, agreed without any amendment to the following Bills, which were passed by Legislative Assembly at its meetings held on the 16th and 25th February, and 2nd March, 1943, namely:

1. A Bill further to amend the Motor Vehicles Act, 1939.
2. A Bill further to amend the Government Savings Banks Act, 1873, and the Post Office Cash Certificates Act, 1917.
3. A Bill further to amend the Indian Railways Act, 1890.
4. A Bill further to amend the Aligarh Muslim University Act, 1920.
5. A Bill further to amend the Code of Civil Procedure, 1908.
6. A Bill further to amend the Indian Penal Code, and to amend the Currency Ordinance, 1940; and
7. A Bill to amend the Coffee Market Expansion Act, 1942."

[Secretary of the Assembly.]

The second message is as follows:

"The Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi, which was passed by the Legislative Assembly at its meeting held on the 3rd March, 1943, was passed by the Council of State at its meeting held on the 11th March, 1943, with the amendments shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill, as amended, by the Council of State.

COUNCIL OF STATE.

Statement showing the amendments made in the Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi, by the Council of State at its meeting held on the 11th March, 1943.

A. The clauses of the Bill were re-numbered and re-lettered as necessitated by the amendments made in the Bill during its passage by the Legislative Assembly and the Council of State and the changes consequential, thereon in all references throughout the Bill were made.

B. In the Bill as so re-numbered and re-lettered and consequentially changed—

1. In sub-clause (4) of clause 38 for the words "The order" the words "Any order" were substituted.

2. After clause 38 the following clause was inserted namely:—

"39. Notice of sales to be given to the Majlis.—(1) Before any wakf property is notified for sale in execution of a decree, or for the recovery of any revenue, cess, rate or tax due to the Crown or to a local authority, notice shall be given to the Majlis by the Court or Collector or other person under whose order the sale is notified.

(2) If the notice required by sub-section (1) to be issued to the Majlis in respect of any sale is not issued the sale shall be voidable at the option of the Majlis."

3. In clause 41 the words "or under the Land Acquisition Act, 1894," were omitted

NEW DELHI;

The 11th March, 1943.

K. V. K. SUNDARAM,

Secretary of the Council of State.

DECLARATION OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I lay on the table of the House a copy of the Declaration of Exemption No. 1/11/43-Poll./ (E), dated the 2nd March, 1943, issued under the Registration of Foreigners Act, 1939.

Declaration of Exemption, No. 1/11/43-Political (E), Government of India, Home Department, dated Simla, the 2nd March, 1943.

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. L. Brooke-Edwards, representative in India of the United States Office of Lend Lease Administration, so long as he continues to hold that post.

E. KEYMER,

for Joint Secy. to the Govt. of India.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with the further consideration of the Finance Bill.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions; Muhammadan Rural): Sir, I was dealing yesterday with the position of the Mussalmans in the Supply Department and I was saying that of the Chairmen for the five Selection Committees appointed for the selection of officers not even one is a Mussalman.

Now, I come to the other posts in the Supply Department: In the Main Secretariat Delhi Section there are four Joint Secretaries out of which two are Europeans, two are Hindus and no Muslims; in Calcutta section no Europeans, one Hindu, and no Muslims. In the Delhi Directorate General there are four—one of them is a European and three Hindus; in the Calcutta section there are five—all of them are Europeans. In the Bombay section there is one and he is a European. In the Controller of Purchase Office, no Muslim.

Directors of Purchase are all Englishmen excepting one who is a Hindu. Deputy Directors: all are Hindus only one Muslim.

There seems to be a proper division according to which these posts are allotted: Directorships go to Englishmen and Deputy Directorships go to Hindus. There are six Administrative Officers—three of them are English and three are Hindus and no Muslim. So far as the specially important offices are concerned, the proportion is fairly well divided between the Hindus and Englishmen, and that reminds me of one Arabic proverb:

"Nisfun li wa nisfun lak Haza Qaumun Jahalun."

I do not want to translate this particular proverb. I will just explain it a little bit. Among the Mussalmans people are sometimes engaged to read the Quran on the occasion of Travah during the month of Ramzan. One person who knew nothing of Quran was engaged at Rs. 100 and he was reading Travah not knowing a word of Arabic or Quran. One man who knew something about it was one of the Muqtadis (i.e., those who stand behind the Maulvi who recites from the Quran) and he began to interrupt as is the custom when there is any mistake. The man realized that someone standing behind knows about his weakness, so he said:

"Nisfun li wa nisfun lak Haza Qaumun Jahalun."

i.e., out of hundred rupees which you have given me, you take 50 and I will take 50, and all the other people belong to the ignorant class. Practically the same thing is happening in the Supply Department. I wanted to give some more figures but as these are published in today's Dawn, I will not repeat them because these figures will be available to any person who cares to see this paper. I will however read one or two sentences from this letter. This is from the "Letter to the Editor" under the head "Muslims Frozen out" published in the Dawn dated 12th March, 1943, on page 2 column 3:

"Of these 8 it is strongly rumoured that at least 5 are expecting the axe. In 1941, the percentage of Muslim officers was 17.6 and it was reduced to 14 in 1942. In the clerical cadre also the percentage was reduced from 24 in 1941, to 19 in 1942 and perhaps further reduced later on. The percentage of Muslim Clerks in this office (Bombay Supply Department) was reduced from 30.7 in 1941, to 12.5 in 1942."

I am referring to these figures because Sir Homi Mody was specially interested.

One point has always been raised and probably it will be raised by my Honourable friend the Member in charge, because, it is rather unfortunate, Sir Homi Mody an honest man,—to defend him. He will probably raise this question on the floor of the House that these are some technical posts and probably no Muslim with technical qualifications is available, and therefore in the interest of efficiency it should not be done otherwise. May I just remind him that in the Indian Stores Department in the technical section there were 20 per cent. Muslims at that time. When all these various organizations were amalgamated together then the number of percentage was reduced. I would like to ask what technical qualifications these persons have got? I would like to examine whether they have taken any technical degree, whether they have passed any diploma examination from any technological institute or Engineering college. These are men of commonsense and any person of commonsense and intelligence can learn all these things in no time. Look at the I.C.S. people. You put them in charge of any technical work and after 15 days' study they become experts in that particular line. Very often it is a disqualification to have an expert because his way of thinking is different and his wit becomes very narrow. It is a man with commonsense and intelligence who can apply his mind to the job and you will see that he will show better results than the person who has always been in a shop, who knows nothing but shopping and accounting.

Now I come to the question of the general efficiency of this particular Department. In the first place I take up the question as to how this department is working, and you will probably be convinced (I am rather convinced) that it is a great mistake to hand over this Department of Supply to a business man. It should always be run by an I.C.S. officer or a politician who has nothing to do

The second thing is to what kind of people are the contracts given. People whose antecedents are not quite right do their best to set themselves right and they use all kinds of influences. Suddenly such a person gets a big contract and events seem to show that it is in some cases a qualification to be against the Government to get a contract. He makes lots of money but uses all the profits against the established peace of the country. It should be remembered that a man who can get a contract is a person who knows how to please the officers concerned. But how they are going to use their profits and what are their antecedents, these are things which are never considered by the Supply Department. I therefore do request that some serious consideration ought to be paid to this particular problem. We may appoint a small panel of referees to whom all these difficulties may be referred. These referees may be taken from the civilian class, from public life or from any other source. Then if any contractor is grieved and feels that justice has not been done to him the matter could be referred to such a panel of referees and his decision should be taken to be final. Even if these persons are honest, there must be some kind of check. I know from my experience of examination work, the examiner may be honest, but after all he is human and unless we provide a check and he knows that his valuation will be checked, there is the danger of slovenliness and negligence on the part of the examiner. Therefore, even if there is honesty in this case, it is absolutely necessary to have some check by some responsible people, and their decision should be final. When you want a thing in connection with business to be tested and found out, do not go to a business man but go to a non-business man who has got common sense, who has got intelligence and understands things, and he will probably give a better decision than a business man can do. I will just tell you what the business man has done in the Supply Department. I would first take up the question of tent fabrication. On the last occasion I gave figures that the price of cotton has increased from 100 to 193.8 and that of piecegoods from 100 to 415. That is, the rise in the price of piecegoods is very much higher than in the case of rise in the price of cotton or of labour. Let me describe the method that is adopted by the Supply Department for raising artificially the prices of these goods. One method is this. The basis of calculation in fixing the prices of piecegoods was entirely wrong and exceedingly partial. Usually, in the Supply Department—and my Honourable friend will bear me out—you take the figures of the cost of production and afterwards give them a profit from 5 to 7½ or even in some cases 10 per cent. That is the ordinary method of calculation but an exception has been made in the case of the textile industry. Simply because the head of the Department represented the textile industry in times past, not now. The method adopted was this. You take the price in one particular year, 1940. That is taken as the basis, and then you see by how much the cost has increased in material, how much in labour, and so on, and add all that, and afterwards add a profit of 15 per cent. to the sum total. It was never taken into consideration that the sale price in 1940 had already included a big profit. Then, why did you adopt a separate method in the case

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of the textile industry? What I am telling you is correct and we know why it is so, but nobody in the department set his foot down against this partial practice and differential treatment to the textile industry as compared with other industries, for instance, the leather industry. In the case of the latter industry, they adopted a very hostile attitude and an inimical attitude. Take the case of *dosutis*. The textile mills are allowed to have a double profit. They are allowed a profit on *dosutis* and a second time profit on the tents which they produced. Take the case of the leather industry on the other hand. They did not allow double profit, first for tanning and afterwards for making the article. When the whole process is one, making the cloth and preparing the tent, why did you not calculate profit in the end? Why did you calculate profit first on *dosutis* and again on the tents produced, whereas in the case of the other industry, which is a similar one, you did not allow the double profit? I want to know whether it is a fact that there has been differential treatment between the textile mills and the leather industry. The next thing in which favouritism is shown to the textile industry is this. The millowners of Bombay wanted to kill the cottage tent fabrication industry altogether and they devised a method, by which, in the first place, they transferred the centre from Delhi to Bombay so that whatever they might do may not be known to the Legislature and might carry out their object without any knowledge of public criticism because the public would remain ignorant of what was going on there. Again, they said all these fabricators should transfer bag and baggage from Northern India to Bombay side or southern side—take all their factories, all their labourers and other things at a moment's notice. This demand of the millowners of Bombay who asked these people to transfer all their things to Bombay from Delhi area is a thing which is absolutely unjustified and cannot be sustained. What arguments have they given? The argument they have given is that transport difficulties are very great. We have to bring *dosutis* from Bombay side to Upper India and afterwards take them back. This is absolutely false and has got no meaning. We have got factories in Upper India also. The total requirement of *dosutis* for the fabrication of tents is 80 million yards. Out of this 9 million yards are required for the fabricators—that is, those who make it by cottage industry. Out of the 80 millions, 71 millions are used by the mills and only 9 millions are used by the cottage industry people. In Upper India we have got 48 spinning and weaving mills and they produce 90 million yards in Upper India. Why not those people who are producing 90 millions give 9 millions, or only 10 per cent. to these fabricators, and the question of transport from Bombay to Delhi would not arise. This was the only argument which they advanced for the transfer of all the factories from Upper India to Bombay side.

In this connection, I may say that the *dosuti* which is required for tent purposes can be made in very large quantities by cottage industry. Aligarh alone can supply a very large quantity and the whole of the U. P. can supply quite a lot. Why not encourage these villagers and small men to produce this cottage industry? But this department is only for millowners, only for big people, and they never take into consideration the requirements of small people. And this is the time when they ought to consider the production of this *dosuti* by means of the cottage industry. I say that a very substantial portion which is required for tent fabrication in Upper India can be produced by means of cottage industry in Upper India and the question of transport will not arise. If therefore it is said that it is only a question of transport, it is a very shallow argument, given out to convince persons who know nothing about this subject. Anybody who has studied the subject can see immediately that this thing can be done and *dosutis* can be produced in Upper India itself. As I have repeatedly pointed out it is a great mistake to concentrate any industry in one particular

locality. Our requirements should be distributed all over the country so that if by any chance anything goes wrong at any one place, we can turn to the other places and the industry as a whole will not suffer. This in itself is an argument in favour of distribution and against concentration. This example shows that it is not the right thing to appoint a Supply Member who is very much interested in a particular industry—I am going to use the same argument later on—a reverse process has been taken by the Supply Department in the case of the leather industry.

Before I come to that I would just point out this thing about standard cloth. The Bombay people are shouting very loudly "Give us wheat"; the Government of India take up that demand and they have established a Food Department: they are purchasing wheat for them from all over the country and giving them wheat. We agree; but look at the grain producers who want cheap cloth which the Bombay people can supply. They have reserved the whole of their land for cotton growing; they do not produce wheat for their requirements and they say "Give us wheat". "Leave us to produce cotton and make cloth and make money". But when we say "Please give us a portion of standard cloth at reasonable prices, with 5 per cent. profit", what do we find? Negotiations have been going on for two years—I have been reading in the papers that standard cloth is coming, that agents have been appointed, but nothing absolutely has been done. I ask my friend the Labour Member to put his foot down and say "What are you doing for the poor people?" The Supply Department has got no right to do this, and he ought to intervene in the matter and the whole of the Assembly will support him in the demand that they must produce standard cloth and ask every millowner that 10 per cent. of the production should be reserved for the production of this standard cloth for the use of the poorer people; unless pressure is put by the Labour Member the Supply Department will never look into it, the Commerce Department will never look into it. He ought to press the cause of the poor people. The Supply Department is the department of millionaires and the Commerce Department is the department of *crore-paths*, while the Labour Department is the only department which deals in two and three figures and looks after the interests of the labourers.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammedan Rural): Let us hope so.

Dr. Sir Zia Uddin Ahmad: Another thing I wish to mention is this. We have got Dr. Grady's report which was partially published in the papers. I asked Sir Homi on the floor of this House if they have or have not recommended that the Department of Production should be separated from the Department of Supply. He said "No" and shouted it so loudly as if five persons were speaking; but I knew very well that they had recommended. In fact I ought to have moved a motion of adjournment but I could not do it because this report is still confidential and it is not public property. I ask why do you not give effect to the recommendations of the Grady Report? There are some very good points in it and probably your department will be benefited by it. There are one or two other suggestions which I would like to make about the Supply Department.

Coming now to the question of hides and skins, this matter has been very much maltreated by the Supply Department; so much so that they stopped the export of hides and skins altogether. When they took this action, it is only natural that they should have consulted the Commerce Department. I ask Mr. Mackeown whether it is or it is not a fact that the Commerce Department was never consulted before they stopped the export altogether. When this question came up for the first time I took the trouble of asking the Commerce Department at that time whether they were consulted or not, and they gave me to understand that they were not consulted. Since then they may have

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ment is adopting the methods based on the experience of London. The experience of London cannot be applied to this country. There the whole population is concentrated. The buildings are of a particular type. Here the conditions are altogether different and our problems are different. The second thing is you have provided all these shelters and ditches. I don't know whether the bombs will come or not but the mosquitoes have come in to stay on account of these ditches. We are more troubled by mosquitoes now than we may be troubled by bombs later on. I say we ought to plan this thing in a wise manner and not misspend the money on all sorts of things which are really not required. We should utilise all the money that we can spare for the successful prosecution of the war and we must have some kind of civil defence, only as much as is really required by the emergency of the conditions and not go on spending because the department is there.

Now, I want to say one or two things about the Education Department. I moved a motion some time ago that all the educational institutions should be under the Education Department. Here, you find the Labour Department is running what you call special institutions for war technicians. The Commerce Department is running institutions for the Dufferin Ship and the School of Mines. The Postal Department is running a school for the training of aeronautic technicians. The other day so many aircraft was destroyed and burnt and nobody took any notice of what happened. I think it is very desirable that all these things should come under the supervision of the Education Department, even though they are not great experts in the technicalities of any particular industry. They are really the experts to advise them in what manner the candidates ought to be trained for different industries. Therefore, in the interests of efficiency, it is certainly wrong to put all these training schools under heads of different departments because the candidates after their training will be absorbed by those industries which are connected with that department. If we accept this principle, then every department must open a school. The War Transport Department must also open a school to train candidates for the railway services. In that case, all your normal and regular institutions, both schools and universities, will be closed. So, I think it is time that we should now concentrate on this particular thing.

The second point to which I would like to draw the attention of the Honourable Secretary for the Education Department is about the Archaeological Department. Last time a cut motion was moved by my friend Sir Syed Raza Ali and the Honourable Member in charge said: "I freely confess that the present Director dealt with Dr. Puri with unjustifiable lenience." Afterwards he remarked: "I shall not discuss the fact but the handling of the circumstances had left me with the impression that the Director General has committed an error of judgment in this case." After admitting this much on the floor of the House, I had thought that he would do something. But I find that he has been promoted and others who deserved promotion have not been promoted. So, the statement on the floor of the House and the action taken by the Department have been two different things in this particular case. Therefore, it is desirable that when a complaint is made on the floor of the House, some person should examine that complaint and find out whether it is correct or not and we should be told either privately or to a deputation or on the floor of the House so that we may have our confidence in every department of the Government of India. If our information is not correct, we ought to be informed accordingly so that the confidence in the department may be maintained. It is very desirable that every section of the community should have full confidence in the justice and the administration of the Government of India in each department. Whenever this confidence is shaken, inefficiency will creep in. So, in the interests of efficiency, I should like that this thing should be done.

Now, I come to what is called control. The word "control" is a word which I do not understand nor do I understand its connotation. To my mind, this word is very popular with those who carry on the trade because it gives them the opportunity to open black markets and it also gives them the opportunity to raise the price immediately. But the word 'control' is very much misunderstood by the people. So, I would like the representative of the Commerce Department to tell us what is meant by the word "control". Before you use the word 'control' with reference to any particular commodity, you must understand its significance. What are you going to control and in what manner you are going to control? That is to say, your whole plan should be clearly understood and chalked out and everybody should be able to understand it. But you start taking action without really planning the whole thing in your mind. I will tell you what the difficulties of the Government of India are. Their intentions are good but they have not got sufficient staff to carry out their plans. They have not got a fully thought out scheme and how this control is to be exercised. They get some figures from their Statistical Adviser. He gives those figures and draws the conclusion himself. I would very much like that these figures which are prepared either by the Statistical Department or by the Economic Adviser should be examined by a small Committee before you draw your conclusions. I have great confidence in their figures but I would like to examine the conclusions myself before admitting what those figures really indicate. First of all, they should have a consultative committee in which they should have not only the representatives of the industries but also men of common-sense who have got no interest of any kind in that business. The second thing is that there is lack of co-operation between the Provincial Governments and the Central Government. In many cases this system has broken down because of lack of co-operation. I will give you practical instances. Take the case of wheat. The Punjab Government did not co-operate with the Government of India and therefore this system broke down. But in the case of petrol, your control worked very well. It was simply due to the fact that there existed already a very thorough organisation for the sale of petrol and that organisation was used by the Government and it worked well. Had there been no organisation for the sale of petrol before this control was introduced, it would have been exceedingly difficult to manage it. Of course, there are some cases of leakage and back-door selling, but, on the whole, it has worked very well. In the case of other articles, the control would have worked all right if the Government had taken possession of the entire stock and released it for definite purposes. You will know your requirements and you will release only that portion which you can afford for your military purposes. Whenever you have not got a recognised machinery for the sale of these articles or where you have not got the control for Government purposes or only a partial control, then the system will break down and all these troubles will ensue. So, this scheme of control has got to be considered very carefully. Then and then alone it will give satisfaction and avoid corruption and back-door marketing.

Now, the other thing to which I would like to draw the attention of the Honourable Secretary is about quotas. We have to restrict the export of certain commodities to various countries. I think it is very desirable that they should especially consider the cases of those persons who have been carrying on their particular trade for the last 10 or 15 years and these persons should have preference over those who had not been carrying on that trade for such a long time. The system of introducing new persons and disregarding the persons who have established the trade is an unfair way of the distribution of quotas.

Now, I come to the question of food grains, especially wheat. We have established a Food Department and I am not opposed to it. It was very necessary and I think it is a step in the right direction. But the thing that I would like to impress upon the Government is this. We should clearly understand what are the responsibilities and duties of the Central Government and of the

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Provincial Governments and also of the District Magistrates. Unless you define clearly these things they are bound to fail sooner or later. Now, I tell you the way in which you can clearly define them. In the first place, we have to admit the requirements of our own soldiers who are fighting for us. The second thing, which we cannot disregard is the question of export. It is the duty of the Central Government, in the first instance, to find out the total production of the country. It should be determined province-wise and district-wise: and districts should be asked to point out the quantities which they require for war purposes and for export separately. The next thing is to meet the requirements of the deficit provinces and these provinces should also be asked to submit the statistics which are available. Afterwards in consultation with Provincial Governments the Central Government should fix the limits. These things ought to be done by the Government of India. It is a great mistake if the Government of India use any machinery or agents to purchase these commodities direct. The moment the Government of India or the Food Department will go in for the purchase of these things directly they will upset the market. The Food Department has committed this mistake already. They appointed contractors who began to purchase on behalf of the military department. The District Magistrates objected to the use of these contracts by the Government of India because this procedure upset the plans of the District Magistrates altogether. Therefore, the Government of India ought not make these purchases either directly or through their own contractors or any other machinery. They should first determine how much quantity of wheat is required for distribution. Quotas should be fixed between various Provinces, the Punjab and the United Provinces, etc. and the Indian States as well. It should not be given to British India only but to Indian States also. Now, they should also be told where the article should be sent and they should be supplied with wagons, etc. for transport. This ought to be the duty of your Food Department. Now, when you have done all this then you will have to set up a central committee of experts and they will be in possession of the whole production province-wise and district-wise and thus see how much quantity they can spare and afterwards they can distribute the quota to the province and each district and the District Magistrates will know that they will have to export so much wheat from their own districts and send to such and such place.

As regards purchases, the Government of India may either purchase direct or they may keep it in districts and take it out when it is required for consumption, because in the case of wheat it cannot be stored for more than three months, only the experts can keep it, otherwise it is likely to be eaten up by worms. These things ought to be avoided: but this is a minor point.

There are one or two other points to which an objection has been taken. In the first instance, take the question of sale. The public now have very great objection and very great complaint against the method of purchase. They say Government have in some cases appointed either the police officer or the Tehsildar to find out where these foodstuffs are sold. People say clearly when these things were done by Banias it was without any black market. Now, Government instead of stopping black markets have opened fighting markets. When you go to make certain purchases now a days you have actually to fight out your way and then get the required article, I mean the foodstuffs. This is undesirable that black market should be changed into a fighting market. It is most desirable that shops should be opened in each Mohalla under the supervision of representatives of the District Boards, Municipalities and other local bodies, who will help in the distribution of foodstuffs.

The second thing which I do not understand is the practice prevailing in Delhi. The District Magistrate has the sole control over export as well as over import. In the case of import, suppose I live here and I have got my property outside Delhi area, and I want to bring my own wheat for my personal consumption. Can I do so? Now, the District Magistrate will not allow me to do

so. Why should he stop it? I cannot understand this. Take the case of coal. Here in Delhi the Chief Commissioner has fixed enormously high price for coal, at Rs. 4 a maund. If I wanted to bring two wagons of steam coal from outside the District Magistrate will refuse. He will say, no, you cannot get it. I managed somehow or other through the kindness of my Honourable friend the representative of the Railway Board to have one or two wagons. They were willing to give me the wagons, but the District Magistrate said, no you may have two or three wagons, but you cannot bring coal from outside. Things of this kind are really inconceivable. This is the manner in which control is practised here in Delhi. I really cannot understand. This is nothing but jobbery. I can bring my utensils, crockery, etc. but I cannot bring with me wheat flour. I think it is not fair to stop the import of this article. It is very desirable that we should consider the question of distribution. It is very important and if you do not do it, there will be a great difficulty. What the Government have done in some cases is this: they appointed one person who is the sole importer of a particular commodity. He is the only person authorised to purchase salt for a particular district. Some sub-contractors are appointed who are not selected representatives of various interests, but they are selected in a haphazard manner. What actually happens is this: a contractor brings in forty maunds of a particular commodity and sells it to his friends, the whole of it—and when any *bona fide* consumer comes he is told "I am sorry the whole quantity has been sold, but if you are prepared to pay double the price I shall manage to get some for you". This is the manner in which this control is actually practised in this town. This should be stopped. You have to consider very carefully the details of this problem before you take up this particular question and this is the thing for which I would request the Honourable Member of the Food Department—I do not know who this Honourable Member is or would be—to be very very careful about the whole question of distribution of food and purchase of food. You must see that there is no dislocation of currency and I hope the Honourable the Finance Member will look into it that there is no dislocation of the food market either. If the food market is open, the currency is there, and transport is there, I think the chances of disturbances in the country will be very remote. With these words I resume my seat.

Dr. Sir Ratanji Dinshaw Dalal (Nominated Non-Official): Mr. Chairman, I am painfully surprised at the ignorance displayed by my Honourable friend, Sir Cowasjee Jehangir as to the work done by the Public Accounts Committee. Sir Cowasjee Jehangir as to the work done by the Public Accounts Committee. It is the I am very sorry that my Honourable friend is not in his seat. It is the Auditor-General who guides the affairs of the Public Accounts Committee; and his comments on the various Appropriation Accounts are so exhaustive, and so clear, so lucid that it does not require financial and commercial experts to correctly appreciate the efficiency of the financial administration and to arrive at conclusions. The Members of the Public Accounts Committee have been subjected to scoff and denunciation, and poisoned darts have been thrown at them. On behalf of the Members of the Public Accounts Committee, I beg to enter a most emphatic protest. Sir, in this connection, may I be allowed to strike a personal chord. I did not seek nomination to the Public Accounts Committee. Sir George Schuster, of his own accord, recommended my nomination. May I add that I come of a distinguished mercantile family in Gujrat, Western India, and that my leanings are more towards commerce and finance than towards medicine and public health. Sir, I have not one word to say in derogation of those who may hold opposite views but I would point out that it often happens that small minds can be most bitter in speech, and they count it no derogation to do so. However that may be, it is a relief to turn from this unpleasant episode and to proceed with the general discussion of the Finance Bill.

Now, Sir, I propose with your permission to touch very briefly upon a few important points. In the first place, I shall refer very briefly to India's

[Dr. Sir Zia Uddin Ahmad.]

been consulted; but they were not consulted before the orders were passed stopping these exports. Now they say they have not stopped this export altogether. I would like to know how they have calculated. They must tell us what were the requirements of India in normal times, how much we could export in normal times. By going into the figures for the last ten or twelve years, they could know the total production and total quantity required for home consumption. Suppose we produced 1,000 tons and we required for home consumption only 800 tons; 200 tons on an average would have been exported outside. If they required all this 200 tons for war purposes they were perfectly right in their decision but if you do not require the whole of that 200 but only a fraction for war purposes, your action in stopping exports altogether was unjustifiable and incorrect. My friend may say that there are four classes—a, b, c and d—in this particular article and that "we have not stopped a and d, but only b and c." I should like to ask him "It may look well on paper; but do the producers or the purchasers from outside India or your tanners purchase only c and d and not purchase a and b? Is there any purchaser who can classify these things?" They are never classified by the producer of hides and skins; they are brought in a lot to the shipper and the shipper differentiates and divides them into a, b, c and d. When the skins are sold, they are not sold separately as a or b or c or d—they are always sold as one lot and they are purchased as one lot. I will finish with this department by asking this question, why in the case of hides and skins is there this differential treatment of getting only one profit and not two profits as you have done in the case of the textile industries? The other thing is why have you stopped the external trade without consulting the Commerce Department? Why are you afraid of giving all these figures to us and why do you not give us an opportunity to examine the figures on the basis of which this export was stopped altogether?

I may just mention by the way that my Aligarh students very often come to me for posts in the Supply Department and other departments. For emergency commissions I have sent out over 600 men who are now serving in the army; we have a school and we have trained 1,500 war technicians. If I send boys to the Army Department there is no difficulty there; but if I want to put any person in the Supply Department, immense difficulties crop up. I cannot get any man into this department because the persons in whose hands the appointments lie simply throw my letters of recommendation into the waste paper basket. Naturally the students ask me "When it is military work, a question of life and death, you recommend us, but when it is a question of a little post being distributed where there is a little patronage, nothing is done." So I am in a very difficult position and I ask Mr. Mackown to help me in my difficulty. In one case the recommendation is accepted and in the other it is not; and therefore we say the only way to reform it is to transfer the whole of it to the War Department because you have proved your incompetency to manage the department and you must admit your incompetency on the floor of the House.

Before I take up my other main topic, that is, foodstuffs and the question of wheat, I just mention by the way a few other departments and I will not keep any longer as I am very anxious to finish soon.

The first thing to which I would draw the attention of the Honourable the Home Minister is about the extension of service. I quite agree that if a person is doing excellent war work or if there is a person who cannot be replaced by a competent man during war time, his services should be retained but even there, such persons should not stand in the way of the natural promotion of the subordinate officers. If one man goes out, not only the man under him but a whole chain of officers will get the promotion and if extension is given, there is disaster

faction among the staff. If you want to retain his services, you can do so but he should be counted not in the regular cadre but outside the cadre and the promotion of the other officers should not be debarred and it does not matter even if he continues to do the highest officer's work such as that of General Manager and so on.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Syed Ghulam Bhik Nairang (one of the Panel of Chairmen).]

There is another point. If a man gets extension, the man below him may be retiring earlier than the man who has got the extension and in that case his promotion is blocked and his prospects suffer. In the interests of the services, it is desirable to look into this matter. I have got a number of instances particularly in the Postal and Railway Departments and other departments. In the case of the Postal Department, it used to be the most efficient department under the Government of India at one time. When I was young, I used to say that the most efficient department devised by the British Government is the Post Office and the most objectionable department is the department of Police. That was the opinion of everybody in those days when I was young when we were not very familiar with the politics of the country. Now, the unanimous opinion is that the Postal Department is the department of propaganda. It is not as efficient as it used to be and therefore it seems very desirable that the efficiency of the Postal Department should be maintained. Sir Gurunath Bewoor is in a remote way in charge of this department and I trust he will see that the efficiency of the Department, which he must have known in his younger days, is maintained and kept intact.

The next thing I want to touch is corruption. Here the Home Department comes in. It is very desirable that the Home Member should have some officers of the C. I. D. and other officials of great character to watch the working of the Supply Department, as Inspectors, as Contractors and in different capacities. He must find out through them how the whole Department is working. The Home Department is the proper department to diagnose these things.

Then I come to the Resolution of 1934. The Home Department should see that this thing is worked properly not only in the case of the older departments but also in the new departments. They should follow the usual practice and see that everybody gets his due share and in that case there will be no complaint on the part of any particular section, including my friend Sardar Sant Singh, who is not here.

Now, I come to what is called the Defence Department and the Civil Defence Department. What is this Defence Department. I can understand the War Department and I can understand the Civil Defence Department but I cannot understand the Defence Department. What does it do. The post of the Member of the Defence Department is just like the post of the Vice-Chancellor of the Aligarh University. There is an academic officer, the Pro-Vice-Chancellor, who is responsible for the academic side, teaching, examinations and so on. The Vice-Chancellor has got no such functions. There is the Treasurer who is responsible for the money. The Vice-Chancellor cannot spend a penny. The money side goes to the Treasurer and the academic work goes to the Pro-Vice-Chancellor, and the Vice-Chancellor is left to make speeches. The case is the same with my Honourable friend the Honourable Member in charge of the Defence Department. The whole of the civil defence goes to one department and all the war work goes to another department. The Defence Department is left in charge of petrol. I find he is not even in charge of petrol. The canteen has also gone out altogether. I think this Department is really not a department which has got a good deal of work.

As regards the Civil Defence Department, I call it an asylum of Burma evacuees. That is the name which I would give to this department. In one or two directions, it may be doing useful work but the trouble is that this depart-

Dr. Sir Rafanji Dinshaw Dalal: If we compare the India of today with the India of any previous period of history—the India of Alexander, of Ashok, of Akbar, or of Aurangzeb, we find more widely diffused comfort and contentment, superior justice and humanity, and higher standards of material well-being than India has ever previously attained. British rule in India rests upon a solid basis of eternal moralities of righteousness and justice. The British Government in India has guaranteed the rights and privileges of the people, it dispenses mercy in the hour of suffering, and it gives impartial administration of justice, immunity from oppression, and the blessings of peace. It has encouraged industries in India as far as possible. Jamshedpur is a fine example of Indian industry. It has developed the agricultural resources of the country and has made two blades of grass grow where one grew before. That the British Government should have been able to do what no other Government ever accomplished, what Alexander never dreamed of, what Akbar never performed, is, to my mind, the most impressive phenomenon in history and the greatest wonder of the world.

Sir, the Congress wants the British to quit India. I think the British must remain in India because if they were to withdraw, the whole system of Indian life and politics would fall to pieces like a pack of cards. The British are absolutely necessary to India. This is recognized by the best of the Indians themselves; and there is no doubt that the continuance of the association of Great Britain and India is what the vast majority of Indians in their hearts desire. I think it is not practicable or desirable that the British should take their hand from the Indian plough. I firmly believe in the good faith, in the high honour, and in the upright purpose of the British. It is because I believe in the future of this country and in the capacity of the British to guide India to the goal that she has never hitherto attained that I faintly hope that the link that holds England and India together will never be severed. Both the British and the Indians are tillers in the same field, and both are concerned in the harvest; the British cannot do without the Indians and the Indians should be impotent without the British. So let the British and the Indians accept the consecration of a union that is so mysterious as to have in it something of the Divine in that the destinies of India are bound up with those of the British Race; and let the common ideal be a united country. Well may the Congress demand independence, well may the Muslim League demand Pakistan, but I am confident that India with her geographical unity intact will remain in the British Commonwealth, nay I look forward confidently to the days ahead, fully assured that when the dust of these dark days has subsided, a greater India with equal partnership in the British Commonwealth will emerge—greater in resources, greater in self-help, great as ever in her loyalty to His Majesty the King-Emperor.

Mr. Jaminadas M. Mehta: Sir, in the fourth year of the war India is reaching, if it has not already reached, the peak of our sacrifice and effort. People sometimes say, in fact speeches have been made on the floor of the House, that India has been particularly fortunate. What is meant thereby is that India has made enormous gains and that she ought to be thankful for it. I shall, in the course of my submission on this debate, show how sadly mistaken these friends are, although they may be sincere in their views. If they believe that .5 per cent. or .6 per cent. of the people have made money. I do not deny that, but if they believe that the 99.5 per cent. of the people are today better off, they are wholly mistaken. The travail of war and the sacrifices entailed therein have entered deep into the economic life of the vast majority of the population and have made them even more under-fed, under-clothed, and under-sheltered than they were ever before. One proof of it would be found, and the most eloquent proof in spite of the Honourable the Finance Member always admonishing me that there is a lot of money in the hands of the purchaser, will be found in the examination of figures of the Post Office Savings Banks and the Cash Certificates. In 8½ years Rs. 51

crores have been withdrawn from them, indicating that the poor and the lower middle class, who are the chief depositors in the Post Office Savings Bank and the Cash Certificates, had to supplement their earnings to the extent of Rs. 51 crores in order to make both ends meet: and this is about those who had some deposits.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): In what year did those diminutions take place?

Mr. Jaminadas M. Mehta: In these four years of the war. These withdrawals tell the sad tale of the tragedies in the homes of the middle and poor classes. In short, their earnings were Rs. 51 crores less in purchasing power to keep up their very low standards. This about those who had something by way of deposits, but 90 per cent. of the people of India have no deposits. They have got debts. As we were reminded only two days ago, the Indian agriculturist, who forms 80 per cent. of the population, is born in debt, lives in debt, and dies in debt. That is His Excellency the Lord Linlithgow's Report of the Royal Agricultural Commission. The Whitley Commission on Industrial Labour, another Royal Commission, has pointed out that in some railways over 60 per cent. of the workers are in chronic indebtedness. And mind you, Sir, the railways on the whole are better paymasters. Although they do not pay adequately, they pay better than private employers on the whole. If, therefore, 60 per cent. of the Railway workers are in debt, what must be the percentage of indebtedness in private industry? I remember having read the report of the indebtedness of the Ahmedabad millhands. There the Ahmedabad millhands were charged 56 per cent. interest by the keeper of the tea-shop for small loans; the owner allowed the tea-shop keeper to carry on; but charged heavy rent; the latter made it good by charging 56 per cent. interest in addition to the profits of the shop. Therefore, let those friends who cherish the lyrical dream that India has been enormously fortunate look to the stern realities of the case and adjust their attitude in the light of these tragic facts. I realise that a war of this enormous size cannot be fought without jolts: sometimes terrible jolts: and I am one of those who will never cavil at these jolts. I will understand them. I will accept them in the right spirit, and in spite of the jolts work our way to victory. But before I develop this part of my submission, I wish to say a few words about some individual matters which are important from the public point of view.

We have an agreement with the Imperial Bank of India by which they are allowed to be our bankers outside certain places in India. On reading a representation by the Imperial Bank's staff I find that it is a closed preserve for the Britisher; that the highest paid places are reserved for him and the Indians, who are in it, can never hope to rise, except perhaps by a miracle, to an equal position. As a rule the Bank is a close preserve for the Britisher. Young British lads are perching on the heads of experienced Indians who rarely get beyond Rs. 400—500, and the Britisher gets according to this representation Rs. 1,400. I ask the Finance Member to inquire into this and to see that a bank which is in agreement with us, and to whom we give our custom and patronage is not allowed to discriminate against competent young Indians. I do not know the other side of the case, Sir. Therefore, I am not inclined to be severe in my criticisms, but this *prima facie* statement of the representation impels me to submit this personal appeal to the Honourable the Finance Member to kindly look into the matter and send a word of admonition to the Imperial Bank to be more discreet, otherwise we may be compelled to revise the agreement in the interests of our own nationals.

The other thing is that the Commerce Department has not yet told us what exactly is the position about the U.K.C.C. I find from the latest wall from Bombay which reached me a few days ago that the U.K.C.C. has acquired, is acquiring and threatens to acquire increasing influence in the export trade of India. We have discussed this question several times. Therefore there is

[Dr. Sir Ratanji Dinshaw Dalal.]

Defence Budget. During 1942-43 India's defence expenditure was 189.75 crores for a population of 400 millions as against 370 crores of rupees for a population of seven millions in Australia. India's present defence budget is 192.81 crores. We must realise that the military expenditure about which so much complaint was made in pre-war years was small as compared with the cost of the mechanised, air, and sea forces of today, which are particularly expensive on account of the rapid replacement of material to prevent obsolescence. The independence which India demands must of necessity add enormously to her defence expenditure in the future. If India is to preserve her freedom, we must arm ourselves on sea, land, and in the air in a fitting manner. Those who demand that India should have a navy, and land and air forces worthy of her great size must cheerfully bear the financial burden of that shield. India's taxpayers must accustom themselves to the defence expenditure on a scale much greater than they have borne in the past. The price of freedom is eternal vigilance, so the peace-loving democracies should never again allow themselves to be caught in a shocking state of unpreparedness.

Now, Sir, I take this opportunity to bring to the notice of the Honourable the Finance Member a grievance that has been felt very much by officials in the various Central and Provincial Government departments, especially those who fall within what I may call 'promotion block' as a result of the growing congestion in the higher posts. Extensions of service have inflicted great hardships on senior officials and have prejudiced their prospects. Now things have come to such a pass that extensions of service should not be granted to Government servants who become due to retire on attaining the age of superannuation, and that extensions of service may be granted only in exceptional circumstances on the most cogent grounds where a strong case can be made out on account of the services connected with the war.

Now, Sir, I shall just say one brief word as regards prohibition. There is a considerable loss to Central Revenues from prohibition, as prohibition affects the estimates of customs revenue. In the Bombay presidency there is a loss to Government revenue to the tune of one crore 80 lakhs, plus an expenditure of 15 lakhs for preventive measures, so the Bombay Government have requested the Central Government to give their full share of income-tax all at once. I submit that prohibition should be abolished, as it should be, and as in justice it must be, inasmuch as the much-desired balancing of budget will be far easier to achieve if drink were once again to contribute its revenue to the exchequer.

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

The outlawing of drink has not prevented drinking. It has been actually calculated that the total alcoholic consumption in the Bombay presidency has increased by about 50 per cent. over the quantity consumed before prohibition was introduced. In any case it is clear that prohibition has failed to fulfil its principal purpose of promoting temperance, and that large illicit trades in distilling and in smuggling have grown up, which bring enormous profits to the miscreants and none to Government. What is more?—there has been an increase in violent crime which is attributed to the consumption of raw spirits noxiously manufactured as a result of illicit distillation. Prohibition has turned drink from a lawful into an unlawful and therefore much more demoralising indulgence.

Now, Sir, in view of the scarcity of paper, I desire to submit to the Honourable the Finance Member a suggestion that a cheque endorsed by the payee should be considered an equivalent of a receipt. This change would be welcomed by the business community, and enormous economies could be effected if the existing laborious process of receipts were ended. The primary function of a receipt is to save the payer from the risk of being made to pay twice. For all practical purposes the payer by cheque, who does not obtain a

receipt, would be protected by the production of his paid cheque endorsed by the payee, and bearing evidence that it has been cleared through the payee's bank. So an endorsement of the cheque by the payee should be recognised as a receipt. As a result enormous quantities of paper, postage, and office work will be saved.

I now pass to a very important point which greatly exercises the public opinion. There is a point at which no Government can refuse to take action to protect the interests of the community at large; and when that point is reached, Government is bound to use all the resources at its disposal. That is a platitude. I sincerely hope that the commonsense of the people and the opposition of all thinking and sensible men will erect an insuperable bar to the further progress of this most foolish civil disobedience movement of all foolish schemes. Whatever support there is from ignorant and misguided individuals or from professional criminals, there is no doubt that there is throughout India a solid body of public opinion which refuses to countenance a campaign of wanton and malicious destruction calculated to destroy the peace and security and liberty of the entire community.

Sir, the Congress makes out that Great Britain is waging war mainly with American material, and with fighting men from India and the Dominions. Government should take steps to dispel this all too common illusion. The Congress should be made to realize that over 70 per cent. of the casualties suffered by the Armies of the British Commonwealth had been suffered by troops from Great Britain; and India should be allowed to know of what Great Britain has done, is doing, and will do to the end.

Sir I am positively amazed when I hear astounding appeals made to the British to withdraw from this country. I respectfully ask: "Has not the British capital in thousands of millions of pounds flown to the shores of this country in order to help the various Indian concerns?" The British Government themselves admit that their administration in India is not free from blemish or taint, but I submit that it is informed with a spirit of duty. The British Government have always thought much of the welfare of India, and have endeavoured to administer the Government of the country by justice and beneficence, by courage and sympathy—courage to grapple with the problems which bewilder by their complexity even more than they overwhelm by their dimensions.

Mr. Lalchand Navalkar (Sind: Non-Muhammadan Rural): Do they require your certificate?

Dr. Sir Ratanji Dinshaw Dalal: and sympathy with every race and class and creed from the Indian Prince to the humble peasant. Sir, the British Government do not claim that their policy in India has always and everywhere been distinguished by consistency or foresight or wisdom. They themselves admit that they have made many experiments and that they have perpetrated many failures; but whatever the errors or miscalculations of the British Government in the past, it may be claimed with truth that they do not depart from their pledged word, and that British honour is the basis of British administration. Where the faith of the British Government has been pledged, they have always held to their bond.

Sir, as Secretary of State's Doctor for Plague duty in India for 14 long years, I saw with my own eyes the efforts; nay the unsparing activities of British officers—civil and military, in combating the afflictions and in alleviating the misery of the people. I respectfully ask, has there ever been a period in the history of India when such philanthropic regard for the well-being of the helpless masses has been shown by the rulers of the country? Did Hindu or Mussalman sovereigns—Mahratta or Moghal, ever so exert themselves for the husbanding of human life?

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Have you got any proof that they did not?

[Mr. Jamnadas M. Mehta.]

nothing to add except that I would like to have an assurance from the Commerce Department that the U.K.C.C. will not be allowed to develop into a replica of the old East India Company under the very nose of the State.

Another thing which the Commerce Department might kindly tell me is this. There was an Allianz und Stuttgarter Life Insurance Company which belonged to an enemy country, and on the outbreak of the war the Government handed over the whole management of that company, not to a directorate formed out of the policyholders of that company, because the shareholders are not concerned, but to a firm of auditors. Sir, an auditor comes in, when somebody has done the work, to audit it, but auditor manager is a contradiction in terms. If the auditor is the manager whom will he audit? If the watch-dog is to devour the sheep, who will take care of the sheep? Therefore, I do not understand the sense of this kind of arrangement. But I am passing this information on for inquiry by the Commerce Department. When there are several hundreds, if not thousands, of the policy-holders, men like Sir Jai Lal, a retired Judge of the High Court being amongst them, Government can certainly constitute a Board of Directors out of such distinguished people and leave them to carry on their own affairs during the war, subject to the control of the Commerce Department if you like. That would be a welcome and a commonsense arrangement, but this arrangement seems to me to be quite wrong. I have nothing against the firm of auditors. They are men of great repute and I understand that they are very well trusted by Government.

Sir Cowasjee Jehangir: In what part of India is this firm?

Mr. Jamnadas M. Mehta: This company has branches in all parts of India. It is a German firm. It is a German firm, I think: I do not know. But I have nothing against this firm of auditors who are a firm of well reputed gentlemen. What I object to is the principle, that when the policyholders who are most vitally concerned and they are in their hundreds, if not in their thousands, Government should under the Defence of India Act and rules constitute a board out of them, subject to their supervision and by all means appoint these gentlemen as auditors so that the government can feel assured that the men who are interested are in charge and are controlled by a responsible firm of auditors. I pass on this information to my friend, Mr. Pillay, who represents the Commerce Department, to look into it and see whether the suggestions I have made cannot be put into force with advantage to Government and to the policyholders and retain the services of the auditors for different purposes.

I want to know one or two more things. Why was the price of sugar raised by Rs. 2-5-0 a maund about a few months ago by Government themselves? Instead of bringing down the prices, Government went out of their own way to increase the price of sugar by Rs. 2-5-0 a maund. What for? I tell my Honourable friend that not a single sugar mill in the Bombay Presidency needs it. The biggest sugar manufacturer in the Bombay Presidency, who pays the highest income-tax in the Bombay Presidency, if not in India, and is, among other things, a sugar manufacturer, told me that this Rs. 2-5-0 was a pure gift to them.

An Honourable Member: The Controller wants it!

Mr. Jamnadas M. Mehta: The Controller ought to decrease it. One U. P. sugar manufacturer, whose company, I am told, has an entire bloc worth about 50 lakhs—he is the managing Agent, practically the proprietor, and he told me that “We never applied to Government for that increase of Rs. 2-5-0; we could have gone on without it; we could have even increased the price of sugarcane to the grower without any subsidy; in fact, we offered to increase it, and the U. P. Government turned it down. And now all of a sudden we get a windfall of Rs. 2-5-0 in the U. P. and Bihar. The sugar syndicate had not asked it.” Instead of controlling prices Government go out

of their way to give a sort of gift in a fit of generosity at the cost of the consumer who needs whatever relief can be got from whatever quarter.

The Honourable Sir Jeremy Raisman (Finance Member): I suppose my Honourable friend has just heard vaguely of a little trouble, a little difficulty about the sugar mills getting cane at that time.

Mr. Jamnadas M. Mehta: Yes; but these are the proprietors who tell me; I can assure my Honourable friend that I am not interested in picking holes. About the Bombay Presidency his statement is entirely wrong, because the Bombay Presidency mills grow their own sugarcane. Therefore, this question cannot arise there; and so far as the U. P. sugar mills are concerned, I tell him that one of the biggest manufacturers has given me these figures; you cannot get away from it: I will pass them on.

Mr. K. G. Ambegaonkar (Government of India: Nominated Official): Has the Honourable Member got figures from the smallest proprietor who really matters?

Mr. Jamnadas M. Mehta: He was telling me on behalf of the syndicate. He was speaking for the sugar industry in Bihar and U. P. as a whole, and not for himself.

The Honourable Sir Jeremy Raisman: Does he say that the industry did not ask the Government to intervene at that stage?

Mr. Jamnadas M. Mehta: They did not ask for price increase: that is what he told me.

The Honourable Sir Jeremy Raisman: Then it is not true.

Mr. Jamnadas M. Mehta: He told me and I can get confirmation from him: we were together for nearly 24 hours in the train; he simply coached me and said “Mr. Jamnadas, this is what we have got”

The Honourable Sir Jeremy Raisman: But we were for several days and weeks with the industry.

Mr. Jamnadas M. Mehta: But the man who makes a profit will never admit it; I am telling you the views of the man who gets profits which he did not need. I am telling you the views of the Bombay Presidency, of profits which they never expected, and you have given them a windfall. You will not be able to get out of it. The facts are too strong for you. You can read these figures given to me by the biggest U. P. member of the sugar syndicate, on behalf of the syndicate. My friend can get no consolation by quibbling between biggest and smallest—I ascertain my facts before I speak. Therefore, you have no excuse. The fact is that in Bengal alone there are a few mills which could not get on without Rs. 2-5-0, and they cannot get on even with this Rs. 2-5-0. They are like the landlords under Lloyd George's schemes—they could not live because of his land taxes and they could not die because of his death duties! They were afraid either to live or to die. But about these Bengal sugar manufacturers, if you had not given them this Rs. 2-5-0 they would have gone *phut*; if you give them, they do not get enough. But the consumer all round is mulcted to the extent of Rs. 8½ crores—an entirely gratuitous gift for which you will not be able to show me any justifiable excuse.

One more individual matter.

Sir F. E. James (Madras: European): Is this another railway story?

Mr. Jamnadas M. Mehta: This is not a story—you are in the habit of telling stories. I am in the habit of telling facts. I challenge you to prove on single fact of mine to be a story. I can challenge your story on behalf of the workers of the Madras and Southern Mahratta Railway: you have told them stories 11 years ago. I do not want to expose you here. (Interruption)

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

Mr. Jamnadas M. Mehta: I can assure my Honourable friend, Sir F. E. James, that he will not be able to challenge one single fact of mine if he lives three generations in this country. The late Finance Minister, Sir Basil Blackett

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challenged me on the floor of the House and next day he was proved to be in the wrong. Sir James is much too small a man. I am telling you that this is a fact. The biggest Bombay sugar manufacturer has told me in person that this Rs. 2/5 is a gift. One of the biggest sugar manufacturers in the U. P. and Bihar speaking on behalf of the syndicate, said that this was a gift they never expected. Now, examine it to see if the 40 crores of people are really being mulcted to the extent of Rs. 3½ crores instead of trying to poke fun in a matter of such serious import to them. For whose benefit the gift was made I do not know. . . .

Dr. Sir Zia Uddin Ahmad: I want to hear the reply to that.

Mr. Jamnadas M. Mehta: What reply can there be? It is a gift. If the House wants to inquire, let them go into committee and they will find it was an error of judgment on behalf of the Commerce Department. . . .

Dr. Sir Zia Uddin Ahmad: It was an intentional gift, not an error of judgment.

Mr. Jamnadas M. Mehta: I will not go so far as to say that, but I say it is an error; and let them rectify it.

Now, I come nearer Delhi. I was happy to meet the new Chairman of the Improvement Trust in Delhi only about 3 days ago at a social function and I was very pleased to see that he was bringing a fresh mind to bear on the housing question in Delhi. I ask the Government what happened to their schemes of housing the poor? They were, I think, thought out, prepared and planned several years ago. Why are they shelved? So far as the scheme of housing middle class people here to be proprietors of their own homes within a few years, has it made any headway? Delhi is fast becoming a slum. Even New Delhi I do not know what it has become. Under the inspiration of this Chairman, I am expecting a great improvement—that too, soon. He comes from Madras—and there is no person more efficient than a man from Madras, whether he is a shorthand typist or in the Finance Department; the Madras shorthand typists will beat anybody in the world; they show to ourselves when we read our speeches at home in the evening in transcript, how really not eloquent we were, how really ungrammatical we were, how really tedious repetitions we were making: for the competency and efficiency of these Madras shorthand writers, I think, if anything, they should monopolise the reporting in this House.

Mr. Huseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): What about the Improvement Trust?

Mr. Jamnadas M. Mehta: I am telling you that the Chairman of the Improvement Trust comes from Madras. Therefore, I am saying, these gentlemen from Madras—I incidentally mentioned. I ask any Honourable Member of this House whether I am right or not right. Let him read his speeches. . . .

Mr. Lalchand Navalrai: Why deprecate others? They also do well.

Mr. Jamnadas M. Mehta: Every Madras, whether he is an Englishman or a Madras—take the I.C.S. from Madras, Sir Charles Innes. What wonderful fellows they were. Sir Charles Innes—he was a man who would read every little line of his department's papers. I am sure others also do honestly their best. I do not wish to make any invidious comparison except to say that I hope under the inspiration of the new Chairman of the Improvement Trust in Delhi the housing conditions of the poor and the middle classes will considerably improve.

Before I come to the taxation part of the Budget, I wish to say one last thing. I understand that the Central Government ministerial staff have an Association. I always like the workers organising themselves. As Government have given recognition to this Association, I beg of them to do all they can to relieve any complaint, to redress any grievance. The complaint that I have got is that 99 per cent. of the representations of this Association—in fact, the man told me 999 out of 1,000—are turned down. I would, therefore, hand over

to the Honourable Member incharge the series of complaints which I have received. What they want is that they should be given more opportunities for meeting and representing their grievances to whoever may be the Executive Council Member in charge of this matter, probably it is the Honourable the Home Member. In the matter of gratuities, dearness allowance, substitution of provident fund, in lieu of pensions and many other matters they have got serious complaints to make, and I do hope that this Association will receive the attention of Government as much as its needs might require.

Now, Sir, I have exhausted individual matters, and I shall turn to more general questions. Next to the question of war, to which I shall refer in due course, the food and clothing question in this country to-day is the most vital, as much in the interest of the 40 crores of people in this country as in the case of assistance to war effort on an efficient footing. I do not blame the Government for the failures or neglect or errors. They were confronted with a situation of such an unprecedented magnitude and with a situation otherwise so threatening that it was not easy to keep one's head on one's shoulders and calmly think out plans. Therefore, I am not interested in blaming them, but their failure is there. In the matter of food and clothing, I entirely endorse what my Honourable friend, Sir Zia Uddin Ahmad, has said. I say the same thing about food. Forty crores of people, and 60 million tons of food which they produce, and which production has been maintained throughout the last four years of the war—that these people should not get food for weeks and sometimes for months or get them at prices so fabulously high that their earning capacity cannot keep pace with them is a statement of a very hard and tragic fact. What is true of food is true of clothing. In Bombay there is a proverb that, when you go to dine at your maternal grandfather's house and your mother is in attendance, you are always safe; you will get as much as you like. When therefore, the millowners of Bombay had Sir Homi Mody as their mother in charge of the Supply Department—the millowners had no cause for complaint. Government were so afraid of the millowners in the matter of the supply of cloth in proper time that they were down on their knees to the millowners, and the bloated profits of the millowners of Bombay, of Cawnpore, of Madras, and Ahmedabad, tell their own tale—of the enormous prices that were given to them, and in addition, they left them to fleece the consumer to their hearts' content. Fleecing by the millowners of this country of the people who are always living in rags, a large part of them never having any cloth,—that fleecing is one of the scandals of the last four years. Four times, three times in the bazar of what it cost to manufacture,—how can the consumer buy an article for Rs. four when the cost of manufacturing it is only one rupee? Government were at their complete mercy. They never could stand up to them and the entire country was placed at the mercy of the profiteers and these parasites. What is true of this is even to a greater and more tragical degree true of food. Normal production of food, the same population, exports to countries with whom we were on trading relations stopped. What excuse is there for not obtaining food at the pre-war price? Except the absolute incompetence of the Government, for which, as I say, I am prepared to make the largest concession on account of the external situation we had? But you cannot ignore the fact under that, the same level of production for the same population, food is not available for the man in the street at the same price. Why should it rise? Government issue communiques, have conferences, committees. "Government are seized of the matter", "Government are doing their best", "Government have fully understood the situation", and that kind of consolation was being given to the people. But I am sorry to say that in the battle for bread in this country the *bania* has beaten the British. The bourgeoisie has beaten you hollow in the battle for bread, and to-day now after 3½ years of war, where the wheat price was, according to my information from the workers of the N. W. Ry.—it may be of somewhat inferior quality, I do not know—between Rs. 2-10-0 to Rs. 3 pre-war, it is being purchased by

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Mr. Jamnadas M. Mehta: Yes, I think so, unless the system is different. I am telling you that your ten-rupee notes are being backed by ten-rupee loan. What is the good of them in time of crisis; few will buy your ten-rupee loan at par. It is obvious that in a time of crisis the Government of India securities will not be saleable at par in the market, and, therefore, the note backing to that extent is weak. This point of view has not been challenged in the debates of the last 15 years in this House in which I have participated and which I have followed. Sir Basil Blackett was always very nervous about these I. O. U.'s. In fact, he once said that 65 crores of the *ad hoc* securities were too much for a country like India.

The Honourable Sir Jeremy Raisman: What is the position in the world today?

Mr. Jamnadas M. Mehta: I am not saying that the position in other countries is infinitely better, but when I hear of India as being peculiarly lucky, I must tell them that facts are different. (*An Honourable Member:* "You are thinking of Sir Ratanji Dalal.") Sir Ratanji Dalal was simply making up his account with Sir Cowasjee Jehangir about the Public Accounts Committee. I do not want to interfere in his account-taking between one worthy Knight and one worthy Baronet.

Now, about Sir Cowasjee Jehangir. My friend was very much convulsed over the fact that the sterling reserves are called debt. I think the Finance Member is perfectly right; it is a debt. I do not know what was the quarrel between the two. Instead of having 867 crores of sterling cash, which is certainly our money, it is invested in what are called the treasury bills. The Treasury of England owes so much money to this country. It is the debt just as your investment in any company is the debt of that company to you. What is the doubt about it? The Finance Member in order to mollify my Honourable friend called it obligation. Still, he would not be consoled. I beg of him that there is no room for the disturbance of his equanimity on this issue. It is a debt and if England is saved that debt is saved.

Sir Cowasjee Jehangir: Will my Honourable friend just listen to me for one minute? If my Honourable friend owed money to somebody else, that somebody else might have to whistle for it. If you have investments with the British Government, which is a very sound party, it cannot be called a debt.

Mr. Jamnadas M. Mehta: My friend it is called the National Debt of England, the whole of it.

The Honourable Sir Jeremy Raisman: Does Sir Cowasjee Jehangir realise that his banking account is a debt by the bank to him?

Sir Cowasjee Jehangir: It is a technical term.

Mr. Jamnadas M. Mehta: There is no room for a quarrel on this score and, therefore, let us have peace.

On the question of currency and the currency reserves, inflation is a fact and the Honourable the Finance Member has shown in many parts of his speech that he is fully conscious of the urgency and the importance of the problem. What he has not shown is a direct admission of inflation lest his critics might appear triumphant. That is all. He has shown ample concern and I hope he will try to remedy the situation. It has been accepted that the right method of finding finance would be the raising of loans in this country by the people who want to buy our goods. That is obvious. If I want to go and buy goods from China, China will say, "Pay me in my own currency." Therefore, not to pay in India in India's own currency and to keep the money in England is a sort of lop-sided arrangement. As we are fighters in a common cause I am prepared to accommodate my comrades in arms, the British people, in any way they like, but let us proceed according to the rules of the game.

Mr. Hooseinbhoy A. Lalljee: Call a spade a spade.

Mr. Jamnadas M. Mehta: Yes.

Now, so far as this matter is concerned, what is the real fact? The real fact is this that the Government are unable to persuade the British Government or the United States Government to pay for the purchases in this country. If they had been able to do this, a large part of the inflation would certainly have been avoided and it would have been a more normal and a more natural course.

The Honourable Sir Jeremy Raisman: To pay in what form?

Mr. Jamnadas M. Mehta: By raising loans in this country for which you are shouting at the top of your voice.

The Honourable Sir Jeremy Raisman: Does the Honourable Member mean that vastly larger sums would have been forthcoming in the way of loans if they had been raised by His Majesty's Government and not the Government of India?

Mr. Jamnadas M. Mehta: I am not saying vastly. But it is none the less true that if I have to buy your goods, I must pay you in your currency. In fact, I have paid it throughout the 180 years of your connection with India, India has paid you in your currency. Why the reverse process is now being followed, you will have to explain?

The Honourable Sir Jeremy Raisman: The Honourable Member would limit the Indian war effort to the amount which can be raised by His Majesty's Government in this country.

Mr. Jamnadas M. Mehta: I won't limit the war effort; I shall support other methods if and to the extent that American or British loans in this country might not succeed, your fear is that if the British Government came to raise a loan, they might not succeed. I wish to disarm your fear on that account.

Mr. President (The Honourable Sir Abdur Rahim): We had better adjourn now as today is Friday and it is now half-past one.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, meetings have been fixed next week for Monday, Tuesday, Wednesday, Thursday and Saturday, Friday being a holiday. All Leaders of Parties have agreed that the Finance Bill and the two Excise Bills and the Supplementary Demands should be disposed of by Saturday in that week, and that with a view to attaining this result, the debate on the motion for the consideration of the Finance Bill, including the Honourable the Finance Member's reply, should be completed not later than 5 P.M. on Wednesday next. All the Parties have agreed to this arrangement.

Mr. President (The Honourable Sir Abdur Rahim): I take it that this represents the views and wishes of Honourable Members generally.

Honourable Members: Yes, Yes.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock. **Mr. Deputy President** (Mr. Akhil Chandra Datta) in the Chair.

Mr. Jamnadas M. Mehta: Sir, when the House rose for lunch, I was just completing my observations on the question of loans by Britain in India. I have nothing to add and I shall pass on to the next question of taxation.

The Honourable the Finance Member in the course of his reply on the General discussion of the Budget was somewhat impatient when I said that the poor man was taxed far beyond his means and that the rich man was largely left severely alone. I was not saying that he should remit all taxation. All that I was saying was that the poor man was paying enough and before he had exhausted the resources of the rich, he might well spare a further knife at the poor man's throat. That was my submission. But he twisted it into a demand for remission of all taxation i.e., salt, matches, sugar, everything and showed me to

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interest of, one country alone. The co-operation of this country in the post-war reconstruction of the world is as much in our interest as in the interest of the rest of the world. Therefore, no scheme of post-war reconstruction in which I am not present as a party to voice my views, no decision in the arriving of which I am not heard, will be binding on me. But what happens today is like a banquet held in honour of India from which India is kept outside; the diners are all non-Indians and everything is done in India's name and at her expense. That is not an edifying proposition. The Government of India with all its best intentions today cannot say that they are in touch with the public opinion or with all their undoubted Christianity they are right in their methods. The less their constitutional responsibility, the more must they feel sure that they have the backing of the public behind them. That way lies safety. Is there anything extravagant in that, I would ask the Honourable the Finance Member?

The Honourable Sir Jeremy Raisman: No.

Mr. Jamnadas M. Mehta: And is he content by saying that the discussion in this House is a real substitute for a heart to heart consultation over a conference table. You cannot. The Reconstruction Fund has become a needless controversy. The critic of Government wants that our sterling accumulations should be repatriated in this country as capital goods for starting big industries. That is what they are asking today. You say that will be done after the war. That is all the difference. The decision in both cases is absolutely identical. That shows that his critics are very reasonable people and I would beg of him to take a very broad view and understand the sensibilities of myself and my countrymen that huge crores belonging to us may not be, even in their interest, locked up, pinned down or irretrievably committed to something about which we have not been consulted. That is all my criticism. I have no suspicion that England is going to swallow my money. I say, if it is my money and if you really need it, have it by all means, but let us have consultation, let us decide how best you can have it and how best I can give it. Take it by all means. I have agreed to pool my resources, my man-power and my energy for the winning of the war. I am prepared to play up but let it be according to the rules of the game, according to the methods which I can understand.

I have already made my submissions on the taxation, the currency reserves, the post-war reconstruction. The only point which I now wish to observe, in connection with the Budget speech of the Honourable the Finance Member, is the joint war measures. He has been good enough to quote for our benefit the entire settlement of 1939 and it is given on page 7 of his speech. I ask him to read it and let me see whether he can anywhere find the word "joint measures". That your "Finance Committee is familiar" and that the "Auditor General will examine" are no substitutes for the sanction of the House. The House knows only the settlement of 1939-40. You told the House with a great deal of satisfaction that the settlement was not going to be disturbed by His Majesty's Government and you received a large amount of vociferous cheering. I ask you to examine the matter and see whether you have achieved that. You might have achieved it on paper. The settlement is not unsettled, but the finances involved are considerably outside the settlement. Whether "they were intended" or "contemplated" and the "Finance Committee was told" is not sufficient for a categorical opinion of this House given after due consideration. We are carrying on the game with lights out, which is not a fair way. The game should be carried on with lights on, and I do say that the joint war measures have meant a considerable expansion of the liabilities of this country. The deficit of Rs. 85 crores has extended into Rs. 95 crores this year; you had further to divide the expenditure into capital and revenue and thereby debit an expenditure of Rs. 49 crores to capital, which means really that Rs. 49 plus Rs. 94 (Rs. 143 crores) is the real deficit of the current year as against the Rs. 85 crores that you visualised. Therefore, the deficit in one year has gone to

about Rs. 108 crores more, than the amount budgetted, by you; at that time you construed the settlement differently from what you now do.

The Honourable Sir Jeremy Raisman: Because I could not foresee the events of the coming year.

Mr. Jamnadas M. Mehta: But these events did take place when we were having the last budget. Burma was then already overrun.

The Honourable Sir Jeremy Raisman: Had the joint war measures been excluded there would have been no deficit in the previous year.

Mr. Jamnadas M. Mehta: The previous year I am not referring to. Joint war measures did not then exist.

The Honourable Sir Jeremy Raisman: Yes, they did.

Mr. Jamnadas M. Mehta: But you are now importing them newly into the settlement.

The Honourable Sir Jeremy Raisman: They have existed from the very beginning.

Mr. Jamnadas M. Mehta: Yes, in your mind but not in the settlement. Here is your settlement reproduced by you on page 7 of your speech. There is not a word joint measures.

The Honourable Sir Jeremy Raisman: If my Honourable friend will show me how India could be defended without any kind of co-operation with any other party in the world, then I will tell him how to work out that agreement.

Mr. Jamnadas M. Mehta: I am the last man to say that. I am going to tell him that even if the joint measures were not there and they became necessary, I would be prepared to accept them if consulted in advance. I am not quarrelling. I am saying that our liabilities are expanding until they are beyond the capacity of India. The test of any war contribution from me should be my absolute willingness on the one hand and my capacity on the other. My willingness is 100 per cent. and my full capacity is at your disposal, but I must feel sure that my capacity is there. I have shown you that so long as the vast millions do not get even food, clothing and shelter, and that what they deposited in the post office and in cash certificates has been withdrawn to the extent of Rs. 51 crores in three years, I have given him the measure of the incapacity of my people to stand the strain of the war expenditure. Therefore, the war expenditure should be taken out of other resources and not from the poor. I am there with you. I am only pleading with you not to take it from those who cannot pay, and do not leave those who are able to pay, but on specious grounds are exempted to pay. The joint war measures discussed by the Honourable the Finance Member at page 7 onwards are an expansion of the original settlement. They were not in the bond. But I am not a Shylock. I won't plead that they were not in the bond. If joint war measures are necessary today, I am prepared to take them up to my capacity. Americans are leasing and lending, as you say, vast sums of money to us, and we should in turn do something. One test must, however, always remain, and that is the capacity of the people; and that capacity is not to be judged by extorting more from the poor by way of taxation. That capacity is whether you are leaving considerable margins of profits untaxed and you tax the poor or resort to loans. I would have agreed to your Rs. 30 crores of loans instead of Rs. 20 crores. Therefore, in objective there is no difference. My Honourable friend taunted me the other day that I was all for the war effort but not for the things which the war effort needed. That is not so. In place of what you are doing I am pleading for alternatives, not for evasion. Therefore, my support of the war effort is not half-hearted at all because there is an additional reason besides the reasons which are common for both of us. His reasons as a high official or as a member of the British Commonwealth are intelligible. I have an additional reason; the security of my country; which cannot appeal to him, as it would appeal to me naturally. My support of the war effort is even stronger, and, therefore, if I sometimes criticise his war measures of taxation, or other

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Government at any amount between Rs. 13, Rs. 12 and sometimes less. What a tragedy, what an absolute failure of the Government of the country, that a body of profiteers and hoarders could, in a pitched battle about the most essential article of food, defeat the Government and the latter should show the white flag by withdrawing control! Wheat was de-controlled some two months ago. Government, I do not mind saying, are doing better on the whole, they are slowly getting the grip of the situation. I do not say that I would have done better in their place but I am simply recalling what has happened and I do not think that even in England, which imports, I think, 60 per cent. of its food, and is today handicapped so much on account of want of transport, that kind of food shortage has been reported. I find that the prices of all articles and cost of living in England is 21 per cent. of the pre-war period and here it has risen by 125 per cent. That shows how very far behind we are.

I am not yet happy that anything is being done which will meet the situation. That there is some ease in obtaining supplies is, I think, clear; but whether 90 per cent. of the people have got the money to buy the food and clothing is not so clear; I, therefore, appeal to the Honourable the Railway Member and the Finance Member not merely to consider the railway employees but all employees for the purpose of dearness allowance. The Railways have paid you Rs. 150 crores during the last three years and you are not willing to consider what they want in the matter of food, clothing and shelter. The Honourable the War Transport Member has promised to reconsider the question. I know he is actively doing it but I am not hoping that I would be able to persuade him to give me enough to neutralise the rise in the cost of living. But where everybody has less, I must be prepared to get little, if it is enough to keep body and soul together. In that hope, I am carrying on the negotiations with him.

I shall now come to the question of taxation, joint war measures, inflation and post war proposals and touch on them briefly and wind up by a very earnest appeal to the country to consider the international and national situation and to adjust itself in the light of actual facts. I wish to say that there is a great deal of confusion about the problem of inflation. Such a learned man as my friend, Sir Zia Uddin Ahmad, was so befogged that he could not say whether it was inflation or not.

Dr. Sir Zia Uddin Ahmad: I do not know the meaning of the word "inflation".

Mr. Jamnadas M. Mehta: Then you do not talk about it. You need not have taken the House's time. I can tell you what inflation is. It is quite simple. Mere expansion of currency is not inflation, if it is required by the increase of population, by the increase of trade and the increase of production. But if there is increase of currency, the circulating medium, without a corresponding increase in population or the production of the country or the expansion of trade and commerce, then it is clearly currency inflation.

Dr. Sir Zia Uddin Ahmad: How much do you think is necessary for our present business?

Mr. Jamnadas M. Mehta: I am going to tell you just now. I am coming to that point. Let the Honourable the Finance Member look at the figures of the circulation of the currency medium in 1935. I have before me the report of the Currency Department and I ask him to look at the figures on page 61. He will find that in those days in 1935, although it may not be 39 crores, our population was somewhere between 30 and 40 crores, because our rate of production of humanity is the highest. We are backward industrially but in mass production of men we are the most advanced. Our countrymen cannot be beaten in that industry of human production. We are now, I think, producing 50 lakhs of human beings a year. The whole of Australia has not got 60 lakhs. Ireland has not got even that. New Zealand cannot claim that it has got so much. India is in a position to export humanity to any uninhabited place, if they will only take it. (A)

Honourable Member: "As Coolies?" No, as inhabitants. Now, therefore, the population of 1935 cannot be less than 35 crores, although not 40 crores. For them, 177 was the circulation of currency notes. Now, our population is 39 to 40 crores. For carrying on the economic transactions of this increased population you can provide whatever is necessary. I am prepared to agree. The food production is not more than pre-war. Industrial production must have increased naturally but exports have ceased. I am not prepared to put the expansion on account of industrial production at more than 25 per cent. and I shall give additional currency for that. Therefore, on the footing of growth of population, expansion of business and expansion of production, you can add, say, 25 per cent. to 180 crores. I would not mind that. But our present position is 325 per cent. increase.

The Honourable Sir Jeremy Raisman: What about the velocity at which it turns over?

Mr. Jamnadas M. Mehta: The velocity will be a damper on you, my friend. Read the clearing house figures. They are less. Therefore, the velocity is less and, therefore, we do not want more currency.

The Honourable Sir Jeremy Raisman: Does my Honourable friend realise that the more hoarding there is the less currency there is for circulation?

Mr. Jamnadas M. Mehta: I am making allowance for hoarding. Hoarding is a pre-historic industry in this country. You should not be surprised at that. Hoarding has been a traditional fact in this country, although it is small. I agree that in order to embarrass the Finance Member some politicians have tried to hoard the currency by persuading the people about the want of safety of the British regime. I will make allowance for that. I am not interested in drawing the picture blacker than it really is but I do not want to shut my eyes to the realities of the situation and I further say that to the extent that the currency is backed by the securities of the Government of India to the extent of 189 crores, it is inflation. I maintain that. Making allowance for increase of population, for growth of production, for increase of business transactions, making allowance for hoarding, making allowance for a little leeway that had to be made because the tendency of the Government in pre-war days was to some extent deflation, I do say that to the extent of 200 crores of currency there is inflation in this country. This is my submission to my Honourable friend, Dr. Sir Zia Uddin Ahmad, because 189 crores which are Government of India's I. O. U.'s against the currency notes are not called genuine reserves.

The Honourable Sir Jeremy Raisman: Then the whole of the currency of the United Kingdom is inflationary.

Mr. Jamnadas M. Mehta: No, I won't say that. I am merely putting it to you that the Government of India's securities have always been considered somewhat dubious. They are always apologised for. Whenever these *ad hoc* securities are put in, there has been apology right from the time of Sir Basil Blackett, and, I am sure, you will agree that they are not securities in the full sense. The system of the Bank of England was quite different, i.e., to have a certain minimum amount of fiduciary notes and the rest had gold backing. It is no use comparing likes with unlikes. My Honourable friend, Sir Cowasjee Jehangir, was so much concerned over the use of the word "useless" about some of the reserves. I may tell him that these 189 crores of rupees in a time of crisis are not useful. The backing of the currency is represented by the I. O. U.'s of the Government of India in this country. I am not saying that the pound sterling is useless, but if somebody used the word "useless" about *ad hoc* securities take it from me he was not wholly wrong. I am not at all despondent. I am talking from the scientific point of view that to this extent of Rs. 200 crores we were suffering from inflation and whatever could be done should be done to ease the situation.

The Honourable Sir Jeremy Raisman: Am I to understand that the Honourable Member's contention is that to the extent to which the currency of any country is backed by the obligations of the Government of that country, to that extent the position is unsound?

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be ridiculously absurd. I beg of him not to score such imaginary triumphs; If you first misrepresent your opponent to be absurd, which he might not have been, and then try and show how triumphant you are over him, it is a device which is not very happy, I say, to put it at the least. I never said that he should remit the whole taxation on the poor. I was only saying, having already taxed the poor so much, do not deny the poor man his *biri*. I beg of him to remember that I have seen the poor man's life from the villages, hamlets and even clusters of a few houses, right up to industrial life in cities like Calcutta and Bombay, and I can assure him that nothing hurts this poor man's sense of some comfort more than to deny him this little *biri*. Tax the cigarettewalla, squeeze the tax from the cigarwala as much as you want, and I shall be with you, but can you not spare in this fourth year of the war when the poor man is already paying enough to the State, can you not spare him this little bit of comfort. It will go a great way in giving him relief and make him less discontented with his lot. Vegetable ghee stands in my mind on the same footing; that is a tax on the poor man's food, and his breakfast table is already sufficiently taxed, let not this be further taxed. I further say that the Honourable the Finance Member has many alternative sources of taxation still left.

The House will perhaps be surprised, if I read to them, that today in England the number of people whose income is £6,000 a year, after payment of all taxation is 80. There are 80 individuals in England who get £6,000 a year. These figures I have taken from the *Economist*. Before the war their number was 7,000. To all of them except 80 this income of £6,000 per annum is gone. In England, one of the most industrialised countries, the maximum income which a man can enjoy is £6,000 a year, and the number of such people is 80. The number of people who enjoy an income of between £4,000 and £6,000 per annum is 1,170 as against 12,000 in prewar times. The number of people who enjoy an income of between £2,000 and £4,000 is 30,750 as against 56,000 before the war. The number of people who enjoy an income of above £1,000 and below £2,000 per annum is 1,05,000 as against 1,55,000 before the war. The total number of people who earn an income of between £1,000 and £6,000 is today 1,37,000 out of a population of 4 crores and 60 lakhs as against 2,30,000 before the war. Now, Sir, as against that what bloated incomes are allowed to be made here. My Honourable friend has given us that the prewar income-tax receipts were more than 17 or 18 crores, but today they are four times including all kinds of taxes.

The Honourable Sir Jeremy Raisman: More than that.

Mr. Jamnadas M. Mehta: And that too, with not a very steep grade where it ought to be. The lancet should be applied where blood is the thickest, but you are applying it to the most emaciated, and leaving alone the lugs who are bloated with incomes which they do know where to spend.

A few days ago, I was at a dinner party in New Delhi. Seventy per cent. of the guests were Hindus.

An Honourable Member: Do you mean according to the population.

Mr. Jamnadas M. Mehta: I am talking about New Delhi. I thought most of them being Hindus, they would be teetotallers.

Mr. Lalchand Navarai: And eat grass.

Mr. Jamnadas M. Mehta: I was thinking they would be teetotallers, because most of them appeared to be followers of Mahatma Gandhi. Publicly they will swear by the Mahatma and privately they will swear at him by continually drinking, between 8-30 and 10-0 p.m. I asked those who were attending whether this was a dinner party or a drinking party. Altogether, before dinner, during dinner and after dinner they must have consumed, at the price at which liquors and wines are sold today, about Rs. 2,000 worth of intoxication. No man abstained. A few disgruntled Musalmans and solitary teetotaller like myself, (one of them is sitting here), were the only abstainers. Now, Sir, such people you have not reached, and their number is legion, my friend.

When the excess profits tax in England is close upon 20 shillings in the pound, why do you leave these bugs alone? One argument which I have read from all the Federated Chambers of Commerce, and unfederated and de-federated, is that the industries cannot expand, if you take away this money, more than you are taking, that the industries cannot be rehabilitated, that the industries cannot expand and the production machinery might be impaired. I know the Finance Member does not believe a word of it, because today in England—the most industrialized country where they know how to keep up the machine of production on an even keel—they are paying everything except six thousand. They are most careful about their industrialists. But this kind of absolutely untenable excuse is trotted out by the industrialists of this country for not paying their due share and the Finance Member apparently accepts it. He should not.

The Honourable Sir Jeremy Raisman: What does the Honourable Member think is the taxation in England?

Mr. Jamnadas M. Mehta: Anything in excess of six thousand pounds.

The Honourable Sir Jeremy Raisman: Six thousand pounds is not the maximum for companies in England. That is not the case.

Mr. Jamnadas M. Mehta: Ultimately the Companies' profits must come to individuals.

The Honourable Sir Jeremy Raisman: Not all.

Mr. Jamnadas M. Mehta: Except whatever may remain in reserve. I am not prepared to quarrel about every pound. Let the Government here adopt the British system and I shall be content. But when I see bloated millionaires in the city of Bombay buying diamonds, building houses, attending races and still not knowing what to do with the money and when I find the poor waiting in queues for a morsel of rice, I do not commend your judgement of taxation. I feel that there is some thing wrong with the entire system of taxation, not because you want to do wrong, but because you are unduly considerate to the men who can afford to spend lavishly, men who hoard and who sell clothes at four times the price and then crowd round the Mahatma when he is fasting just to clothe their depredations under respectability. These people you spare, and the people who do not know where to go for their next meals, you tax. You have not got a spark of sympathy for them. Their hardships, privation and travail, I assure you, are unimaginable—even worse than those in war-ridden countries. My countrymen are suffering privations and hunger and there is no worse revolt than the revolt of hunger. This revolt of the sabotage movement is nothing. It is like a child's play. But when the revolt of hunger comes—I do hope it won't come and we shall have wisdom enough to stem its coming—but if it comes—nothing will save you. Your Railways, if they are paralysed, where will be your war effort? Transport means everything. Ask the Commander-in-Chief. He says: "War is a question of transport to a large extent". I give him no threat. I tell him that while the richer people can afford, why do you give trouble to the poor men?

The next point that remains is the use of Indian money in England. The question has been discussed thread-bare. What seems clear is that that money is not going to return to this country. It is going to be spent there. The language of the British statesmen last year was different from what it is now. The language of my Honourable friend of the European Group is not the same as the language of Mr. Griffiths last year. Mr. Churchill began with a reminder "that he was not going to preside over the liquidation of the British Empire"—that gentleman who signed the Atlantic Charter. And I read the other day one of the Ministers saying that "the post-war export trade drive is absolutely essential for England". Now, that contains a danger that it is in pursuit of the export trade drive that our 367 plus 80 crores of rupees will get somewhere engulfed in United Kingdom. By all means use the money, but you should at least consult us. The post-war problems will be so momentous, so wide and comprehensive in their sweep that they won't be in the interest of, or against the

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or anything else, will grow. Democracy is a plant which will never die, however roughly you may handle it. My Honourable friends of the Muslim League may talk of Pakistan, but they are living in the fourteenth century. A religious State is an anachronism. They are more fit for being in a museum than in a Legislature. What is this Pakistan idea? It is an idea of a religious State. They are not even aware that the sun of democracy and freedom is shining over the world for the last 400 years, which will swamp those cobwebs in no time. Therefore, let them not live in this delusion. It is not in the interest of the Mussalmans, it is not in their interests, it cannot be.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): If you can help it.

Mr. Jamnadas M. Mehta: You can help it. I promise you will change before you know. Against the light of democracy these cobwebs of Middle Ages are absolutely worthless.

Mr. Muhammad Nauman: We declare that we are the pioneers of democracy.

Mr. Jamnadas M. Mehta: You may have been, but you have lost that place. You are now lost. And Mr. Atay of the Turkish Press Delegation has given you some sleepless nights. He refused to say that he was a Muslim first. "I am a Turkish first, I am a Turkish nationalist first." I beg of you to say, "I am an Indian nationalist first", and then you have claim to press all the resulting rights.

Maulana Zafar Ali Khan: Indian nationalist believing in majority rule!

Mr. Jamnadas M. Mehta: Turks do not believe in any other. You tried to flirt with the Turkish Press Delegation, but they refused your blandishments.

Maulana Zafar Ali Khan: Turks are not our religious leaders.

Mr. Jamnadas M. Mehta: But being Muslims they do not accept religion as the foundation of a State.

Maulana Zafar Ali Khan: We are not bound to obey them.
(Interruption.)

Mr. Jamnadas M. Mehta: Mr. Atay represents more the views of Turkey than my Honourable friends here. I do not regard my friends as anything more than the last of the Saxons. These are the last of the Saxons of the fourteenth century religious State. They will be swept away in the rising tides of democracy. The Muslim worker, the Muslim peasant, is not interested in the squabbles about paucity of Muslims. He never gets a square meal. My friends forget when there is a paucity of other communities; they do not grouse about it. To-day in the Executive Council, there are three Muslim friends and two Hindus.

An Honourable Member: It is not our fault.

Mr. Jamnadas M. Mehta: You do not complain of the paucity of the Hindus.

An Honourable Member: Why should I?

Mr. Jamnadas M. Mehta: You should, if you have a fair conscience. Sir Sultan Ahmed, for instance, will be welcome to me far more than many a Hindu. (Interruption.) What I say is you have a squinted eye; you cannot see the other side of the picture. And even when you are less and I am more, or I am less and you are more, we both are slaves. (Interruption.) Let it be 100 per cent. Muslims on merits, not on religion, I would welcome. Don't live on your religion. Live according to it.

Mr. Muhammad Nauman: The mere fact that you have made reference to the paucity of Hindus in the Executive Council shows that your feelings are against Muslims. I feel that you have only one eye.

Mr. Jamnadas M. Mehta: Leave it alone. All that I am saying is.—I heard this morning that 40 per cent. in the Supply Department were Muslims. I do not know how far it is true. But what I complain is that people who pass nine-tenths of their time here in the paucity and non-paucity of jobs, are not the statesmen who will make this country free. That is all I say.

In order that the Indian deadlock may be dissolved, both temporary and permanent, I have made my submission. The last submission that I wish to make is this, that the international situation today gives great cause for anxiety. I am sorry that my Honourable friend, Mr. Ambedkar, is not here. I do complain that as Labour Member he has failed to secure the right of Indian labour to be represented at the Dominion Labour Conference. I understand that there is going to be a Dominion Labour Conference from which Indian labour is to be shut out. Why? Because there were two central labour organisations, one to which my Honourable friend, Mr. Joshi, belongs, and the other to which I have the honour to belong. Have you found any real difference in our outlook on labour problems? Why, then, shut out Indian labour from the Dominion Labour Conference? And if the British Trade Union Congress is a party to this exclusiveness, I do say that its claims to be a socialist organisation will be considerably discounted in this country. What I am complaining of is not about the British Trade Union Congress, but the Honourable the Labour Member and the Government of India, that they should connive, at a professedly Dominion Labour Conference, at Indian labour not having a seat. I beg of them to reopen the question and to press the question of Indian labour representation with as much thoroughness as they can. I promise them that we Indian labour will jointly go and will jointly make a united stand. Our views are different in politics but not on economics.

Lastly, this beginning of a wrong international attitude among the United Nations is expanding. The Fighting French and General Giraud French have been in the bone of contention, and I am afraid a great deal of bitterness has arisen that might be weakening the war effort. Now, we find even greater dissensions about Russia. Hands off Russia, I would say. Every man in the world to-day must salute Russia for its most magnificent, unexampled and epic stand against the Fascists. I was not an admirer of Communism; I am not still committed to it. But a country which, as a result of Communism in 24 years' time, could make such a stand for its liberty and for the liberty of the world, is a country which should be a shrine for every radical and democrat to visit and to honour. You may not still agree with it, but any word of cavil at Russia to-day will be suicidal. What has Stalin done in 24 years? He has solved almost every Russian problem, while in 22 years the Mahatma has created 22 problems, and has solved none. Some American Admiral speaks something derogatory to Russia, which is very wrong, very unfriendly and is likely to be visited with disastrous consequences. We also hear that in America the anti-Roosevelt forces are gathering strength, that their anti-Bolshevik, anti-Russian spirit is becoming more and more pronounced, and I can only utter a respectful warning. We have great respect for America; some of my friends have much more than they should have. They are always appealing to America, to Mr. Phillips, or Colonel Johnson, or some newspaper correspondents to fight India's case for freedom against the mighty British. What a pitiable mentality! As if America has not got enough problems of its own, as if America has not got enough skeletons in the cupboard, as if America could hold the mirror to the British Imperialists. Nothing of the kind. The American position to-day seems to me to be that half of America is trying to dislodge President Roosevelt from the Presidential Gaddi, and the ignorant messages which I read in the American press about India convince me that these American correspondents have still to learn the rudiments of the Indian problem. The American Press propaganda in India is more a party propaganda of the Republicans against the Democrats or one against the other and has no relevance to the merits and demerits of the controversy about Indian freedom. Therefore, this appeal to the Americans on behalf of India is a mistaken thing. All Americans are not sufficiently radical. They are capitalist ridden. They are afraid of Russia. What freedom will they give us. It is a want of trust in your capacity. I want to warn my countrymen that this evoking the aid of America every time is not the best policy for this country. Let us rely on ourselves, make compromise with each other, my friends, as you want, on

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the basis of democracy. To me a Hindu worker is no dearer than the Muslim worker. I assure you that I have got more Muslim followers than you imagine in the trade union movement and they are as dear to me as they may be dear to you. They may be dear to you as religious brothers but they are dear to me as my countrymen and my fellow workers and they have no communalism in them. They are free as the sparkling water of the Ganges in the worship of democracy. Let us hope that the clouds of mistrust and suspicion in Europe will disappear. The British statesmen are really acting in the best possible manner in this period of embarrassment and difficulty. They have upheld the right of General De Gaulle as best as they could. They are honouring American susceptibilities as best as they can. They are trying to adjust other difficulties on all questions inevitable from such a war and above all they are holding fast to the moorings of friendship with Russia. That counts most today. If you want to defeat the German monster, the Russian forces have shown that they are more than a match for them. Let us be as friendly to Russia as we possibly can and the war will end to our satisfaction. Subject to this, let us dwarf all our quarrels. Let us forget all our squabbles. The enemy has not yet been finally defeated. We should not lose the peace before we have won the war. The Japanese are far more skilful than people give them credit for. They sprang upon us last year and took possession of all the islands in the Indian Ocean and a large part of the South West Pacific, from which they have not yet been dislodged. In Guadalcanar—I do not know what its area is—they are holding fast for over six months in spite of all our optimistic forecasts. Japan is a terrible warning that the United Nations are not yet free from danger. That danger will increase. But if British statesmen begin to speak in the language of Churchill and Oliver Stanley and other speakers, or, for the matter of that, in the language of a Member of the Calcutta European Association who wants the same protection for British interests as before—I think that is my friend, Mr. Lawson, from Calcutta—Am I right?

An Honourable Member (on the European Group Benches): I did not quite catch you.

Mr. Jamnadas M. Mehta: Who made the recent speech in Calcutta asking for full protection for the British rights in India? You have no right, except the right of conquest. That right you have exploited. If what is a historical exploitation becomes a right by the prescription of time, then you have the right. Otherwise, can any human being claim the right of exploiting a fellow human being as you are doing? Look at your high standards. Look at the low standards of the Indian people. Do not please speak the language of conquerors once more. I appeal to my countrymen—let us forget the difference between the Congress and the non-Congress, between the League and the Hindu Mahasabha, between labour and capital. Let us fight and fight and fight till the enemy of mankind who has tried to enslave the world is finally crushed and the accumulated strength which democracy will get out of that victory will eventually lead to the victory of this country and also to its freedom.

Mr. Laichand Navalrai: In one way I am very glad that the House has been kept very busy with the strong and robust speech of my friend Mr. Jamnadas M. Mehta. He has put forward weighty subjects and discussed them at length.

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

I have also heard my friend, Sir Zia Uddin Ahmad's contribution to this debate. He has touched on almost every department of the Government of India. I am glad to note that this is an occasion in which one can put forward all the grievances he has and can talk as long as he can, without the bridle of the Chair and without time limit. I have on such occasions seen some Members talking for two or even three days.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has more than his full share every day.

Mr. Laichand Navalrai: I am not complaining at all. I am thankful to the Chair for giving me so much freedom. I am only saying that we can talk for a longer time than usual. Of course, I do not propose to take as much time as some of the other Members have done and I do not require any water or any stimulant to enable me to speak long. Without wasting any more of my precious time, I would at once proceed to discuss the Budget and the Finance Bill. We have passed the time of discussing the Budget. At that time, we have put forward many of our views but the time has now come to take stock of our monetary position and to devise ways and means by which the Budget should be balanced.

Now, I will begin with the very important item that has got to be considered and that is in respect to the settlement of the war expenses 4 P.M. between the British Government and the Indian Government. This point has been very ably discussed by my friend, Sir Cowasjee Jehangir. He has already put forward his views and I cannot put those views so strongly as he has done. But I submit that I will make some contribution with regard to it. Now, Sir, we are told that we have got two responsibilities, so far as our liabilities are concerned. One is called the individual liability of India and the other is a joint liability. If the money is spent for the defence of India, then, of course, we are liable for its payment. But what we are concerned with is to find out whether it is really for the defence of India that those expenses are being incurred. In this connection, the question will also arise that we should pay only what is reasonable and what has been rightly spent, and that we can find out only when the House has considered the matter and given its vote. But so far as the joint liability is concerned, I do not think we will be liable for it unless the House agrees to it. The first question that arises in that connection is, how this joint liability is arrived at? Who said that there should be a joint liability? I submit that that question was never brought before this House nor has the Finance Committee considered whether there should be an agreement to the joint liability for paying the expenses of the war or even incurring them jointly. With regard to this joint liability, the first question that arises is what is the area of India within which an expenditure has been incurred for war purposes and for which we should be liable. What I have heard the Treasury Benches say is this, that the area of India is not confined to the boundaries of India only. They say that if any money is spent in connection with the war at Aden or even in the Mediterranean sea, that will also be treated as money spent for the defence of India. For the matter of that, they are now having an attack on Burma and they are spending so much upon it. Is it for the defence of India or is it for the purpose of taking Burma back which will be given again to the Burmans? Why should we be responsible for anything which is done beyond the actual limits of India? Therefore, I submit, several points will arise with regard to this joint liability and those points should not be decided by the Government of India alone but we should also be taken into their confidence. The settlement should be arrived at with the concurrence and the agreement of the House in which should also join the commercial and industrial interests. They have said that they will make the agreement and then throw it over us. That is not the proper way of doing things. After all, it is a monetary matter and economic questions have got to be considered very carefully.

Now, what has happened with regard to this? Perhaps the Honourable the Finance Member was asked that there should be individual and joint liability of India and Great Britain. I think the matter must have been moved like that. But we do not know what actually happened; we are in the dark. We know only this, that the Honourable the Finance Member went to England and had certain talks with the British authorities there. We do not know what those talks were. I do not think they have been given out

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financial measures, it is because I do feel, and I have given him the reasons why, the alternative measures would have been better and sounder.

Well, Sir, there is nothing further to be said by me about the financial and economic question, and I shall now wind up with my references to the international and national situation. There are two kinds of deadlocks in the country today. One is the deadlock created since the 8th August, the other is the deadlock created by the British Government since 1905. The accumulated results of the deadlock which began in 1905 in Lord Minto's time are now in their full development. Therefore, when people talk of a settlement of the political deadlock, let them not confuse the issue. The deadlock, as it takes from the 8th August is of recent date. The measures necessary for the solution of that deadlock are incredibly simple, if people go about them honestly. But fasting is not one of the methods. The collection of busy-bodies in Bombay, or Delhi, whose influence is *nil* for all practical purposes on the masses of the people will not do the trick. There is only one simple way. Remember that use 26,000 of my countrymen do not deserve to be in jail. They are not bandits. They are not robbers. They are not thieves. At worst they are misguided patriots, but they do not deserve to be in jail. At the same time no Government can tolerate the resolution of the 8th August. Impossible. If I had been in power I would have taken stronger and earlier measures against that resolution. Therefore, I do not blame the Government for what they have done, except for the excesses which though they have not authorised they are committing at. So, if the Congress and the Government are both agreeable to have a healthy atmosphere, the Congress can withdraw the resolution and the Government could release them. In order that neither side may be humiliated, let it be done simultaneously. There is the straight and the narrow path but tortuous paths will not lead to the release of the Mahatma. If I were a rebel and if I declared a rebellion on the 8th August, I would stick to it; I shall not say that I did not mean it. I would stick to being jailed for five years, for life; but if I remain a rebel I shall not apologise, I shall not try to adopt measures for getting released by declaring a rebellion in spirit while denying it in the letter. Some people think—which I am sorry to say they have no right to think—that the Government were harsh when they took measures of a defensive character. I will quote three quotations from the Mahatma's speech. Here is what he says:

"Even if all the United Nations oppose me, even if the whole of India tried to persuade me that I am wrong, I shall go ahead."

I take it the Mahatma meant it. The second quotation is this:

"If I wait any longer, God will punish me."

So, God is always brought into the picture. Then he says:

"I am not speaking for India alone. This is the last struggle of my life. Delay is injurious and waiting any longer would be humiliation for all of us. There is no more bargaining, there is no more room for office acceptance; there is no compromise on demand for freedom. Freedom first, and then only the rest."

This was the Mahatma's unequivocal declaration. Now, these conference holders in Bombay and Delhi—they pretend that he did not mean what he said

Sardar Sant Singh (West Punjab: Sikh): Nobody pretends that.

Mr. Jamnadas M. Mehta: I am glad, but you read their speeches.

Sir Cowasjee Jehangir: Now, he is a member of your Party, remember.

Mr. Jamnadas M. Mehta: Our Party is a party of free men, not of slaves; and he is at perfect liberty to think as he does and I am at liberty to think as I do. I do not want to be misunderstood. This is what the Mahatma says, and now the gentlemen who met in Bombay have devised a way of releasing the Mahatma by saying that these gentlemen are hostages for Mahatma's good behaviour. What a humiliation, what an insult to the Mahatma! These three tailors of Tooley Street in Bombay to be hostages for the Mahatma is like a chappassi being a guarantor for the solvency of Sir Cowasjee Jehangir. Who are these people? They are like the mosquitoes who crowd round Lord

Lalithgow's pedigree bull. They are as powerless to influence the conduct of the bull as these three tailors of Tooley Street; and yet to say that the Mahatma cannot be relied upon and these gentlemen will be hostages for the Mahatma, I think, was the greatest insult hurled at the Mahatma by his professed admirers. There is only one honest follower of the Mahatma in India and that is myself. I tell the truth, the whole truth and nothing but the truth if he cares for it; but these people admire him in public and denounce him in private—one of the most prominent men who met in Bombay told me in 1921 after the Mahatma's power was known "Jamnadas, by God, we are in the grip of a madcap." Now this man is now paying enormous tributes to the Mahatma both in Bombay and in Delhi. What is the value. It creates round the Mahatma a crowd of hypocrites who have no value, if the Mahatma's mission of truth is the right one. Therefore, I would rather straight off release the Mahatma than take these hostages. The presumption of these people is boundless I think, when they offer to become hostages for the Mahatma—he cannot be trusted, they can be trusted. When the Viceroy receives their deputation, I hope he will confront them with my submission this afternoon. There is no solution for the present immediate political deadlock except the straightforward thing, which will create a healthy atmosphere.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): As long as there is no honourable settlement with the Muslims.

Mr. Jamnadas M. Mehta: I am coming to it; I am not going to leave you alone. I am going to include you in my observations. I am talking of the deadlock which began on the 8th of August. I tell my friend, the Honourable Sir Reginald Maxwell, and his Government that this is an easy thing. The Mahatma has already declared in substance, if not in so many words, that he is prepared to reconsider. Therefore, the spirit of the adjournment motion which my Party moved last month should be accepted even now; and the Mahatma should be allowed to meet the members of the Working Committee even in detention—I do not mind; and if they come to the conclusion that for creating a healthy atmosphere the sabotage resolution should be withdrawn, I think the Government should also immediately and simultaneously announce the withdrawal and the release. That means statesmanship. Standing on prestige on either side is simply prolonging the agony. That is so far as the immediate deadlock is concerned.

But so far the older deadlock is concerned, I have got no remedy until the Government of India and the Secretary of State pronounce in a clear and sincere manner their loyalty to the Atlantic Charter. There is no other alternative. Under the Atlantic Charter the freedom of India will be assured. I am not in a hurry. A year or two years does not make any difference to me. But the solution of the deadlocks will require an honest conviction on the part of the British Government of loyalty to the Atlantic Charter. Are they loyal? If they are, even the permanent deadlock can be easily resolved. There will not be one disgruntled man in this country if His Majesty's Government announce today that the Atlantic Charter binds them, so far as India is concerned, as it binds them in other respects. But what are we finding. We are finding Mr. Churchill's determination not to liquidate the British Empire. We are finding a Mr. Oliver Stanley—if I do not wrongly give his name—saying that the responsibility for the colonies must be solely British. What has been your responsibility? Excepting to give kicks to the poor African and tying him to trees until he pays you the poll tax and works for you. That has been your responsibility. From Queen Elizabeth downwards you are slave traders in Africa and you remain so today under the names of mandate and colonial trusts. This kind of superior pose will not do. Therefore, do not talk of your trusteeship for the colonies. Your trusteeship has been most criminal. Unless you discard all these old-fashioned ideas nothing will come. If you do so, then I am sure, whatever the mistakes of the Congress, the Muslim League and others may be, independent public opinion without regard to caste, creed

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up to this time either to us or to any Standing Committee. Of course, it may have been agreed to by the Finance Member that there should be a joint liability also. How much should be paid by India and how much by the British Government is also a question he might have talked over with the British authorities but we do not know the decision. I think the Honourable the Finance Member did very well by going to England because after all when any important question arises it has got to be considered by the Members of the Government first. But I would call the negotiations that he had there as preliminary negotiations or tentative negotiations only. He had no right to agree to any scheme there and say: "Yes, we agree to this joint liability and when I go to India, we will adjust it accordingly." I submit that is wrong.

The Honourable Sir Jeremy Raisman: I do not want to interrupt the Honourable Member but if he had read my Budget speech he would have realised that joint war measures were never discussed in England. They existed long before I went to England.

Mr. Lalchand Navalrai: If they existed long before, who were parties to them?

The Honourable Sir Jeremy Raisman: That also I have explained in the Budget speech.

Mr. Lalchand Navalrai: I want you to explain it to me now, otherwise I will take it that we were not taken into confidence about those joint war measures. Whether they existed before or you had agreed to them now is a matter on which you should be clear and not say that it is in your Budget speech. The Budget speech is a long speech and you may say many things in it. You tell us now what those joint war measures were and we will criticise them. I think it will be right on the part of the Finance Member to say: "I have gone into these negotiations and I am placing them before some Committee of yours or I am going to do something with regard to them to take you into confidence." In that way if he comes to us, we will consider them and we will find out what is right. Then, of course, he can give his final consent, otherwise I would call it a conditional consent. I understood the Honourable the Finance Member to say that this matter will be placed before the Public Accounts Committee. Is that sufficient, I ask? The matter may have to be placed before that Committee and he might have to show the liabilities, but I believe only the audited portion of the accounts will be placed before the Public Accounts Committee. Well, if it was so, they were not in a position to know whether the Budget was correctly balanced and the account was correctly squared up. That is an accounting business. Now I come to the substance portion of it, namely, whether we are really agreeable to this that there should be a joint liability and not our separate liability. In that case all these facts should be there. We know that certain expenses are being incurred jointly. At the time of the last war when the expenses of the British Government were very large they asked that we should pay so much. We considered that that was not right. We objected to that. Then the question, I would rather say a quarrel arose and the whole matter was, I think, handed over to a Tribunal or it was decided by a certain Committee. But there was a dispute over this matter. Indians were not satisfied. Whatever they paid was paid as a protest and it was not justified. That point still rancours in the minds of the people. Formerly they were made to pay more than they would have paid. Having that precedent in the matter the Government should have done these things in a better manner. People should have been taken into confidence and satisfied. Every Honourable Member who has got to speak on this subject says, well, this is a matter which should be decided upon after the negotiations have been made and after the Honourable the Finance Member has expressed his views. We do not know what he has said there. Now, I tell him that we

will come forward and help him and consider that question of payment if he is going to appoint a Committee. Some of the Honourable Members have asked for the appointment of an *ad hoc* Committee. Government say the matter was placed before the Public Accounts Committee and, therefore, it is no use appointing another Committee. I say the Honourable Members who asked the Finance Member to appoint an *ad hoc* Committee wanted to have this whole matter thrashed out in that Committee. Again, it is said that the Public Accounts Committee or the Finance Committee is also a representative Committee of this House consisting of elected Members. So far as that aspect of the question is concerned I quite agree. Members are really elected by the House, but that is not sufficient, because in this case commercial and industrial interests as well as other interests are concerned: and, therefore, I submit that this question should be considered by a Committee fully represented. After all this is a money business and commercial and industrial interests are vitally affected. I, therefore, suggest that in this Committee there should also be representatives of those interests. As there will be questions about what we should pay and what we should not pay and if the representatives of these interests are included in that Committee they will feel that some justice has been done to them, and they have not been simply forced to pay. We see much of the expenses are incurred on certain matters by Government and such expenses are decided upon by the Government without full consultation of the House. Government has been carrying on in that manner. But this is an important matter and for it there should be an *ad hoc* committee. Sir, I do not want to say more on this point.

Now, I will take up the Finance Bill. In considering that we see that there is a deficit. We cannot deny that the Honourable the Finance Member has brought out a colossal deficit. That is on account of the war. What he wants at present is this: he says there is deficit of 60 crores and he wants to balance his Budget. In adopting ways and means for balancing the Budget the Honourable Member has not taken into consideration the condition of the country and the capacity of the people to pay. He should have considered these points as also the fact whether there can be any more burden put on the people than the one already existing. The question, therefore, arises whether these 20 crores should be gathered by taxes. I strongly object to that. I objected to it at the time of Budget also and several reasons had been given by me that these 20 crores should be levied by way of taxation. Now, the Honourable the Finance Member admits that he cannot have all the 60 crores by taxation. I submit, therefore, that while he is borrowing 40 crores he should have thought that these 20 crores could also be secured by borrowing. Now, on that point of borrowing the amount I would submit that the way in which he wants to realise these 20 crores is really not good. He wants to take this amount by putting extra burden on the people which they cannot bear. Now, he wants, first of all, to increase the rate of income-tax. So far as the Income-tax is concerned the Honourable the Finance Member has given us the Finance Bill in which, he says that for these 20 crores of rupees, those people who have an income of five thousand and over should pay more income-tax than they are paying at present. I say it is beyond their capacity. I say these industrialists and middle class people are already over burdened and that this extra burden should not be placed upon them. Now, so far as the industrialists are concerned, I think, they should not be touched. When I talk of industrialists I mean small industrialists and these people should not be touched. Sir, my point is that these small industrialists are very useful to the Government at this time when the war is going on. So far as war effort is concerned these people are helping the Government very well. The other day I went to Ghaziabad and there I went to a factory. It is an Iron factory. The owner of it is an industrialist but he is not a rich man. He was doing all the work for war, from nail to the parts of machines. He

[Mr. Lalchand Navalrai:] is manufacturing nothing but every thing for the war. I ask how many such factories are there in India that are working for war. Therefore, to put further burden upon them would be to discourage them.

The Honourable Sir Jeremy Raisman: I might draw the Honourable Members attention to what Mr. Mehta said only a few minutes ago.

Mr. Lalchand Navalrai: There are differences of opinion. I do not say that you should not consider that. Consider my opinion also along with others.

Dr. Sir Zia Uddin Ahmad: Will you tax only incomes above Rs. 20,000?

Mr. Lalchand Navalrai: I will come to that presently. At present what I am concerned with is that you should tax only the rich and you should not tax the middle class. So far as the middle class man is concerned, so far as the industrialist is concerned, there should be no more burden placed upon him. In these days, an annual income of Rs. 5,000 is not much, considering the cost of articles. Even a needle is now three times more costly than before. In these critical times, we should not tax the middle class consumer more than he can afford to bear. Therefore with regard to the middle class people, at least that part of the income-tax should not be increased. I know, Sir, we are not strong on this side of the House in respect of voting. There were days when many Budgets and many Finance Bills were thrown out. We know our present weak position. We cannot rely on our strength now to throw out the Finance Bill. Therefore, all I can do is to appeal to the Honourable the Finance Member so that he can bring to bear a reasonable frame of mind on this subject. What is left to us is to appeal to the Treasury Benches. I hope the Honourable the Finance Member would keep his mind open to conviction now. He should not say "I have spent sleepless nights in thinking what should be done, whether I should tax these people. I have already given consideration to it and, therefore, I do not think I need give any further consideration". In that case, I appeal to him to reconsider the whole question. I also appeal to Sir John Sheehy, whom I congratulate for the honour conferred upon him, I hope now these two hands will join together and give some relief so far as income-tax is concerned.

The Honourable Sir Jeremy Raisman: And put both hands into your pocket?

Mr. Lalchand Navalrai: Yes, you can put into my pocket, but spare the poor man who cannot afford. I do not think that all of them are so hopeless. It may be that good sense will dawn upon them and they will show some sympathy towards those who are helping them in the war efforts. It is these middle class people that are helping the Government now in their war efforts. The Government are drawing upon the artists, technicians and such people who all belong to middle class. It is these people that have some education who are helping the Government to a great extent in war effort.

The Honourable Sir Jeremy Raisman: What income group has my Honourable friend in mind exactly? What size of income does he mean by middle class?

Mr. Lalchand Navalrai: From Rs. 5,000 to Rs. 10,000 per annum. In these days, I am restricting the group only to this class of income. I know how hard they are hit by the present day prices.

Dr. Sir Zia Uddin Ahmad: I wanted up to Rs. 20,000.

Mr. Lalchand Navalrai: I will yield to your figure if the Government are prepared to accept it. Let it be Rs. 15,000 as a compromise. So far as income-tax is concerned, may I ask whether it has ever been reduced at any time?

Mr. Jamnadas M. Mehta: Yes, in 1929. You read the debates. It was nominally reduced.

Mr. Lalchand Navalrai: When we come to read the history of this income-tax, we can see that it has been raised and raised from time to time and it was not reduced at all. You increased the income-tax two or three years ago. Then it was said that it was only temporary.

The Honourable Sir Jeremy Raisman: I made no such promise.

Mr. Lalchand Navalrai: You may not have done it, but your predecessor said so. I know one of your predecessors said that income-tax was such as not to remain permanent. It came in only for the purpose of helping the treasury when the treasury was in some difficulties. Now having got a taste of the income-tax, and seeing how sweet it is, the treasury wants to keep it on. What I submit is that you have been raising income-tax from year to year, and even last year. Why should it be that the national burden should be increased like this every time? I appeal to the Honourable the Finance Member even at this late stage. Where there is a will, there is a way. If he is going to agree either now or at the time of the amendments, I do not think he will find it difficult to cover this deficit. He can find other means of recovering this money which he has earmarked to be got from income-tax. There ought to be some grace. You should not say that once it has been done, so it should remain dogmatically, not a pie less. What I have said should be given by the public. So far as income-tax is concerned, it should not be raised beyond the 5,000 limit.

Now, I come to the tax on Vanaspati ghee. This is a vegetable product as the House knows. It was never taxed before. It cannot be denied that Vanaspati is a necessary foodstuff. On account of war and some other causes, now-a-days owing to scarcity of agricultural fodder, our cattle are suffering and so we are not getting good quantity of ghee as we used to get before. This has compelled people to resort to vegetable ghee, also to copra ghee and so on. Out of necessity, people are taking to these vegetable products. If they get good ghee, they will never use these vegetable oils. They have been driven by necessity to have recourse to this. By imposing a burden on Vanaspati, you are driving these poor people to forego even vegetable oils. Without any grace, you are forcing them to cook their food without any grease. That is not right. My submission is that Vanaspati being an article of daily food for the poor, it should not be taxed.

Sir, it is considered that an article of daily food should not be subjected to an excise tax, more particularly when it is a food article, which is almost entirely consumed by the lower and middle classes. Then, Sir, the proposed tax of one anna per lb. will fall extremely heavily on classes that are already subjected to heavy and rising living expenses. It amounts to 12 to 13 per cent. on the present average all-India price of Vanaspati, 24 per cent. on the price ruling one year ago and over 30 per cent. on the price ruling immediately before the outbreak of the war. As I have said, the price of Vanaspati has already risen, and if you are going to tax it, the result will be that it will rise still further and the consumer will be very much affected. I find from the figures that have been given to me that in October, 1939, local price of Vanaspati in 35 lbs. packing was Rs. 9/2/- and it went on increasing from day to day. In the beginning of December, 1942, it was 21/8, on 14th December, 1942, it was Rs. 22/8/-, on 17th of December it was Rs. 22/2/-, on February 4th, 1942 it was 21/2/-.

The Honourable Sir Jeremy Raisman: All the time that the producer and the middlemen were getting more money, my Honourable friend had nothing to say. The moment I try to get an anna a lb. for the general revenue, he has a lot to say.

Mr. Lalchand Navalrai: I am saying all this for the poor man: he has also to live. He should at least get sufficient to live. But the point is this: Why should the Government, when they see that we are already being affected by the middlemen, why should the Government also become middlemen? I simply say, don't tax this commodity.

If such an article of food has to be taxed, it is considered that the tax should not be levied on a product which is a low-priced alternative to the richman's food, i.e., Vanaspati should not be taxed while ghee is free of tax. Vanaspati

[Mr. Lalchand Navalrai.]

sells at approximately half the price of ghee and is largely purchased by people who cannot afford ghee. It is already taxed by octrois in a large number of municipalities and by some state taxes. For instance, an octroi of Rs. 2/8/- per maund (say half anna per lb.) is fairly common in the United Provinces. Therefore, if this tax is levied on it, it will mean double tax over it. Vanaspati is a hygienically prepared, wholesome, nutritive article of daily food, which is accepted on its own merits by the masses in India for whom it is primarily intended. The Government of India have recently decided to supply the Vegetable Products of Vanaspati factories to the troops—both Indian and British—as a part of their fat ration so that its value as an article of daily food is fully conceded.

The Honourable Sir Jeremy Raisman: We shall not object to pay the tax on that.

Mr. Lalchand Navalrai: You first take from us and then pay us back. Why levy it at all? Kill it at the origin.

The production of Vanaspati as assessed by the Honourable the Finance Member is 100,000 tons per annum. Dr. N. C. Wright, M.A., in his "Report on the Development of the Cattle and Dairy Industries of India" (1937), estimates the annual ghee production at 845,000 tons.

The Honourable Sir Jeremy Raisman: Will the Honourable Member let us know which trade pamphlet he is reading from?

Mr. Lalchand Navalrai: I am reading the facts that I have got. The Honourable Member already read his Budget speech. . .

The Honourable Sir Jeremy Raisman: That was my own production.

Mr. Lalchand Navalrai: And I am using your own weapon against you.

This amounts to only 1/5 oz. per head, per day, which is inadequate to meet the fat requirements. In England a daily fat ration of 3½ oz. is considered reasonable. Vanaspati, therefore, meets a very pressing need and it is evident that every opportunity should be given to the development of the Vegetable Product Industry, especially as it has been made clear in Dr. Wright's report that the expansion of the cattle industry is not keeping pace with the needs of the rapidly growing population of India. Therefore, I submit that so far as Vanaspati is concerned, it should not be taxed.

Now, I come to the other point; When we are spending so much of money—it was revealed that on the defence side the expenditure is 189.75 crores—and colossal recruitment is going on every month, I submit that Indians should get their fair share. The Honourable Member has said that 70,000 men per month are being recruited—this includes officers and men—so many temporary commissions are being given, and there are so many other appointments in the various departments, I ask, therefore, how far the question of Indianization has been observed in the matter of recruitment? This is the time when the Government should come forward and help the Indians to become officers in the Army and other connected departments of the Army. The Indians should have also a part in that and that they should also be benefited. Now that is a question that the Honourable the Finance Member can answer for me. Why I say that I will get that from him is because I find that there is no material or data given to us as to whether Indianization has advanced. May I ask, Sir, that when there is nothing from the Honourable the Finance Member, or from the War Secretary, are we in a position to know how far Indianization has progressed: how far Indian officers have been recruited and how far permanent and temporary commissions have been given to them? I submit that there is no directory where I can find this information. I went to the Library. I found the information for the civil side but not for the military. I asked if there was anything from which I could have light on this question. The reply was that so far as the civil side was concerned there was a directory, though not full: but so far as the military side

was concerned, it was a secret side in regard to which no list is placed even for the Members. Therefore, we are not in a position to know whether Indianization has increased in any sense. Now what do we find? Leaving aside the directories, which are, of course, not available, there is not even a list of the officers who have been appointed temporarily or promoted. . .

Maulana Zafar Ali Khan: It is not in the public interest to disclose that information to you.

Mr. Lalchand Navalrai: Then they should not ask us to pay for them. If they bring money from lease and lend, and also pay themselves then I shall be very happy. I shall say, "Very good, it is their business". Otherwise they are bound to give us the information. If they think that this information is confidential, then let them take us into their confidence. We are more or less the masters and we have got to know whether our money is being rightly spent or not. If it is maintained that this information is a sacred book not to be disclosed to us, then I think it is very wrong, if I do not use any other harsher word. I submit, therefore, that I am really not in a position to discuss these questions. Last September a question was asked in the Council of State as to what was the number of Indian officers recruited in comparison with European officers. The reply that was given said that it was in the proportion of 1 to 4.75, i.e., one Indian to 4.75 Europeans. The point with me is that we are not in a position to know, whether, even before the war, any substantial Indianization has taken place. If we had no data then, at least we are entitled to know now that there is a field for taking in Indians in the Army. I, therefore, submit that the authorities are in a position to give us some indication of the number of Indians who have been given commissions so that we can judge whether they are getting a fair share in the different services.

The Honourable Sir Jeremy Raisman: Surely, the Honourable Member, unless he has been out of the country for the last 18 months, must be aware that the only difficulty is to get sufficient suitable Indians for commissions.

Mr. Lalchand Navalrai: Who said that? That is the stereotyped reply whenever there is a question on Indianization.

The Honourable Sir Jeremy Raisman: The Honourable Member must be aware of the strenuous efforts that have been made and are still being made by Government to get more Indian officers.

Mr. Lalchand Navalrai: Sir, that is only a hope. I do not believe that hope has any substance in it. Professions have been made in the past. We are more or less distrustful on that point. Years ago you said that the policy of the Government was to Indianise. What is the position today? You are not even in a position to give facts. You say you are not getting them. You must first admit that you actually asked, and as people were not coming in you put in Europeans. I will give you an instance. . .

The Honourable Sir Jeremy Raisman: The Honourable Member is just about two years out of date.

Mr. Lalchand Navalrai: I do not know if I am. The Honourable Member may say that but the facts are different. Now, take it this way from me. I have seen that you are not giving me the number of the persons who have been given commissions as Indian officers. But what do I find? I find even your clerks in the Army are now tomies. You have Lieut.-Colonels and Captains working as writers. Come one day with me to Western Court (I give you the invitation) and I will show you several Lieutenants and Captains sitting there. Ask them what work they are doing and they will tell you that they are working as clerks or typists in General Headquarters. Is this right? My point is that when these people are being utilised for clerk's work or as typists, I think it is a misuse of these men. Let him also say that clerks are not available in India if the officers are not available! There is no such thing at all. Why not send these men to the Army. They are just getting fat over eating so many good dishes. Do not rely solely on American soldiers. Send your own British troops as well to Burma and elsewhere. People are saying

LEGISLATIVE ASSEMBLY

Monday, 15th March, 1943.

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.

WATCH AND WARD ORGANIZATION ON CERTAIN RAILWAYS.

292. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Railway Member please state whether there exists a Watch and Ward Organisation headed by a Superintendent, who is assisted by Assistant and Deputy Superintendents and Inspectors on each of the East Indian, Great Indian Peninsula and Bombay Baroda and Central India Railways?

(b) Is the same a separate department?

(c) If the answer to (a) be in the affirmative, what is the pay of these officials per month?

(d) Does a similar set of officials exist on the North Western Railway? If so, what is the designation of such officials of the Watch and Ward?

(e) Is it a fact that the highest Watch and Ward official on the North Western Railway is only an Inspector? If so, what is his monthly pay?

(f) Have the Watch and Ward officials on the Great Indian Peninsula, Bombay Baroda and Central India, East Indian and North Western Railways to perform the same or similar duties? If so, why has a distinction been made between the pay and rank of these two sets of organisations?

(g) Do Government propose to promote the Inspectors of the Watch and Ward on the North Western Railway to the ranks of Superintendents and Assistant and Deputy Superintendents with the same pay? If not, what are the reasons therefor?

The Honourable Sir Edward Benthall: (a) There are Superintendents of Watch and Ward on the East Indian, Great Indian Peninsula and Bombay, Baroda and Central India Railways and also Assistant Superintendents on the Bombay, Baroda and Central India and East Indian Railways. There are Inspectors on all the Railways.

(b) Yes, but on the Great Indian Peninsula and Bombay, Baroda and Central India Railways, it is under the Commercial Department.

(c) I lay a statement on the table of the House giving the required information.

(d) No, with the exception of Inspectors.

(e) Yes, I lay a statement on the table of the House giving the required information.

(f) The duties of Inspectors are similar. The duties of the other officials referred to in part (a) are, on the North Western Railway, performed by officers of other Departments. As regards the second part, the organisation in force is different and it has not been found necessary to have a special gazetted officer in charge of these activities on the North Western Railway.

(g) No; as I have stated, the present organization is suited to requirements and there is no justification for creating gazetted posts on the North Western Railway.

STATEMENT A.

Statement showing sanctioned Scales of Pay of Superintendent, Watch and Ward, and Assistant Superintendent, Watch and Ward, on the B. and A., B. B. and C. I., E. I. and G. I. P. Railways.

Railway.	Designation.	Scale of pay.
B. and A.	Supdt., Watch and Ward	550-50-1,300/750-850-950.
B. B. and C. I.	Supdt., Watch and Ward	500-40-900-50-1,200/950
	Asstt. Supdt., Watch and Ward	300-40-860/300-25-400-450-500
E. I.	Supdt., Watch and Ward	1,250-50-1,500/750-850-950
	Asstt. Supdt., Watch and Ward	350-30-800/250-25-525-550-600
G. I. P.	Supdt., Watch and Ward	500-50-1,300/750-850-950

[Mr. Lalchand Navalrai.]

that the Government has given over the charge of this war to Americans and we find these Americans wandering about everywhere. My point is this: these persons are at present being misused and are allowed to pass their time in luxury and leisure. You must send these persons to the front and in their places here you can keep Indians. I also say that when you give any reasons, they must be specific; it is no use your saying that you cannot get able and competent Indians. The competency is decided by you; is there any committee to decide the competency? No. It is you who say, when a European comes along and an Indian comes along, "Oh, this Indian will be incompetent: look at his face; he will not do." If that is your mode of selection, then you will never fructify this policy of Indianisation, not only in the Army but in the other services also. I say that so far as the army is concerned, we are not taken into confidence and I do not know whether it is on account of this that the number of Indians in the army is not increased in the commissioned ranks. A few persons might be given commissions, but that is not sufficient.

I would like to know from the Honourable the Finance Member in detail how many have been given commissions—their actual numbers with their names and posts in the manner of a directory; if that is not possible, at least the ratio or proportion in which they have been commissioned. In September last it was said it was 1 to 475. Has the number increased since then and if so, by how much? That will give us some satisfaction. When war is on and they are asking for help and when people are actually helping—no matter what the Congress view may be—with their money and men—though they reject Indians and take Britishers—yet, I say that the Government should do all in their power to remove this reproach that they are only for the British and they are exploiting India and exploiting these places also. I have not heard till now that Indians who are working in the Army Department or the General Headquarters are less competent or less qualified. They do as much if not more work than the Europeans; why put a black mark against them and why do you not increase their numbers? The Army Department should, therefore, consider increasing their numbers and give us the figures of what they do. It may be said "Well, we have now a Defence Member as Indian and the War Secretary is also an Indian." That is true, but are they independent, I ask? Are they not hedged by restrictions and rules and regulations which do not enable them to proceed further as they would like? If you wish to see further Indianisation, give them an opportunity. You are sitting over them, laying down a policy that people should be taken in this particular manner and they are bound by it. That kind of reply should not be thrown in our face—that the Defence Member or the War Secretary is an Indian. Let them come forward and give us the information and say how far they have progressed since they have been in office in the matter of Indianisation.

Dr. Sir Zia Uddin Ahmad: They have progressed very much.

Mr. Lalchand Navalrai: This is a very important matter—in fact it is of the utmost importance. There should be more of Indians and they should take upon themselves the defence of our country.

Another thing is, what will be the fate of those Indians who are doing field service and who have been given commissions as doctors and otherwise, after the war? They are talking of reconstructive measures; but has any provision been made up to this time to set up these people after the war? How? They are mostly temporary men; I have heard some of them; they have been given promises that they will not be thrown out and they will be provided for.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): In writing or otherwise?

Mr. Lalchand Navalrai: I was just going to say it—nothing in writing at all. The authorities know how to keep everything fluid and indefinite. But the men know full well; but, poor fellows, what can they do? In these days

there is so much unemployment and they have to find work. But we have the lesson of history before us. What happened after the last war? Then also promises were made, but where were they? All those doctors were thrown out; no provision was made, no pension was given to them, no gratuity. If that happens now also, then I say "Woe be to the service in which they have entered." I hope that the Honourable the Finance Member or any other responsible officer in the Army Department will tell us what provision has actually been made for that post-war help to these people. I hear there is some fund that is going to be subscribed to—I do not know, what it is—but I would like to know definitely from the Honourable the Finance Member that that fund will be created for the purpose of helping them.

Dr. Sir Zia Uddin Ahmad: Will that subscription be raised from the Members of the Assembly?

Mr. Lalchand Navalrai: We cannot help even that, but some provision should be made for them.

An Honourable Member: They will get grants of land.

Mr. Lalchand Navalrai: The Honourable Member said that very few were coming forward to take service: how can they, when they know full well what are the prospects for them and what is the tenure of office and how they will be treated after they have done such laborious duties and put their lives in jeopardy and that the promises made to them will not be kept? My Honourable friend very rightly interjected whether the promises were given in writing. Their terms of service will show their prospects when they are engaged permanently or temporarily.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member going to continue his speech?

Mr. Lalchand Navalrai: Yes, Sir.

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

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th March, 1948.

RECRUITMENT OF MUSLIM AND NON-MUSLIMS ON BENGAL AND ASSAM RAILWAY.

†300. ***Mr. Muhammad Ahsan:** Will the Honourable Member for Railways be pleased to state the number of Muslims and non-Muslims recruited in permanent and temporary vacancies on the Bengal and Assam Railways during June 1941 to June 1942, and July 1942 to January 1943, separately?

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

PROMOTION OF CERTAIN RELEGATED SECOND DIVISION CLERKS AS ASSISTANTS IN THE POSTS AND TELEGRAPH DIRECTORATE.

301. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Secretary of the Posts and Air Department please state the sanctioned strength of the cadre of Second Division clerks in the office of the Director General, Posts and Telegraphs?

(b) Is it a fact that in 1938 certain Second Division clerks were relegated to the Third Division and counted against the same? How many of these were Muslims and non-Muslims?

(c) Is it a fact that most of the Muslim relegated clerks were put on diary work and other purely routine duties, while many of such non-Muslim clerks were given dealing work?

(d) Have the Home Department been consulted in the matter of promotion of these relegated Second Division clerks direct to the First Division?

(e) Is it a fact that direct recruits were employed in the vacancies created by the relegation of the old Second Division clerks? If so, how does the question of promoting the relegated clerks to the First Division along with the directly recruited Second Division clerks arise?

(f) Is it a fact that this question is actually being considered by the Director General's office without reference to the Home Department? If so, is it proposed to refer the matter to the Home Department in order that the interests of direct recruits nominated by the Home Department do not suffer in any way?

Sir Gurunath Bewoor: (a) 65.

(b) 45 old Second Division clerks were counted against and not relegated to the newly re-constituted Third Division in 1938; they continued to draw their old Second Division scale of pay. 35 out of these were non-Muslims and 10 were Muslims.

(c) No, Sir. After the re-organisation, five of the old Second Division clerks, of whom two are Muslims, were found suitable for unimportant dealing work and they were put on to do that work, while the remainder continued to perform routine duties.

(d) Yes.

(e) The reply to the first part is in the affirmative but, as stated already, no one was relegated. The promotion of these men to the First Division will depend on their merit but the question as to whether they can be promoted to the new Second Division is under consideration.

(f) The reply to the first part is in the negative. The latter part of the question does not arise.

Maulvi Syed Murtuza Sahib Bahadur: Is it a fact that in some cases merit is taken into consideration and in other cases seniority? If so, will the Honourable Member enlighten us as how these things are being conducted in his department?

Sir Gurunath Bewoor: There are orders that in the case of promotion to certain classes of posts the promotion should be by selection. In the cases of certain other posts promotion must be by seniority subject to the rejection of the unit and the rules are followed in each case.

Mr. H. A. Sathar H. Essak Salt: In the promotions by selection, how are the interests of minorities protected?

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

Sir Gurunath Bewoor: The communal recruitment rules do not apply to the filling of posts by promotion.

Mr. H. A. Sathar H. Essak Salt: I want to know whether there are any special rules in this respect?

Sir Gurunath Bewoor: Not so far as I am aware.

Maulvi Muhammad Abdul Ghani: What is the result of the consultation with the Home Department?

Sir Gurunath Bewoor: The matter is under consideration. A decision has not yet been reached.

DECREEES BY POLITICAL COURTS IN BALUCHISTAN FOR ENFORCEMENT OF THE SALE OF WOMEN.

†302. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Foreign Secretary please state if it is or it is not a fact that the Political Courts in Baluchistan and other places give decrees for the enforcement of the sale of women under section 8 of the Frontier Crimes Regulation?

(b) Is it or is it not a fact that the enforcement of practices contrary to good conscience or public policy is prohibited by section 9 of the Frontier Crimes Regulation?

(c) Is it or is it not a fact that leading Baluchis and others of Dera Ghazi Khan submitted a memorial to the Commissioner of Multan Division, Multan, on the 25th October, 1941, protesting against these practices?

(d) Is it or is it not a fact that the Commissioner refused to interfere in the matter on the ground of its being an old custom?

(e) If the answer to the above be in the affirmative, do Government propose to consider the advisability of stopping this custom?

The Honourable Sir Sultan Ahmed: (a) and (b). The Honourable Member's question is not of sufficient precision to enable a precise reply to be given. Presumably he is not referring to the ordinary legal processes that may be invoked, as with any other contract, to recover sums fixed as part of a marriage settlement, but rather to the possibility of a claimant securing custody of the person of a woman against her will by means of a decree under the Frontier Crimes Regulation. If this is so, it can be stated categorically that such a practice has for many years past been recognised as contrary to public policy and explicit orders exist both in Baluchistan and on the North-West Frontier that no woman shall ever be handed over to a man against her will by the decree of any court.

(c), (d) and (e). The Government of India have not yet received a reply to enquiries made from the Government of the Punjab in regard to the memorial said to have been submitted to the Commissioner of the Multan Division.

PENALISATION OF CALCUTTA RAILWAY STAFF AFTER RECENT AIR RAIDS.

†303. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the Railway employees in Calcutta stuck to their positions in spite of bombings by enemy aeroplanes on the 20th, 21st, 22nd and 24th December?

(b) Is it or is it not a fact that on the 24th December the Railway employees, finding that even the civil population was not safe from being bombed, approached their respective superiors for permission to leave the station for a very short time and for getting facilities to remove their family members to safer places?

(c) Is it or is it not a fact that though Government wanted evacuation of the non-essential population from the 'danger zone' since long, and though facilities had been provided for evacuation during the days of 'Burma raid', yet no such facilities were given this time and the request of the Railway employees was turned down?

(d) Is it or is it not a fact that due to this helpless condition and panic some of the staff absented themselves from their duties on the 25th and 26th December, 1942?

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

STATEMENT B.

Statement showing Scales of Pay of Inspector, Watch and Ward, on the North Western Railway.

Old scale.	New Scale.
	In Divisions.
* 250—10—300 * 130—10—200 100—5—140	100—10/2—120
215—15—275	In Workshops. 140
215—15—275	In Stores Department.
	180 160 140

* Diminishing cadres.

Mr. Lalchand Navai: May I know from the Honourable Member how these officers are recruited? Are they recruited through the Railway Public Service Commission for subordinates, or how are they recruited?

The Honourable Sir Edward Benthall: I should require notice of that question.

DURATION OF POSTING OF AN OFFICER OF POSTS AND AIR DEPARTMENT.

†293. ***Qazi Muhammad Ahmad Kazmi:** Will the Secretary of the Posts and Air Department please state if it is or it is not a fact that under the departmental rules an officer cannot be posted to a station for more than four years?

Sir Gurnath Bewoor: I presume the Honourable Member is referring to the Posts and Telegraphs Department. If so, it is a fact that according to the Departmental rules certain posts should not be held by officers or clerks continuously for more than four years at a time. They can however be transferred to another post in the same station and may therefore remain in the same station for more than four years.

WITHHOLDING OF PETITIONS OF CERTAIN POSTAL EMPLOYEES OF ALLAHABAD.

†294. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Secretary of the Posts and Air Department please state if it is or it is not a fact that the applications of dismissed or suspended employees of the Allahabad General Post Office, Posts Offices, A Division and Railway Mail Service, A Division, were returned by the Director General with the remark "Returned for submission through proper channel" and on being submitted through "proper channel" by the said applicants they were withheld or returned by the "punishing authorities"? If so, under what authority were the applications withheld or returned by the punishing authority?

(b) Is it or is it not a fact that the rules and circulars regarding withholding relate to appeals and not to petitions?

Sir Gurnath Bewoor: (a) An endeavour has been made to obtain the information required by the Honourable Member, but I regret that it cannot be collected in the absence of more specific particulars.

(b) The departmental rules provide for the withholding not only of appeals but also of petitions in certain circumstances. The relevant rules are Nos. 114 and 120 of the Posts and Telegraphs Manual, Volume II, a copy of which is in the Library of the House.

POSTS OF PLATFORM TICKET BOOKING CLERKS AT HOWRAH.

295. ***Mr. Muhammad Nauman** (on behalf of **Mr. Muhammad Ahsan**): Is the Honourable Member for Railways aware of the fact that the posts of Platform Ticket Booking Clerks at Howrah Station, on the East Indian Railway come under the head of Subordinates in the pamphlet of revised scales of pay, 1934? If not, under which head are those posts shown in the pamphlet of revised scales of pay, 1934?

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

The Honourable Sir Edward Benthall: The reply to the first part is in the affirmative; the second part does not arise. I am, however, enquiring if any change in the classification has been made since the pamphlet was issued.

PAUCITY OF MUSLIM PLATFORM TICKET BOOKING CLERKS IN THE HOWRAH DIVISION.

296. ***Mr. Muhammad Nauman** (on behalf of **Mr. Muhammad Ahsan**): Is the Honourable Member for Railways aware of the fact that the posts of Platform Ticket Booking Clerks on the Howrah Division, East Indian Railway, have always been filled up by non-Muslims with the exception of one since their very creation? If not, what are comparatively the number of Muslims and non-Muslims appointed as Platform Ticket Booking Clerks during the period from 1933 to 1942?

The Honourable Sir Edward Benthall: No. As regards the second part, I regret I cannot undertake to collect the information for the period required as it will involve an unjustifiable expenditure of time and energy.

DISCRIMINATION BETWEEN MUSLIM AND NON-MUSLIM PLATFORM TICKET BOOKING CLERKS IN THE HOWRAH DIVISION.

297. ***Mr. Muhammad Nauman** (on behalf of **Mr. Muhammad Ahsan**): (a) Is the Honourable Member for Railways aware of the fact that all non-Muslims appointed as Platform Ticket Booking Clerks on the Howrah Division, East Indian Railway, during the period from 1933 to 1942, were absorbed as Number Takers, Train Clerks, Relieving Clerks, Assistant Booking Clerks, Ticket Collectors, and the Muslims were debarred from enjoying the same privileges?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state the present posts of the Platform Ticket Booking Clerks appointed during the said period in the said division?

The Honourable Sir Edward Benthall: (a) and (b). No.

DISCRIMINATION BETWEEN MUSLIM AND NON-MUSLIM PLATFORM TICKET BOOKING CLERKS IN THE HOWRAH DIVISION.

298. ***Mr. Muhammad Nauman** (on behalf of **Mr. Muhammad Ahsan**): (a) Is the Honourable the Railway Member aware of the fact that the Divisional Superintendent, East Indian Railway, Howrah, has now prescribed tests and departmental examinations for Muslim Platform Ticket Booking Clerks for the posts formerly given to non-Muslim Platform Ticket Booking Clerks irrespective of their qualifications?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state the tests, departmental examinations and academic qualifications and the former posts of non-Muslim Platform Ticket Booking Clerks who were appointed on the Howrah Division during the period from 1933 to 1943 and who have now been absorbed in posts carrying the scales of Rs. 80—3—45 and 80—3—45—5—60?

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

(b) I regret I cannot agree to collect the details, as it will involve an unjustifiable expenditure of time and energy.

DISCRIMINATION BETWEEN MUSLIM AND NON-MUSLIM PLATFORM TICKET BOOKING CLERKS IN THE HOWRAH DIVISION.

299. ***Mr. Muhammad Nauman** (on behalf of **Mr. Muhammad Ahsan**): Is the Honourable Member for Railways aware of the fact that the Muslim Platform Ticket Booking Clerks appointed on the Howrah Division, East Indian Railway, during the period 1940 to 1942 have not yet been absorbed in the same way as their predecessors, though they have passed the departmental examination as required by the Divisional Superintendent, East Indian Railway, Howrah?

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

An Honourable Member: They are too high and mighty!

The Honourable Sir Edward Benthall: I am sending a copy of the questions and answers to the General Manager.

Mr. Lalchand Navalrai: Will you do that with your recommendation, that we should get a reply from them direct?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not eliciting information. He is suggesting action. Next question.

Mr. Lalchand Navalrai: No, Sir. I am putting a question.

Mr. President (The Honourable Sir Abdur Rahim): No. The Honourable Member is asking for action. Next question.

NON-OBSERVANCE OF CERTAIN RAILWAY BOARD INSTRUCTIONS REGARDING PROMOTIONS IN CERTAIN GRADES.

307. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that 508 Grade II posts were sanctioned for some 13 categories on the North Western Railway for relief from blockade in Grade I by promotion to Grade II in the newly created posts, under the Railway Board's letter No. 39 PA 113, dated Simla, the 16th September, 1941?

(b) Is it a fact that categories Nos. 11, 12 and 13 in the Railway Board's letter were (11) Sub-Divisional Officers' Clerks (12) Works Clerks and (13) Time Keepers on Divisions?

(c) Is it a fact that only the Time Keepers have been given relief in the scheme initiated by the Board under its letter referred to in (a) above? If so, why?

(d) Has the General Manager any powers delegated to him by the Board to refuse to give relief to any category of employees, though specifically mentioned in the Railway Board's letter? If so, does the Honourable Member propose to lay a copy of such orders on the table of the House? If not, why not?

(e) Is it a fact that the staff in the three categories referred to in (b) are not borne on a common seniority list and their conditions of service are different? If the reply regarding different conditions of service be in the affirmative, does the Honourable Member propose to state the important points of difference?

(f) Is it a fact that Time Keepers have a channel of promotion to posts of Assistant Way Inspectors? If so, why are they being promoted as Clerks in Grade II?

(g) Is it a fact that the Sub-Divisional Clerk, Sub-Division No. 2 on the Karachi Division, was promoted to Grade II in preference to Time Keepers on the plea that no common seniority list existed for Time Keepers and Works Clerks? If so, how has the seniority become common?

(h) Is it proposed to follow the Railway Board's orders referred to in (a) and give relief to all the categories of staff mentioned in (b) as sanctioned by the Board? If not, why not?

The Honourable Sir Edward Benthall: (a) 508 grade II were sanctioned for distribution among certain specified categories.

(b) No; the three categories mentioned were grouped together.

(c) No; the second part does not arise.

(d) No; the rest of the question does not arise.

(e) No; the three categories are borne on one common seniority list and their conditions of service are not different, except that certain time keepers retain certain additional privileges as personal to themselves. These are rent-free quarters, eligibility for promotion to Assistant Way Inspectors, and different scales of pay.

(f) No; except certain Time Keepers who, before 27th August, 1928, passed the old local sub-way inspectors' examination and had officiated as such. The second part does not arise.

(g) I have no information.

(h) The Railway Board's orders are being followed. The second part does not arise.

Mr. Lalchand Navalrai: Does the Honourable Member know that all the time keepers have not passed the examination so that they may rise to be Sub-Inspectors? Why is the difference between clerks and the time keepers who are I think on a common seniority or they should be on a common seniority?

The Honourable Sir Edward Benthall: I would point out that the Honourable Member is quoting from an official letter from the N. W. R. dealing with purely administrative matters, to which the Honourable Member should not have had access. I have answered his questions on this occasion, but I should not propose to answer questions based on such official letters in future.

Mr. Lalchand Navalrai: I do not think this information was in any sense confidential. It is affecting these people. They got actual replies. I have also got a reply with reference to the time keepers. And how is it said that I should not make a reference to that? I had got a copy. Will the Honourable Member therefore withdraw what he has said?

The Honourable Sir Edward Benthall: Still I do not quite understand how the Honourable Member got a copy of the letter to which he refers.

Mr. Lalchand Navalrai: I got it from the General Manager's office. The letter is a reply to my question on this point.

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

ALLEGED PROHIBITION ON THE STAFF FOR JOINING NATIONAL FEDERATION OF RAILWAYMEN.

308. *Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the information given on the 31st January 1938 (page 55, Legislative Assembly Debates) to part (c) of the unstarred question No. 148 asked on the 21st September 1937 (pages 2135-36, Legislative Assembly Debates) regarding joining Railway Unions and Federations by Railway Employees, viz., "So far as the State-managed Railways are concerned Government are informed that there is no such prohibition (against joining the membership of the National Federation of Railwaymen, Shahdara, Delhi)" and state:

(a) if it is a fact that during the year 1942 on account of the constitutional activities of the Federation by undertaking the institution of civil suits and applications under the Payment of Wages Act, the Divisional Superintendent and his subordinate officers are coercing and intimidating the staff offering for membership or those who are already members of the Federation, so much so that ultimately the staff is removed from service; if not, what is the number of the staff removed from service after recourse to the Court of Law; and

(b) if it is a fact that there is a prohibition for the staff for joining the National Federation of Railwaymen; if so, what is the nature of the prohibition?

The Honourable Sir Edward Benthall: (a) The reply to the first part is in the negative. As regards the second part, none so far as I am aware.

(b) The reply to the first part is in the negative; the second part does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT OF TEMPORARY ENGINEERS ON NORTH WESTERN RAILWAY.

49. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state how many temporary engineers were recruited from the 1st January, 1942 to 27th February, 1943, on the North Western Railway and how were they recruited?

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LEGISLATIVE ASSEMBLY

[15TH MARCH, 1948]

[Sir Gurnath Bhowor.]

No. F/14-6-III, dated the 3rd February, 1943, relating to rules framed under the Motor Vehicles Act, 1939.

Notification by the Chief Commissioner, Ajmer-Merwara, dated Ajmer, the 3rd February, 1943.

No. F/14-6-III.—The Chief Commissioner is pleased to make the following addendum to the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his Notification No. 1141/34-W/38-III, dated the 12th June 1940, the addendum having been previously published in this Administration's Notification No. F/14-6-III, dated the 14th November 1942.

Chapter IV—Control of Transport Vehicles. For clause (c) of rule 4.13, substitute the following:—

"(c) that the carriage or service of carriages in respect of which the permit is granted shall carry mails at such rates as the Provincial Transport Authority may, in consultation with the Postal Authorities, fix in that behalf from time to time."

By order,
M. S. CHAKRABARTY,
Financial Assistant to the Chief Commissioner,
Ajmer-Merwara.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Finance Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I shall continue my speech of the other day and deal first with the Indianisation of the army. I will presently show by an instance that there seems to be no intention on the part of the Government to Indianise the army. On the contrary, they are doing acts which mean going back on the policy which was declared to be the Government policy. I refer to a case in which the appointment of an Assistant Master in the Dehra Dun Prince of Wales Royal Indian Military College fell vacant and the advertisement which was issued seems to be by the Federal Public Service Commission. It says that applications are invited for the post of an Assistant Master at the Prince of Wales Royal Indian Military College, Dehra Dun. The qualifications required were an Honours Degree in Physics or Chemistry, preferably of Oxford or Cambridge. One cannot question why the college authorities were discriminating against the candidates possessing Indian qualifications. It appears therefore that Indian candidates have very little chance of being appointed, even if they possessed Oxford or Cambridge degrees, because I am told that what was required was persons of non-Asiatic domicile, that is to say, not Indians. Now, the House should consider whether this is a policy of Indianisation or not. Even these small appointments in the Military Department are being filled by persons who are not Indians and who are not Asiatics. Blood is thicker than water and it is that principle that is guiding those in charge of these appointments. The college authorities forget that the college is established in India, that it is maintained by Indians and is meant for Indians and that Indians should not be discriminated against in favour of non-Asiatics, not in the dominions and colonies of the Empire but in India itself, even in regard to the filling up of a post of Assistant Master. Therefore I have justification for saying that Indianisation is not increasing at all. So far as the Army Department is concerned, I think I have put before the House sufficient material to come to the conclusion that there is no idea to Indianise the army. There have been so many appointments, permanent and temporary. We are entitled to know from the Army Department how many Indians have been taken up in these temporary appointments of which there have been so many, so that we may judge for ourselves and Government will also be free from reproach.

Next, I come to the question on the civil side. I will refer to the Department of Civil Defence and in that department matters are worse or rather they are not what they ought to be. There also, you see the Europeanisation of the services and not Indianisation. Fortunately, I have the Government of

India Directory here and I find the appointments on page 4. There are 23 appointments in that department. To begin with, there is the Director General, who is a European. Then, we have a Joint Secretary who is also a European. The Assistant Secretary is also a European. There is another Assistant Secretary who is also a European. The Director of Operations and Training is also a European. The Supply Officer is also a European. The Fighting Adviser is also a European. The Central Chemical Adviser is also a European. I need not give their names. They are given in the Directory.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got to read all the names?

Mr. Lalchand Navalrai: Only a few names are left and I may finish them. The Area Adviser for Madras is also a European. The Deputy Director, Intelligence, is a European. The Intelligence Officer is a European and so is the Publicity Officer.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all the names.

Mr. Lalchand Navalrai: What I want to say is this. There are 23 officers on that list and only three officers are Indians. There is one Indian Assistant Director of Schools but he has retired and I do not know if in his place also a European has been appointed. So far as this Department is concerned, I do not want to take more time of the House but I must say this that this is the second department where Europeanisation and not Indianisation is going on.

Next I come to the Supply Department. Now, this is a very large Department and so many officers and junior officers have been appointed in it. I recognise that this is a new department and in the beginning there was some justification for not appointing the officers through the Federal Public Service Commission but they ought to be appointed through this Commission now. My submission is that it will give confidence to the public if they are appointed through the Federal Public Service Commission. Of course, the proportion has been fixed by the Government and that may go on. My only submission is that the appointments should hereafter be made by the Federal Public Service Commission. That will remove the blame because it has been said from time to time that in this department appointments are made by favour and through influence. If these appointments are made through the Federal Public Service Commission, there will be no such blame attached to them. I want that no officers should be taken by partiality or favour and I hope Mr. Mackeown will be vigilant on this point and see that the appointments do not go in a manner which is objectionable. Sir, with regard to this Department, the Muslim League say that sufficient appointments are not being given to the Mussalmans. I have no complaint against the percentage that has been fixed for them but they should not get appointments over and above that percentage. The other day Mr. Mackeown gave the proportion of appointments and so far as I could understand the Muslims have been given 41 per cent. instead of 25 per cent. My point is that the Muslims should not get more than their share.

Mr. Hossainbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Even on merits?

Mr. Lalchand Navalrai: If the appointments are made on merits. I will be so happy. Then the whole trouble will be removed. Every day there are so many questions in the Assembly as to how many appointments are given to the Muslims and how many to the Hindus. Why not leave the whole field to those who are qualified for these appointments? My point is that the appointments should be made in a manner that both parties may remain satisfied. That can be done only when you follow strictly the rule of proportion that is fixed.

Maulvi Muhammad Abdul Ghanb (Tirhut Division: Muhammadan): That is our complaint also.

Mr. Lalchand Navalrai: That should be corrected. Then, I want to draw the attention of the Department to another thing. If any persons are being taken from another community to supersede the Hindus or any other persons,

(e) Is it or is it not a fact that the staff already on the sick-list were not granted any extension even on constitutional approachment?

(f) Is it or is it not a fact that a large number of persons on the East Indian, Bengal Nagpur, and Bengal and Assam Railways have been dismissed for abstention from duties? If so, what are their numbers?

(g) Is it or is it not a fact that the applications for re-employment have not been considered even when medical certificates were produced in support of the applications?

(h) In view of the difficulties of the times in which the staff defaulted, do Government propose to consider the advisability of condoning the fault and to re-employ the staff and to save such a large number of men with their families from utter ruin?

The Honourable Sir Edward Benthall: (a) Yes, with a considerable number of exceptions.

(b) and (c) I am aware that such statements have been made but cannot vouch for their accuracy. I would, however, point out that concessions for evacuating their families have been open to the staff for many months and the responsibility for any failure to take advantage of these facilities in good time before the bombing had actually started must primarily rest with the staff concerned.

(d) Some of the staff did absent themselves; I daresay out of panic.

(e) Staff have put forward sickness as a reason for their extended unauthorized absence and such cases are looked into with the utmost care to see if the excuse is acceptable.

(f) 1,132 employees of the East Indian Railway, 3,786 employees of the Bengal and Assam Railway, and 589 employees of the Bengal Nagpur Railway, were dismissed or discharged.

(g) When some of the men applied for re-employment, their cases were carefully considered, and some have been re-employed.

(h) Government cannot excuse the conduct of staff who desert their posts in times of difficulty and who, therefore, deserve to be dismissed from the service, but each case will be looked into carefully to ensure that the action taken was fully justified.

RULES FOR DETERMINING SENIORITY OF EAST INDIAN RAILWAY MINISTERIAL STAFF.

304. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state if any definite rules have been framed by the Railway Board for determining the seniority of the East Indian Railway ministerial staff in the various Divisions?

(b) Is it a fact that no Seniority List was published and circulated to the staff in the Divisional Offices of the East Indian Railway till 1937?

(c) Is it or is it not a fact that in two Divisions of the East Indian Railway (Lucknow and Moradabad) different principles of determining seniority of clerks were adopted, i.e., in one Division the date of confirmation was the criterion for determining seniority and in the other the date of promotion was considered to be the basis of determining seniority?

(d) Is it a fact that the Lucknow Division of the East Indian Railway, while determining seniority of the clerical staff in the junior grade deviated from the general principles as laid down in the General Manager's Minute Sheet No. A.E. 21-78, dated the 22nd September, 1933, with the result that cases of supersessions cropped up?

(e) Is it a fact that the General Manager even accepting the deviation does not like to have the Seniority List corrected on a uniform basis?

(f) If the answer to (e) be in the affirmative, what are the circumstances under which supersessions are not being set right, and what steps have been taken to compensate the staff who have been superseded? If none, why?

The Honourable Sir Edward Benthall: (a) I am informed that the General Manager, East Indian Railway, has framed rules of general application for determining the seniority of non-gazetted staff.

(b) to (f). I have no information on these matters of detailed administration. I shall, however, send the question and the reply to the General Manager, East Indian Railway, for such action as he may consider necessary.

Mr. Lalchand Navalrai: To whom should we address these questions, if not to you?

The Honourable Sir Edward Benthall: These are matters purely of detailed administration, and if I may give my opinion, they should not be discussed on the floor of this House.

Mr. Lalchand Navalrai: May I, therefore, address these questions to the General Managers?

The Honourable Sir Edward Benthall: Yes.

ANTI-CORRUPTION DEPARTMENT ON NORTH WESTERN RAILWAY.

305. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that an Anti-corruption Department has been started on the North Western Railway? If so, what are its functions and whether he proposes to give a detailed statement showing the personnel appointed to this department with their salaries?

(b) When did this department start working, and what has been the field of its activities?

(c) How long is it proposed to keep this new department going?

The Honourable Sir Edward Benthall: I regret I am unable to give any details of the measures adopted by Government to deal with corruption as it would not be in the public interest to do so.

Mr. Lalchand Navalrai: May I know if they are working like the C. I. D.?

The Honourable Sir Edward Benthall: I hope so.

PERCENTAGE OF APPOINTMENTS OF GOODS AND TALLY CLERKS ON NORTH WESTERN RAILWAY.

306. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways please state the percentage of Grades IV, III and II appointments of Goods and Tally Clerks, separately, on the North Western Railway?

(b) If the percentage of Grades IV and III posts of Tally Clerks is higher than that of the Goods Clerks, what is the reason for this discrimination?

(c) Is the Honourable Member aware that those Goods Clerks who are unqualified in their departmental examination are designated as Tally Clerks? If so, why are Tally Clerks to have larger percentage of higher grade appointments?

(d) Is the Honourable Member aware that senior Goods Clerks are being superseded by the Tally Clerks, as the number of higher grade appointments of Tally Clerks is larger? If so, does he propose to make enquiries as to the steps taken to relieve hardship entailed on Goods Clerks by the present policy of the North Western Railway Administration? If not, why not?

The Honourable Sir Edward Benthall: (a) and (b). I have no information concerning these details and regret cannot undertake to collect it under present conditions.

(c) and (d). As I have said I have no information about these details, but I shall send a copy of the question and the reply to the General Manager, North Western Railway, for such action as he may consider necessary.

Mr. Lalchand Navalrai: Will the Honourable Member ask the General Managers at least to send us replies to these questions when they are being sent from here, so that we may know what has happened and not trouble you again?

The Honourable Sir Edward Benthall: I am certain that General Managers will always show the usual courtesy to Members of this House.

Mr. Lalchand Navalrai: They do not reply to us. We do not make any reference to them and we do not get any reply. It would be better in these days of war, if they can give us this information direct, nothing will be lost. Will the Honourable Member address the General Managers to that effect?

(b) What railway working experience do the selected candidates possess? If they possess no such experience, what were the reasons for their appointment to posts of temporary duration?

(c) Why were not these posts filled by promotion from amongst the senior subordinates?

(d) Do Government propose to issue instructions that for purely temporary posts required for certain works, experienced hands from ranks should be appointed instead of selecting raw hands? If not, why not?

The Honourable Sir Edward Benthall: (a) Five; as regards the second part, the posts were advertised and the applications were dealt with by a Selection Board consisting of four senior officers who also later on interviewed the candidates and made final recommendations to the General Manager.

(b) Government have no information but the qualifications laid down did not prescribe any railway experience as being necessary. As regards the second part, it was considered advisable to fill these posts by outside recruitment as suitably qualified employees were not available for promotion.

(c) For the reason given in the reply to the latter part of part (b).

(d) No; because subordinates suitable for promotion may not be available.

RECOGNITION TO PRIVATE PRACTITIONERS' CERTIFICATES.

50. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to part (c) of my starred question No. 133, asked in September last, with regard to medical regulations on the North Western Railway about the acceptance of private practitioner's certificates being brought into line with the General Regulations issued by the Railway Board, will he be pleased to state what action has been taken in the matter to regularize the North Western Railway Regulations?

(b) Is the North Western Railway Administration competent to issue Subsidiary Rules in conflict with the General Rules? If so, does the Honourable Member propose to quote the specific provision of rules authorising it to do so?

The Honourable Sir Edward Benthall: (a) The matter is still under consideration.

(b) The reply to the first part is in the negative; the second part does not arise.

INCREASE OF WORK IN THE DIVISIONAL OFFICES ON NORTH WESTERN RAILWAY.

51. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether he is aware that the work in the Divisional Offices on the North Western Railway has considerably increased owing to general increase in staff on railways and other factors?

(b) If the reply to part (a) be in the affirmative, does he propose to lay a statement on the table of the House giving figures of increase in the clerical staff in the Divisional, Extra Divisional and Headquarters Offices since the 1st January, 1942, separately, for each office?

(c) Is it a fact that the relief given, if any, is insufficient and that there are large arrears? If so, what steps are proposed to be taken to clear up the arrears?

(d) Is it a fact that owing to arrears of work in the Divisional and allied offices, the employees on lines are greatly inconvenienced, and what steps are proposed to be taken to save the general mass of employees from such inconveniences?

The Honourable Sir Edward Benthall: (a) Yes.

(b) The attached statement gives the information.

(c) The reply to the first part is in the negative. As regards the second part, necessary steps are taken to deal with any arrears that may arise.

(d) The reply to the first part is in the negative; the second part does not arise.

Statement showing figures of temporary increase in Clerical Staff since the 1st January, 1942.

Office.	No. of persons.	Office.	No. of persons.
Divisional Superintendent—		Chief Accounts Office, General Branch	20
Rawalpindi	18	Traffic Accounts Branch	101
Karachi	24	Workshops Accounts Office	51
Lahore	14	Stores Accounts Office	43
Ferozepore	4	Divisional Accounts Office—	
Multan	8	Lahore	8
Delhi	15	Ferozepore	3
Quetta	40	Delhi	8
District Controller of Stores, Mohalpur	5	Rawalpindi	7
Assistant Works Manager (Signals)	4	Multan	5
Supdt., Mechanical Workshops	57	Karachi	4
Headquarters Office	143	Quetta	10

GRADES IV AND V STATION MASTERS ON NORTH WESTERN RAILWAY.

52. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state the number of the present Grades IV and V Station Masters on the North Western Railway?

(b) How is the promotion made to Grade V Station Masters' posts?

(c) Is it a fact that Grade IV Station Masters are not freely promoted to Grade V? Is it proposed to allocate a percentage of fifty-fifty for promotion to Grade V Station Masters' posts from Grade IV Station Masters and Grade V Assistant Station Masters?

(d) If the reply to the second portion of part (c) be in the negative, is it proposed to fix any other convenient ratio for promotion to Grade V Station Masters' posts, from among Grade V Assistant Station Masters and Grade IV Station Masters? If not, why not?

The Honourable Sir Edward Benthall: (a) There are five posts of Station Masters Grade IV and nine posts of Station Masters Grade IV and Assistant Station Masters Grade IV.

(b) By selection generally from among Station Masters Grade IV and Assistant Station Masters Grade IV.

(c) There is no question of men in any particular grade being freely promoted to Station Master Grade V; the individuals have to achieve promotion by selection. As regards the second part, the reply is in the negative.

(d) The reply to the first part is in the negative. As regards the second part it is not in the best interest of the Administration to do so.

PROMOTION OF ASSISTANT STATION MASTERS TO STATION MASTERS' POSTS ON NORTH WESTERN RAILWAY.

53. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that promotion from Grades IV and V Assistant Station Masters' posts to Station Masters' posts on the North Western Railway is made in order of seniority and fitness?

(b) Is it a fact that the passing of Course T—7 at the Walton Training School is necessary before employees can be promoted to the posts of Grade V Station Masters and above in order of seniority?

(c) Are employees sent up for training in Course T—7 in accordance with seniority or on some other principle? If so, what is that principle and where is the sanction for the same to be found in the Railway Rules?

The Honourable Sir Edward Benthall: (a) Posts of Station Masters Grade V and above are Selection Posts.

(b) Yes, ordinarily; the course is now called P-3, but as stated the posts are filled by selection and the Railway can exempt specially selected men from having to pass the course in the Walton Training School before promotion.

(c) Information is being secured and a further reply will be laid on the table of the House in due course.

AMENDMENT TO THE AJMER-MERWARA MOTOR VEHICLES RULES.

Sir Gurmukh Bawa: (Secretary, Posts and Air Department): Sir, I lay on the table a copy of the notification by the Chief Commissioner, Ajmer-Merwara,

[Mr. Lalchand Navalrai.]

then I take very strong exception to it. I have been given the names of those persons who have been superseded in that Department; but I do not want to trouble the House by reading them out. But I have a list which I will send to Mr. Mackeown to consider. If really some persons have been superseded, then it is a wrong policy. I want to say nothing more about this department. This is a department which requires scrutiny. This is a department in which so many appointments are made and there are so many considerations

Mr. President (The Honourable Sir Abdur Rahim): Honourable Member should bear in mind that there are other Members also who are anxious to speak.

Mr. Lalchand Navalrai: I won't dilate on that point any further.

I now come to the Department of Education, Health and Lands. I do not find the Honourable Member in charge of this Department here but I will draw the attention of Mr. Tyson to one thing, namely, the requirements of the research institution on sociology. I may submit that in February 1937 a memorandum was received from Sir Francis Younghusband, an ex-President of the British Sociological Society and President of the Indian Village Welfare Association at Whitehall in regard to a very widespread trouble and appreciation of the urgent need for promoting wider and more practical facilities for study and training in the problems of public administration, especially in relation to social science and service. This memorandum was shelved till 1940. When Sir Girja Shankar Bajpai became the Education Member he then took up the question with the Central Advisory Board of Education and in May 1940 appointed a Committee presided over by the Honourable Sir Maurice Gwyer, the Vice-Chancellor of the Delhi University, to report on the memorandum. . . .

Mr. President (The Honourable Sir Abdur Rahim): What the Honourable Member is reading from?

Mr. Lalchand Navalrai: Sir, I am reading from the facts I have got.

Mr. President (The Honourable Sir Abdur Rahim): Is Honourable Member reading from some pamphlet?

Mr. Lalchand Navalrai: Sir, I am reading from my own notes. I have got some pamphlets also, but I am not using them at all. This Committee recommended that this Central Research Institute should be paid rupees seventy-five thousand or one lakh and also recommended that Provincial Government may also be approached to make some beginning in the direction. I say no provision for such an institute has been made in the Budget estimates that has been presented to this Honourable House. On the other hand, my own information is that the report has been shelved for lack of funds and the Department of Education has, I believe, to appoint few educational officers to collect information from social services agency in the country.

Now, Sir, I have got my own notes and as the Chair does not want me to say anything about them, I will only satisfy myself by saying that His Excellency the Viceroy has shown his appreciation for the establishment of such an institute. Lately, the Honourable Member in charge of Education, Health and Lands gave an address at Lucknow and in that he has also appreciated it and has shown that this is an institution which has to be established. Now, the only difficulty that the Government has is of funds. In these war days for every thing it can be said that it cannot be done on account of the war. Now, Sir, all these Departments of the Government of India are going on and other institutions are going on and several other industrial institutes are going on and studies and training are going on. Why it should be that this should be postponed. I ask the Honourable Member in charge, the Secretary of the Department of Education, Health and Lands, to give his utmost attention to this. This is a very important point. This institute will impart a very important study and training which will do very great service to

India. Therefore, Sir, I would say nothing more on that point, but would only urge upon the Government that it should be done as early as possible.

Next I come to the most important and very necessary question relating to political issues and which to my mind as well as to other Honourable Members is of a great political significance. There are some other important questions with regard to food situation, police excesses and repressive policy of the Government: but as these questions have already been discussed on different occasions and I had spoken on them I will not repeat them again. These are the questions that have been taken up by almost every Honourable Member of this House. I simply want to request the Government to give their serious attention to all these questions. Now, so far as the question of removal of political deadlock is concerned, I read in the newspapers suggestions which are being made from several quarters that the deadlock must be removed. But I think the best suggestion is the one which has been made in this House and it is this: that the Treasury Benches should enter into negotiations with the important political party, I mean the Congress Party, and that cannot be done unless and until the Congress people and Mahatma Gandhi are released and allowed to consult other persons and their own Working Committee members—I think that is the only solution at present. It has been said by several speakers that Mahatma Gandhi is ready to review the whole position. If it is so, then throw the whole burden on him and see if he is going to do it hereafter. Government should not be adamant because an attitude of that sort is likely to prove harmful to the country and to the war efforts as well. In this connection I would like to draw the attention of the Honourable the Army Secretary to the classification of two persons. These two gentlemen are of a very good character and are practising advocates. They have been sent to jail under the martial law as at present martial law is being administered in Sind Province. The names of these gentlemen are Mr. Sheroomal and Mr. Menghraj. They have been given no class at all, but still they are being treated as C class. I have already brought to the notice of the Army Secretary and I hope that no time will be lost in giving these gentlemen a class according to their status. First the objection was that martial law does not give any class, then when I put questions here the other day I was told that Martial Law courts have got power to give class at their discretion. I am, therefore, submitting that that ban having been removed these gentlemen who are rotting in C class should be given either class A or class B.

After this I proceed with two local questions with regard to Sind. The first of these two is a central subject and I would like to draw the attention of the authorities concerned to it. It is in connection with the phone trunk line in Sind. On the western side of Indus from Ruk and via Larkana to Kotri station we have got trunk phone connections all round except the portion to which I have alluded. It is a matter which is agitating the minds of the public of that area. Officers also know that a general phone line has been created all through for the purpose of war. I do not think it right that this portion of the country should be excluded. It should be realised by the authorities that this portion is on the border line of Baluchistan and Afghanistan. Therefore this portion should also be connected with phone line. Generally people come from those borders and commit offences and it is all the more necessary that there should be a phone connection, because these people at this time when the war is going on are creating another war there. Sir, so far as this demand is concerned I hope the Honourable the Member in charge of this subject would give attention to it. I hope the Honourable the Finance Member who is giving so much money for these telephones throughout the country would also ask the Department concerned to do the needful. I would draw the Honourable the Finance Member's particular attention to this and also of the Postal Department Secretary that when trunk lines are being established throughout the country this portion should also be included.

[Mr. Lalchand Navalrai.]

The next question is a long standing one, and that is with regard to the opening of a Broadcasting station at Karachi. Promises were given for the opening of a station at Karachi. But now the position is this. Machines and equipment have arrived. They had even gone to Karachi to secure a house. There is some difficulty with regard to a house. I submit many houses are available in Karachi and one of them can be easily secured. It is not necessary that a particular house alone should be secured. There should be no delay in opening the house. In this war, particularly there should be a broadcasting station opened early in Karachi. If it is opened it will give correct news to the public and the rural parts of Sind.

Now, Sir, I will say a word with regard to dearness allowance.

Mr. President (The Honourable Sir Abdur Rahim): There are many other Honourable Members wishing to take part in the debate.

Mr. Lalchand Navalrai: I submit I have been within limits. Others have taken more time. Anyhow, I shall conclude soon, if I am not subject to interruptions. With regard to dearness allowance, I will only say that it should not be delayed any longer.

Now, Sir, a word with regard to the Archaeological Department. I have seen that several questions are put regarding this Department. It has become a hardy annual from Muslim League to hear complaints against this Department and its head. In that connection, I have observed that Government have given very good and substantial reasons to show that there is nothing wrong there. However, as the matter has been going on like that, I say that most unjustifiable attacks have been made against this Department. The other day Dr. Sir Zia Uddin Ahmad referred to the case of one Mr. Puri. This gentleman was at one time given a warning under certain circumstances. That was a year ago. Now, he has been given his due place. Now it is being asked why he was given his due place, because once he was condemned. Is it suggested that once a man is condemned, he should be condemned for all times? In this way no one can rise. If he is a competent man, if he is selected for that post, there ought to be no grouse.

In conclusion, I must thank the Chair and the House for giving me an opportunity to place my points before the House.

Mr. J. A. Mackeown (Government of India: Nominated Official): Sir, I rise early in the debate to reply to certain points raised in the Marathon race executed by my Honourable friend Dr. Sir Zia Uddin Ahmad. While he was passing through the pleasant pastures administered by the various Departments of the Government of India, it occurred to me that when he came to the Supply Department's parks his race had become a crawl and he was more interested in assailing the late Member of the Department than in getting on with the race. Sir, the late Member of the Supply Department, Sir Homi Mody, is no longer in a position to answer those attacks and as some of them are most unfair and misleading, it falls upon me to explain the correct position. The first complaint made by Dr. Sir Zia Uddin Ahmad was that the percentage of Muslims employed in the Department fell from 30.7 to 12.5 per cent during Sir Homi Mody's tenure of office,—a very serious charge. The next morning after he had made that statement, which had already received considerable publicity in the Press, Dr. Sir Zia Uddin Ahmad admitted that this charge related to a very small office, the Controller of Supplies office at Bombay. It applied to a grade of some 27 clerks out of a total of 5,000 clerks employed by the Supply Department. Now, the correct position is as follows. Actually the fall in one grade in that small office affecting 27 clerks was this. Between the 1st August 1941 and the 1st October 1942, the percentage fell from 30.7 to 14.8 per cent. Now, Sir, there are two points about that. The first is that the total percentage of Muslims employed had decreased—these are routine clerks—but in the higher grade clerks, the percentage of Muslims has increased during that time from nought to 10.7 per cent. This increase occurred in the higher grade clerks, despite the fact that

under the new proportional distribution, the percentage of recruitment in Bombay of Muslim clerks is to be only 8½ per cent, so that with 10.7 of higher grade clerks, the Muslims are doing quite well. I do not really understand why this office should have been taken as an example when there are other offices employing up to 1,500 or 1,000 each, under the control of the Supply Department whose total staff of clerks is over 5,000. To concentrate on this small office with 27 clerks shows a certain lack of proportion. During Sir Homi Mody's time, the Muslim percentage in the Supply Department's officers rose from 11.3 per cent to 14 per cent. Although there was a fall among Muslim clerks from 24 per cent to 20.6 per cent—it is of practically the whole of the Supply Department that I am talking, with 5,000 clerks, and the fall in this case is from 24 to 20.6 per cent—yet nonetheless, the number of Muslim clerks actually employed rose from 641 to 1,067, an increase of 426. Sir, with these figures before the House, I hope it will be able to judge whether it is fair to accuse Sir Homi Mody of reducing the Muslims employed in the Supply Department by about 60 per cent.

Now, Sir, the next charge was that the Chairman of none of the five Selection Committees in the Department is a Muslim. I remember I interjected that the Honourable Member was only 40 per cent wrong in making his various statements about these selection committees, and when I examined the facts more at leisure, I was surprised at my own moderation in accusing him of only being 40 per cent inaccurate. How he arrived at the figure of five selection committees I do not know. There are in fact in the Supply Department three Selection Committees for officers and about eight for clerks. In the case of Selection Committees for officers they are presided over by high officers, who in Delhi and Calcutta are Joint Secretaries to Government, and in Bombay, the Controller of Supplies. It is true that none of these officers happens to be a Muslim, but Dr. Sir Zia Uddin Ahmad conveniently overlooked the composition of the rest of these committees. In Delhi and Calcutta, we have officers on special duty for recruitment and they are members of the selection committees of three. In Delhi, the officer concerned is an *ex*-Member of the Public Services Commission and happens to be a Muslim. In Calcutta, he is an *ex*-Member of the Indian Educational Service and he is a European. These two are Members of the selection committees, and the third member is generally a technical representative from the Directorate or the Branch for which recruitment is being made. In fact, the Committee could in certain cases consist of two Muslims, although the Chairman would be a non-Muslim at present, and if the Honourable Member insists that the Chairman should always be a Muslim, I can only say that he reminds me of the memorable lines of Louis Carroll:

"I'll be judge, I'll be jury,
Said cunning old Fury."

In Calcutta the Selection Committee for officers is similarly constituted of three, and the officer on special duty happens to be a European. In Bombay the Committee is also of three, and one of its members is always the holder of an office who at present is a European, although I cannot guarantee that he will always be a European.

Turning to the Selection Committees for clerks, they are composed in Delhi of two Under Secretaries and an Assistant Secretary in the Main Secretariat, and two Deputy Secretaries and an Assistant Secretary in the Directorate-General of Supply, of whom the Chairman is the senior member and happens to be a non-Muslim, but each of these Committees has a Muslim member, that is to say 33½ per cent which, I think, satisfied any rule of communal representation. Sir, I do not want to bore the House with details of all these committees, but I think, I have said enough to satisfy the House that the composition of these Committees is such that there is no bar to any Muslim being a member of them that Muslims are actually members of them, and that there is no reason why when certain higher posts happen to be held by Muslims, Muslims should not be Chairmen of those committees.

[Mr. J. A. Mackeown.]

There is only one more point I would like to make on this matter of selection, and that is that the Controllers of Supplies outside Calcutta and Bombay do their own selections for appointments with the aid of another officer. Those Controllers of Supplies are four in number and at the present moment three of them are Muslims. That point of course was not mentioned by Dr. Sir Zia Uddin. I will now leave this question of staff and communal proportions on which I have said more than enough, I hope, and deal with other points raised by Dr. Zia Uddin.

The first point is that he accused the Supply Department of encouraging the manufacture of tents in Bombay, whereas he suggested that it should provide *dosuti* from Northern India to expand tent production in Northern India. He asserted that the Supply Department was trying to allege shortage of transport as a reason for developing tent production in South India at the expense of North India. Now, what are the real facts? The real facts are that all the *dosuti* produced in Northern India is already being used for tent production there, and, as there is a surplus of *dosuti* in Southern India, the tent-producing capacity is being developed there and not in Northern India. Obviously it would be wasteful to transport surplus *dosuti* from Bombay to Northern India for increasing tent-producing capacity in Northern India. It is not a change of capacity that is in question but an expansion and if it has to be expanded, it should be expanded near the source of the *dosuti*.

He then alleged that textile mills are allowed a double profit on making tents, i.e., first on *dosuti* and then on the tents, and complained that in the case of leather manufacturers a similar double profit is not allowed on tanning and then on making the leather article. The answer to that question is that *dosuti* is a standardized mill product for which there is a uniform all-India price and *dosuti* is issued in large quantities to tent makers who are not themselves makers of *dosuti*. Now if a tent maker happens to make *dosuti* as well, there is no reason why he should not get a further profit on tent-making. It is not possible to conceive that we should have a different arrangement with tent-makers who make their own *dosuti*, and with tent makers who do not make their own *dosuti*; it is much simpler to have the same arrangement with all makers of *dosuti* and with all makers of tents. The only complaint that could possibly be made is that the same principle should be applied elsewhere. When we come to the leather manufacturing industries we find that the boot industry is the one principally concerned. In the case of the boot industry, the boot manufacturers tan their own hides, and there are no standard hides like there is standard *dosuti*, and therefore the arrangement with the boot manufacturers is the same as with the manufacturers of any other finished product, that is to say the price negotiated with Government is the cost based on the cost of the finished article, no matter how many intermediate processes there are. The boot manufacturers really have no grouse because they get their profits calculated on their total costs and in those total costs the cost of all such tanning as they may have to do is naturally included. Again, the real thing that matters is the amount of profit that is allowed on their total costs, and that is settled in negotiation between Government and the manufacturers. So, I hope, I have shown that there are good reasons for what, at first sight, appears to be a differentiation but which in actual fact falls in with the principles which the Supply Department uniformly applies throughout industry.

The next question was the accusation that the Supply Department had stopped the export of hides and skins without consulting the Commerce Department. That really was a most remarkable accusation because the notification prohibiting the export was actually issued by the Commerce Department.

Then the learned Doctor asked if the Supply Department was satisfied that all the surplus hides and skins which used to be exported are now being used for purposes of war production and will be required for war production in

the future, so that it is still necessary to stop the export of hides and skins. On that point I am glad to say that there is something of substance to report to the House and that is that, owing to large reductions in the demands for finished leather goods, particularly boots, it is possible that there may be reasons justifying a change in our policy regarding the export of hides and skins, and we have put an officer on special duty to enquire into the situation and when we receive his report explaining the position regarding the demands for finished goods requiring leather in future and the supply possibility of finished leather, we will re-examine the whole matter and see if any alterations in the export order regarding hides and skins is justified.

My last point is that the learned Doctor revived the old canard that the Grady Mission had recommended the establishment of a Department of Production. He did not deal with the merits of a Department of Production which have already been very fully covered in debates in this House, but his assertion that the Grady Mission recommended the establishment of a Department of Production also keeps on popping up in the Press. I would like once again to say categorically that the Grady Mission did not recommend the establishment of a Department of Production. Their recommendation

12 Noon. tion was in much more general terms, recognising the importance of production and suggesting that the whole question needed examination and suggesting possible methods of meeting the needs. I do not think I am giving away any secret, or anything that I should not give away, when I say that the Government of India set up the War Resources Committee of Council in answer to this recommendation of the Grady Mission, and that Dr. Grady actually sent a telegram of congratulation to Sir Homi Mody when he heard of the establishment of this Committee. Sir, I have finished.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I find that between the presentation of the last Finance Bill and this Budget, there has been no substantial change, or even any change, in the attitude of the Government towards the Muslim League, and as far as the political situation was concerned, we think it was up to the Government to have taken the representatives of the people into their confidence. It looks as if the Government think that they can carry on the work themselves without having the active co-operation of the people. It is then for us to decide whether we should lend any more help than what we gave last year. We have, therefore, come to the conclusion that under these circumstances it is not possible for us to vote for any extra expenditure or taxation of our people, when we have no voice in the expenditure.

The Government, I am glad, think that the situation as far as the military position is concerned has changed a lot in favour of the Allies. We will be glad if even without our help the Government and the Allies can win, but I am sure that the help and efforts in the country which would have been possible with the co-operation of the people, and which is not forthcoming now, will not be forthcoming at all until the attitude of the Government is changed.

Sardar Sant Singh (West Punjab: Sikh): Will you oppose it or remain neutral?

Sir Muhammad Yamin Khan: When we do not agree to taxation it means that we are opposing it. If my friend exerted his common sense he could have understood the position very well.

Besides this political situation, the Government have made a lot of blunders within the last year and therefore they cannot expect us to endorse their deeds by voting for these extra expenses in the Finance Bill.

Let me take one question which concerns, not the Government, but the entire public of this country. The control system brought forward by the Government has hopelessly failed. They have administered control in a very unsatisfactory manner by appointing inefficient people who could not effectively carry out the intentions of the Government.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): What is the control system you are referring to?

Sir Muhammad Yamin Khan: If the Honourable Member listens to me he will know. The trouble is due to the fact that the work has been entrusted to people with no experience and out of touch with the public. All that they do is to sit at their desks and issue silly orders which mean nothing and which cannot effectively achieve the results wanted by Government. The difficulties of the public can only be understood by those who are directly in touch with them and not by people who go to office in the morning, come back in the evening by 7 o'clock, then have a small dinner or cinema party and the next day start the same routine. Such people cannot understand the feelings of the people, because here it is not only the classes but the masses of the people who are suffering, and what tactics the dealers employ for defeating the objects of the Government are only known to those who are in direct touch with them.

Sir, wheat was controlled. It was said by Honourable Members last year that the prices had been fixed at eight seers to the rupee and that they would remain at that rate throughout the year. Now, why did the Government make a laughing-stock of themselves by purchasing at a higher price than eight seers? Now they are purchasing at three seers to the rupee, though at first they started purchasing at 6 seers to the rupee. Once the order was issued, they ought to have known how to control, where the wheat was. The whole wheat should have been controlled absolutely and the people rationed properly, but the ineffective methods employed by the Government brought calamity to the entire country. These methods have increased the expenses of Government in the way of dearness allowances, which would not have been if the prices of the commodities had been properly controlled. In spite of the prices of commodities going up by three or four times from normal, the poor people who can hardly make both ends meet are being asked to pay the same amount of taxes. That means really that you are asking them three times the taxes that they could afford to pay last year. Sir, as representatives of the people, we do not think that we can give our assent to any extra expenditure brought about by Government's own fault. The same state of affairs exists in the matter of sugar. The state of affairs exists in the little items required by the poor here and there. You might have seen this in many cases. It is a very well known fact that though the price of cement is ordinarily Rs. 2-12, in the market it is sold at Rs. 10 a bag and it is a notorious fact that some people were allowed to get extra cement, which was not required for Government purposes but which was taken in the name of the Government, and they sold it to the public at a high price. It was the black market and there was no control to see that people were allowed to take just what was required for Government purposes. The ordinary public were refused any cement, and those who had the ears of the officers got what they wanted from the Government and sold it at five times the price at which they got it from the Government. If conditions are like these, if some people are allowed to get an article from the Government and sell it at a higher price to the public, the fault is entirely on the Government for not keeping a vigilant eye on such people in an article controlled by the Government. After the public has been suffering in this fashion, does the Government expect us, representatives of the people, to come and say "You have done well; you have done such splendid work during the last year that we are perfectly satisfied with you and vote for Finance Bill." Can we do this? Our money has been allowed to be squandered; our money has been spent mercilessly, and is going to be mercilessly spent without proper control and we have to pay for it and vote for it. This we cannot do.

Another instance which I may bring to the notice of the Honourable the Finance Member where squandering is going on is this: it has come to our notice constantly, and if he investigates it, I am sure he will find that it is true: many officers are allowed cars at Government expense. Motor lorries and cars

are allowed in the departments and they are run at Government expense and even some responsible officers do not think that it is wrong to use that petrol and those cars to go for lunch to their homes and to distant hotels? Can you allow that? It is being done and if the Honourable Member inquires, he will know that it is true. This reminds me of an Indian proverb:

"*Cho Kufr uz Kaaba bur Khezud Kuza Manud Musalmami.*"

Which means, if the kufr comes from Kaaba, where will Islam remain? Nowhere. If officers are allowed to do wrong things like this, it means they allow their subordinates to do greater wrongs. These scandals which have come to our notice are going on every day; it is not possible for us to keep quiet and not bring it to the notice of these officials who do not wish to investigate about them and who only sign blank chits for the money. I have come to know that many lorries have been taken by the Government at certain rates and handed over to a private contractor; God knows what this contractor gives to these lorry owners or how much he charges to the Government; but when he pays these people, it is debited to so many different things—repairs and other little things—they get very little: even the fact that the lorries were not used is debited to them. How are you controlling these things? When you take anybody's property into your possession, whether it is used by you or not, you have to pay for it. It will be found that sometimes the Government has paid double the amount in hire of what the lorry is worth. Why do you not straight-away purchase these lorries? If a lorry was available for Rs. 3,000, you have already paid the man more than Rs. 3,000 and you have to return his lorry in addition! This was never considered by the Government last year, although we brought it to the notice of the Government that this kind of squandering was going on. We have come to know other things too, and if the Honourable Member starts an investigation, I will call for direct evidence where some high officers have been guilty of gross misconduct in this respect in getting lorries and doing this, and if their bank accounts are shown, if the ledgers of the contractors are taken, the Government will find great revelations. . . .

The Honourable Sir Jeremy Raisman (Finance Member): I trust the Honourable Member is prepared to give specific details of general charges of this kind.

Sir Muhammad Yamin Khan: Certainly. I had given one last year, and I can give one just now; and if the Honourable Member is ready to institute an investigation there will be hundreds which will come before him. . . .

The Honourable Sir Jeremy Raisman: I am always ready to institute investigations into matters of that kind.

Sir Muhammad Yamin Khan: On one occasion the lorries were taken by a certain officer—I avoid giving the name—but I shall give the place and the Honourable Member will be able to get the name of the officer concerned. They were taken in Meerut last year from different people at a certain rate. Then the rates were changed in favour of certain other individuals who approached a certain other officer who sat in Dehra Dun; and the officer in Dehra Dun cancelled all the contracts given in Meerut and gave it to another man from Delhi at a much higher rate than what the people in Meerut were originally offered. The Meerut people got Rs. 10 or Rs. 12 or at the most Rs. 13 per day. The Dehra Dun man came and the contract was given for hundreds of lorries on very flimsy grounds at as much as Rs. 15 a day. If the Honourable Member wants to inquire why this extra expenditure was allowed and why contracts were not given to the original people at Rs. 10 a day and why it was given to others at Rs. 15 a day, he will probably come to know the real truth behind it.

I shall not go into details which have already been touched upon in the last debate this Session about wheat and other articles and about the inefficiency in controlling small coins. But I will say this: the general idea has been allowed by the Government to prevail in the country that the value of your currency has depreciated to such an extent that the prices of all commodities have gone very high. We know that this is due entirely to want of confidence which the people

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have not got in the Government. And still Government does not want to create confidence in the minds of the people. This means misery for the people of this country. Let me again come to contracts which are given for military purposes. Take, for instance, camouflaging nets, and there are many other examples also. People got contracts for supply of camouflaging nets. How much are you paying? Have you ever investigated for how much the contractor has given sub-contract to others? You allow practically 50 per cent. to go into the pockets of the contractor. The man takes the contract at Rs. 100 and gives the sub-contract for Rs. 50 for the same commodity which is purchased in the market. The balance of Rs. 50 goes into the contractor's pocket. This shows that the price was not properly fixed by you. You are paying double of what you should have paid. The Honourable Member ought to know that British manufacturers, when they appoint agents here, give only 2½ per cent. as commission to people who are middlemen ordinarily. In the case of some agents they allow about 5 per cent. but big firms never allow more than 2½ per cent.

Sir Abdul Halim Ghuznavi: One per cent.

Sir Muhammad Yamin Khan: But here you allow your agent between 50 per cent. and 20 per cent. commission. The Honourable Member ought to know from the Income-tax Department how much money these contractors have made by their contracts, what percentage they have made. My Honourable friend may say, look here, I have got back the bigger portion through the income-tax. But I say it creates a vicious circle. Why was this man allowed to make this money, some of which still remains in his pocket? Excess profits tax is only after 30,000. The point is the man has made so much money. That means that the commodity is available in the market at a very reduced price. If you had allowed 5 or 10 per cent. to the man who carries out your orders, that would have been quite sufficient. If a man had three turns on his money and if you allowed him 5 per cent. he could get 15 per cent. net profit on his investment. But here you allow 15 per cent. on each turn, which means that in three turns he will make 45 per cent. as profit in the year. Not only this. Every man who is given a contract—I think the whole policy should be that if a man has given a sub-contract to anybody else, that sub-contractor should be changed into a contractor, and the contract of the main contractor should be determined, should be stopped at once. If on investigation it is found that a man has given a sub-contract to somebody else, then you should allow the main man only two per cent. and not more. That will reduce the cost of your Supply Department, and I am sure that the deficit which the Honourable Member has shown—the greater portion of it could be made up by controlling the expenses rather than by increasing the taxes, and my Honourable friend would not have to increase the taxes. Where Government is exercising proper control, it is in the case of one matter only, and there it is doing the greatest injustice to some people. The Government have begun controlling the house rent. What is this? The rent which was prevalent in 1938 and 1939 is to remain in the New Delhi area, and the house owners should not get more than that. But you ignore the fact that your money has depreciated from 16 annas to 6 annas, and still the man is allowed to get only the old rent and no more.

Mr. Hoosenbhoy A. Lalljee: It is in Bombay also.

Sir Muhammad Yamin Khan: I am talking here about the Government of India. The Government of India are not concerned so much with the city of Bombay. The cost of repairs has gone up, prices of commodities have gone up, everything has gone up in price, your currency has lost its value, and still you ask people to charge only the old rent and no more. The latest addition to the house rent control rules, which is amusing, is this. Even the business premises should have their rent fixed. The business people in New Delhi are making tremendous amounts of money. What they stocked in 1939 or 1940 for one rupee they are selling at Rs. 20 or 30, but you say that,

though they are making a lot from the public, they should not be made to pay some thing extra to the landlord.

Mr. Hoosenbhoy A. Lalljee: Poor landlords.

Sir Muhammad Yamin Khan: Certain of them are poor landlords, who depend entirely on the rent they are getting.

Mr. Hoosenbhoy A. Lalljee: I say they are poor.

Sir Muhammad Yamin Khan: Where control is necessary in the interests of the public, you do not do it at all, but where the Government officials are concerned, you provide that they should not pay more rent. The whole concern of yours seems to be to save the official from paying more. The anxiety of the Government is not to save the public from suffering but that the Government official should not suffer. That is the policy which I am criticising now. If all the commodities are controlled, then I do not mind your controlling house rent also; certainly no man should be allowed to charge a penny more than he is entitled to. But the control of rent of business premises is ridiculous when you start with 8 seers of wheat per rupee and you go down to 3 seers per rupee, you start with 4 or 5 annas a seer of sugar, and you come down to 6 annas a seer, your cloth which was being sold—ordinary khaddar, which was 2½ annas is now selling at one rupee. We have been hearing during the last year that our industries are increasing. Where is the increased industry so far as cloth is concerned? Where is the poor man to get the cloth to wear? He cannot find cloth in the market; if at all there is any market, there is the black market. People have collected their stocks, they bring them out bit by bit because they know that your mills are not manufacturing, you are not controlling your mills properly. You ignore the miseries of the people. That has been your outlook, and we cannot in honesty, with our eyes wide open, sit idle and allow Government to have its own way. As far as our voice can go, that can only go by rejecting the Finance Bill.

The other day, my Honourable friend, Sir Cowasjee Jehangir, dealt very ably with a subject which is his own and not mine, but I can point out as a layman that the policy which was adopted by the Government in coming to a financial settlement behind the back of this House was entirely wrong. The Honourable Member can say "It is here before you" but what can we do? We have no voice to alter it. If we cannot alter it, then it has been carried out behind our back. Anything which is unalterable and over which this House has no voice cannot be acceptable to this House, even if the proposals are very good, because we cannot say that we have examined them and found them quite correct and good. If a representative committee of this House is appointed and they go into all the details and if that committee come and tell us it is all right, then certainly we would endorse it. But in the manner in which you have done it, it is not possible for us to endorse this arrangement. From the literature which we have got from other sources, we find that this arrangement is really detrimental to the interests of India and it is not really for the good of India. We are left in this position that we cannot entirely accept the proposition placed before us by the Government, because the other side is still criticising it. Therefore, we cannot endorse it.

Now, Sir, India is one of the United Nations. We want it to be openly and categorically announced that India is one of the United Nations. We want to be told that India is not fighting as a subordinate country, at the will of some other country. We must feel that we are fighting for the freedom of this country as well as the freedom of the entire world. That ought to be made clear in such unambiguous language, that it will not have a double meaning. We do not want anything like the Balfour Declaration which may be interpreted in 20 different ways. We do not want anything like the Preamble to the Government of India Act which may be interpreted in different ways. We want the language to be very clear, so that it can be understood even by

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laymen. We want a clear and definite declaration that India is fighting her own battle, for its own freedom. Certainly there is no one in this House or outside who would like a foreigner to come on the soil of this country. Every son of India will be prepared to lay down his life and property for the safety of this country, if he is assured that the battle is for the freedom of this country and that we are not fighting this battle to remain as slaves in future. If that assurance is not given now, then it will not be possible for anybody to believe that it will come after the war. It has been said by many politicians and high officials "Fight this war, defeat Germany and Japan and your freedom is assured". Well, we do not like a change of masters. If Japan or Germany attempts to set foot on the soil of India, then every one will fight in defence of his hearth and home but at the same time we want the liberty, the freedom of India. We want the declaration made in clear language, which may not be twisted and turned at a later date. The British Government may say "trust us". May I ask them whether they have ever acted in the past in such a way as to inspire trust in them? If that has been their conduct in the past, then how can they expect the people to accept their words *in toto*.

Now, Sir, I do not agree with the Congress attitude. From the very beginning, from 1919, I have never allowed myself to be a party to any excitement. I have never allowed myself to be swayed by momentary excitement. I think that Mahatma Gandhi is entirely wrong today in what he is doing. He was wrong then. I can never endorse his actions. He has done the greatest injustice to his people and greatest harm to his country by adopting the attitude which he has done. But there is one thing where it is difficult to disagree with him and that is when he says that he cannot accept the words of this Government. Well, how are you going to make him believe that you are sincere. Leave him aside. Have you got any other people who put trust in your words? Have you created trust in people *minus* the Congress? If you had done that, that at least will be something. Have you ever clearly said that the Government of this country is to be carried on by Indians themselves? If the Congress is not willing, leave them alone but trust the people other than the Congress and then they will come to know that you are sincere in your actions and that you mean business. Unless you do that, I am not sure that you will inspire confidence among the people. I am sure that even very staunch supporters of the Government, men who have been supporters and who are still supporters and who have got themselves tied up with the Government, even they are not convinced that the policy that the Government is pursuing is the right policy. You change your position and your attitude this year and you will find that it will be really taking a great step forward towards the achievement of victory. When I hear that we are getting so many lakhs of recruits in this country, I begin to think how pleasing these words must be to those who do not understand this country. I say you will get these recruits not only in lakhs but in crores when the happy day comes when the angle of vision of the Government is changed. It is Russia which is putting up the great fight today because everyone in that country feels that by keeping away the German aggression they are trying to keep their own freedom. Have we got that freedom here? All these recruits who are coming to you are coming because they want some money and not because they want to save their country. I think the greatest mistake which the people can make and which the Government can make is to be lured by the great figures of recruits which they are getting. These great figures of recruitment show me only this that people have got to fill their stomachs and, therefore, they are looking forward to this opportunity of getting some sort of employment. The unemployed graduates and under-graduates and youngsters who cannot earn enough to make both ends meet are quite happy to be taken as recruits. Some of them enrol

themselves as officers, others as non-commissioned officers and some of them come in as mere soldiers. But that is not a happy augury. That still shows to what depth India has fallen economically that its inhabitants are ready to give their lives not for the sake of liberating their country but for the sake of earning a few rupees. If that is the attitude of the people, I do not think the Government has done justice to this country. They ought to create a feeling of enthusiasm. What enthusiasm has the Government created? A few officials of the Government sit together and they call those people whom they have given a contract. These people talk to the officials and they benefit themselves and then the whole thing comes to an end. I am not concerned with this sort of thing. I want every man to be ready to take up the cudgels on behalf of his country. People should be ready to defend their frontiers and give a fight to the aggressor wherever he may be found. In fact, they should be prepared to go to other countries also to defend this country. That feeling can be created only when the people of this country are taken into confidence.

Sardar Sant Singh: What do you propose?

Sir Muhammad Yamin Khan: I have already proposed what I wanted to propose. If my Honourable friend Mr. Navalrai, say that the Government should stop the deadlock. So far as this deadlock is concerned, I am not prepared to accuse the Government so much. Government has certainly a great hand in the deadlock which they have created, but the deadlock which my Honourable friend had in mind is a different one and there are some other persons who are responsible for it. Mind you, our Government consists of very shrewd people. They have created this deadlock very cleverly. They say if the members of the two communities unite, we will do this and that. If I were in their position, I would do the same. When I know that two persons cannot come to an understanding, I will certainly say that the moment you come to some understanding I will do everything for you. Certainly, British people are much superior to us in the matter of diplomacy. When we ourselves do not come to an agreement, why should they not take advantage of this position? Why do you blame them for creating this situation? Did not Mr. Griffiths say last time in a clear voice that if the Indians come to an agreement and if after the war the British Government does not respect that agreement, then he will fight on our behalf in the British Parliament? He was quite clear on this point. But in order to justify him do this, let the people of India first come to an agreement. We are very glad that men like Mr. Griffiths will come to our help and I hope he spoke on behalf of the whole European Group and the whole European community in this country when he said that whatever British pledges are, they will be carried out. If they are not carried out, it minimises the prestige of the British. Remember this is not the last war. Let us hope that there will be no more wars, but the Americans predict another world war. So, if the pledges of the British Government are not fulfilled entirely, then you will not find a single person in this country who will trust the British words. So, it is for the British people, who live in this country and who carry on their business in this country and who are also working as officials in this country, to see that whatever is spoken from above is properly carried out, otherwise it creates difficulties for the people who live here and who have to deal with the public every day. I was talking once to a man in Switzerland who was a German. He said that the British people are very clever. I said in business they are very honest. Why do you call them dishonest people? I have never found any British firm altering their prices later on and I have always heard that British goods are very good and they are very honest people. "Yes, yes, they are very clever" he said, "as far as business is concerned they are very honest because they know it pays them to be honest in business. But it pays them to be dishonest where the matters relating to Government

[Sir Muhammad Yamin Khan.] are concerned. Therefore, don't trust the British Government but you can trust the British merchants. Never trust the British officials. It may be that the non-official Europeans may think that at least they are trusted by the people of this country and that people have got some faith in their business dealing. I leave them there. But so far as the Government is concerned I may tell that unless they carry out their duties faithfully no confidence is likely to be created in the people's mind. The German who spoke to me in Switzerland about ten years ago read the British Government correctly and that feeling is entirely prevailing in this country. It will be a folly if you sleep over it and take no notice of it. All those people are your great enemy who say that you are doing right things when you commit a blunder. They are your greatest enemy. And your friends are those who tell you on your face that you are wrong. Unless you conduct yourself properly and correct yourself you will not have sympathy which I have got for you.

Now, so far as the deadlock is concerned, we consider it from a different point of view and not from the point of view of Mr. Lalchand Navalrai, who considers that Government should come to an understanding with the Congress. Probably he meant people to be chosen from the Congress.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Mr. Lalchand Navalrai is an honourable man.

Sir Muhammad Yamin Khan: Certainly, he is, so was "Brutus"; I think it will be a folly if the Government tries to come to an understanding with people who are purposely creating deadlock and ignore other parties absolutely. Sometime ago there was a cartoon in the *Hindustan Times* depicting that His Excellency the Viceroy was having a sound sleep as if there was no anxiety for him in this country as a representative of the British Government. That sound sleep may not turn out to be the sleep of Rip Van Winkle. Man may grow old and his children may not even recognise him. That is not a proper thing. I think the Britishers have always been carrying on their duty honestly. Adaptability is their chief characteristic. Therefore, they should take into consideration as soon as possible the changed circumstances and change themselves before it is too late and the reaction comes which may be absolutely against them. It is better to have this question solved at an early date. Once a *bania* who had two sons was asked by a man as to who was cleverer of the two sons. The *bania* replied, "My younger son is cleverer than the elder". The man enquired why? The *bania* replied, "If my elder son lends a rupee, he tries to get back one rupee, but on the other hand if my younger son gets eight annas he is content. In this case my elder son in trying to get one rupee loses even these eight annas, but my younger son gets back at least eight annas." I tell you, Sir, it is the time to solve this question just now because after the war there should be so much reaction and there should be so much feeling which may react so badly that you may not even get a single supporter for you. Don't ignore those who are willing to co-operate. Don't ignore the party which is willing to co-operate. There may be others who may not go to that extent and it is, therefore, for you to distinguish between the two and find out the proper man.

Sir, I have only one word more to say and that is because of the fact that my Honourable friend, Mr. Lalchand Navalrai, dragged in the Archaeological Department and dragged in the names of certain people. I think it is invidious to start to drag in the names of persons, because if he has said something in favour of a man, then naturally we will bring in things where that particular man has done wrong. In that case this House will become a platform for accusing or justifying a particular officer for his actions. If he gets hold of a particular thing and on the basis of that he justifies the actions of a particular officer, another Honourable Member gets up and mentions other things which

go against that very officer. I think it is quite sufficient if matters of this kind are left to the good sense of the authorities to see if there is any justification for a thing or not. I do not want to say anything on this matter, but I would request my friend, Mr. Lalchand Navalrai, to think over the matter and find out why this Department has been attacked by this side of the House day in and day out. I think Mr. Lalchand Navalrai will give at least some credit to this Party that if there had been every thing going on in its proper way this Party would not have been going on ventilating their grievances every day, every week during all sessions of the Assembly for the last several years. I am not ready to endorse that every thing in this Department is right. I can assure my Honourable friend that we have got no grievance against any individual, whether he be a European or Hindu. If we find that he is carrying on his duties properly, if he is discharging his duties honestly and impartially and if he is dealing with all the communities in one and the same manner so far as the interpretation of rules or framing of rules is concerned they will find that the Muslim League Party will always be ready to support that official irrespective of his religion. They will never find us lacking in our support to them not on account of their religion or community but only on account of treatment based on justice. I do not want to carry on with this subject any more. I have already taken sufficient time of the House. With these words as we have declared, we are very sorry we cannot support this Bill or any further taxation.

Mr. K. G. Ambegaonkar (Government of India: Nominated Official): Sir, I wish to offer a few remarks on the observations made by my Honourable friends, Dr. Sir Zia Uddin Ahmad and Mr. Jamnadas Mehta, on matters relating to the Department of Food. So far as these observations relate to the control of prices and distribution of food, I need not say much in view of the fact that there has already been a full three days' debate on the subject and a reply was given by my predecessor. During the present discussion, various striking and picturesque phrases have been used, but I do not think that any substantially new point which was not covered by the reply of my predecessor has been made. I might say at once with regard to the suggestions made by Dr. Sir Zia Uddin Ahmad that none of the suggestions that he has made in regard to the manner in which the food problems should be tackled by the Government are new ones. They were naturally the suggestions which presented themselves to the Government from the beginning and are mostly being acted upon.

As to Mr. Jamnadas Mehta's declaration that in the battle for bread, the *baniya* has beaten the Government, I may say that if the *baniya* has scored a triumph it is not only against the Government, but also against the consuming public. It is a victory at the expense of the masses of the consumers. It is not, therefore, a matter for gloating if it is a discomfiture to the Government, but it is a matter for strong public condemnation.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): And strong action by Government.

Mr. K. G. Ambegaonkar: It is not merely Government action that would remedy this. It needs strong public opinion and I do hope that this House will agree to give that co-operation which is necessary to create the public opinion required in order to make this impossible. I must at the same time make it clear that I do not agree with Mr. Mehta that decontrol of wheat meant showing the white flag. It was only a change of ground and alternation in tactics in order to be able to deal harder blows at the enemy. As Major General Wood explained in his speech, as a result of decontrol the black market rates have been broken; in the beginning there was a spurt in the prices, but they have been brought down; they are no longer Rs. 12, but now they are Rs. 9. There is no longer that scarcity and shortage which were complained of in December and January. Large stocks are available in the market. I want

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to assure the House that the Government have not been content merely by issuing declarations and holding conferences, but action is being taken, measures are being devised and these are being applied with the utmost zeal. I shall not say more on this point.

I now turn to the charge which Mr. Jamnadas Mehta has levelled against the Government in regard to the increase in price of sugar. With his characteristic candour, he has told us what was the source of his information on the basis of which he made this charge. He has told us that one of the biggest manufacturers in U. P. travelled with him and during ten hours of travel with him, he gave him details on the basis of which he has made this charge. While dealing with the political situation, Mr. Jamnadas Mehta referred to certain so-called patriots who, he said, in order to raise themselves in the estimation of Mahatma Gandhi tell him certain things in which they themselves do not believe and which are not true. I am afraid Mr. Jamnadas Mehta has himself fallen a prey to such tactics in the present case.

Mr. Jamnadas M. Mehta: I am not a Mahatma.

Mr. K. G. Ambegaonkar: I shall try to emulate his frankness and concede at once that so far as the point that this increase in price is a gift to the manufacturers in Bombay is concerned, it is perfectly correct. I shall explain in a minute why the Government could not avoid that. But on all the other points his informant was entirely wrong. His informant told him that the Indian Sugar Syndicate did not want any increase in the prices. Now, Sir, it was really the Indian Sugar Syndicate which first took up this question, passed a solemn resolution at their Board of Directors meeting that the price of sugar must be increased because they could not get sufficient cane at the price which was fixed for the cane on the basis of which the sugar price was fixed. Because the Indian Sugar Syndicate has its membership confined to U. P. and Bihar the matter was brought to the Government of India by the Indian Sugar Mills Association. The headquarters of this Association is in Calcutta. But it is not an Association of the Bengal Sugar Mills but an association which represents all the sugar factories in India. Now, Sir, when this delegation came to meet the Honourable the Food Member, the representatives on it were drawn from all parts of India and had a majority from U. P. and Bihar. After the delegation had met the Honourable Member, we had detailed enquiries made from the Provincial Governments and at that stage, it was the Indian Sugar Syndicate which represented the case and explained the figures. They asked for an increase which was much higher than what we have allowed, and it was after a scrutiny of these figures that the price was fixed. So, his informant in telling him that the Indian Sugar Syndicate did not want a rise in price was entirely and definitely wrong. Secondly, this gentleman appears to have told him that they were prepared to increase the price of cane without any increase in sugar price, but that it was the U. P. Government which came in the way. Now, Sir, anybody who knows the basis on which the cane prices are fixed in U. P. and Bihar would be amazed at this remark, because the price fixed in U. P. and Bihar for cane is not a fixed price, it is not the maximum price, but it is the minimum price for cane so that no factory is prevented from giving a higher price for cane if it wishes to do so. All the factories said, "We cannot increase the price unless you increase the price of sugar" and it was only thus that the question came up. Mr. Jamnadas Mehta might say that "My informant may be wrong in all these minor details, but he is right on the fundamental issue, namely, that there was no justification for giving this increase in price, because he himself is a manufacturer and says I did not require it. Now, Sir, as I told the House the matter was investigated quite fully. We did not accept the word of one or two manufacturers nor of the whole Association. We went into all the details and examined all the figures. I shall have to explain a little more in detail what happened. Sir, it is very difficult

to ascertain the exact cost of a manufactured article. When, however, an article is manufactured by several manufacturers, some of whom are in a more advantageous position than others, it is still more difficult to fix the proper price. In the case of sugar factories, the difficulties are still further multiplied by the fact that here the variation in the cost is much wider because the cost depends upon the quantity of cane, the quality of cane, the extraction and various other things, and even two neighbouring factories have got large differences in their actual cost.

Now, Sir, under these difficulties, how did we ever fix the price at all? The reason is that sugar control is not really a new thing unlike any other controls. Sugar control was really something which the Government of India took over from two Provincial Governments which produce the maximum quantity of sugar. The U. P. and Bihar Governments introduced a scheme of control under which the price of cane was linked up with the price of sugar. They compelled all the factories to join the syndicate, they compelled all the factories to agree to sell their sugar to the syndicate and to accept the price which had a proper relation to cane. In order to do that, they have been getting detailed statistics. The Imperial Institute of Sugar Technology, Cawnpore, have been getting figures from the factories, they have been compiling various items of cost and on the basis of that, the average cost of production and average cost under each item has been worked out. Now, it was on the basis of these average costs that the price was initially fixed at Rs. 11/11/-. As soon as that price was fixed everyone started saying that this price had not been properly fixed. In the first place, when that price was fixed it was expected that it would be possible to get the cane at -/8/- per maund. When the season started, we found that that expectation could not be fulfilled. Many of the factories were not able to get sufficient cane at that rate and it was necessary to increase the price to ensure cane supply. An increase of two annas in the price of cane itself means an increase of Rs. 1/5/- in the price of sugar. Then there were other factors. We had expected that there would be a certain length of season but it was found that it would be much shorter in view of the irregularity of supply. A shorter season means higher manufacturing cost. Similarly, it was thought that there would be a certain percentage of recovery. We found that that also was not being realized. Then, there were increased costs in other materials which the factories have to use. All these factors were gone into in a very great detail and after the minutest possible scrutiny, made by the Governments of United Provinces and Bihar who have had an experience of these things for the last four or five years, we came to the conclusion that an increase in the price of sugar by Rs. 2/5/- was necessary in order to enable the average factories in U. P. and Bihar to continue their production. If we had not made this increase, what would have happened? As it is, we are afraid, we may not be able to produce sufficient quantity of sugar to meet the full requirements of consumers. If we had not increased the price, we knew that several factories were not able to produce as much as they should have and in some provinces the factories had to close down altogether. We could not possibly allow the production to go down. We had a responsibility to the consumers in that respect, so that even though it may sound paradoxical it was really to safeguard the interests of the consumers that the price had to be increased. My Honourable friend, Mr. Mehta, might say that in fixing the price you have taken into consideration the least efficient factories and in that way you have made a big gift to the more advanced factories. That is bound to happen to some extent, but it is not quite true that the price was fixed on the basis of the least efficient factories. Even after the price has been increased we find that in the province of Bengal as well as in some other provinces, they could not get their cane at that price or produce the sugar at that price, and even now I can tell Mr. Mehta that the price has not solved the problem for Bengal. Bengal, instead of being able to produce more, is not going to be able to produce as much

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quantity as it was expected but only half of it so that the problem of Bengal still remained unsolved.

Mr. Jamnadas M. Mehta: That is what I also say.

Mr. K. G. Ambegaonkar: What I am trying to tell the Honourable Member is that we did not take the Bengal prices into consideration at all, but it was the best average cost for the whole of India. In fact, if you go into the comparative rise in prices, you will find that sugar is the cheapest commodity still in the country, and had it not been for the control, you would not have got sugar even at that price. So, we have got to keep in mind the fact that when an industry has been singled out for control, we must be fair to it and we must not reduce the price to such a level that the industry goes out of production. I hope the Honourable Member is satisfied that the increase in price was not a gift to the more advanced factories, but it was essential not only in the interests of manufacturers but of the consumers as well.

Mr. E. L. C. Gwilt (Bombay: European): Sir, . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may begin 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. E. L. C. Gwilt: Sir, like my Honourable colleague, Sir Frederick James while I rise to support this Bill, I propose to say nothing more about it.

In the speech made upon the Budget by the Leader of my Group, he referred to the subject of dearness living allowance, and to this subject I wish to return, particularly as there have been a number of demands made of the Finance Member that because certain sections of industry are paid a rate based upon the incidence of cost of living, such incidence must necessarily be the yard stick by which dearness living allowance shall be determined for all and sundry labour.

I hope to show that it is because this formula is in force in a particular industrial area and paid by the primary industry in that area, a vicious spiral is created which causes an artificial cost of living indices.

It is true, as has been stressed on several occasions during the present Session of this Honourable House, that there exists a disparity between the dearness living allowance paid by Government to its employees and that paid, in some areas, by industry to its labour, and though I am not in a position to say that that scale is, or is not, in correct proportion, I maintain that the Central Government, in consultation with representatives of the Provincial Governments, should be able to find an equitable formula, and I would ask the Honourable Members of Finance and Labour whether any suggestion has been made to the Provinces that some scheme should be made uniform throughout the country. I would like to ask, too, as to what extent the advice of the Economic Adviser to the Government of India has been sought, and followed, in this respect.

Take for instance the scale that is being paid to millhands in Bombay. It is calculated on the incidence of the cost of living index, and for the month of February, the cost of living index was 205 and the proportionate sum paid by way of dearness living allowance was Rs. 23/11/-.

The basis is entirely different from the one adopted in Calcutta where industry, if I understand the position correctly, in a determined effort to put a check upon the artificial rise, of which I have spoken, pays a much lower scale but purchases food for its labour, if necessary in the black market and sells it to its labour at pre-war rates which, by and large is what Government is doing.

But to return, Sir, to the cotton industry in Bombay. If my figures are not strictly accurate, I submit the point of my argument is not far from correct. Before the war, the mills produced and sold a piece of cloth, say a dhotie, at Re. 1, and though they may not have been satiated with the profit resulting, many of them paid good dividends. The retailer in those days, when he sold that dhotie to the public, made but two to four annas profit on it, and the reason, of course, for this small profit, was competition and the large amount of cloth that was available for sale. As a result of the increased cost of raw materials, due to the war, prime cost, plus profit to the mills, has increased the price of that dhotie by eight annas and to Re. 1/8/-. I hope the House understands that my figures must essentially be approximate, but owing to the Defence, Supply and Commerce Departments taking up a large percentage of the production of the mills, but a fraction of their output is now available for civil requirements. The effect of this has been that the retailer has, in successive stages, and in the absence of any control of price, raised the cost of that dhotie to the public to a figure approaching that of diminishing returns—in other words to the highest figure he can squeeze from the purchaser—and I believe in some cases, as high as six rupees.

The mills, Sir, being managed by very human beings, who, unable to see the justice of the amount of profit thus being made by the trade, in turn have raised the price of the dhotie to take unto themselves a share of the profit being made by the trade. In consequence, the mills have been making extremely high gross profits, despite their ability to produce more cloth than they are doing, for civilian consumption.

Now, Sir, in Bombay Government in their wisdom have encouraged—I won't use a word so strong as "coerced"—but they certainly have encouraged, the mills to disgorge much of their profit to mill labour by way of a dearness living allowance and an annual bonus. What is the effect? The mills are sitting pretty because dearness living allowance is, I understand, an item of prime cost permitted by Government in the price they pay for their share of the mill production; labour can have no objection whilst this state of affairs continues but the individual who, to my mind, is the most favourably placed, is the shopkeeper, particularly if he can convince his customers, honestly or otherwise, that his wares are in short supply, and charge very high prices for them, for the more he raises prices, and particularly those of food and essential commodities, the higher goes the cost of living index, and the more the mills disgorge by way of bonus and allowance under every encouragement by the Local Government.

I must make it clear, Sir, that I do not oppose the payment of dearness living allowance, but I do ask that prudence and equity be shown. When one thinks of Bombay, one is apt to think in terms of cotton mills, but there are thousands of souls who are not employed in mills, but their standard of living is set by the rates of dearness allowance paid to mill workers, and suffer in consequence, not through the apathy or disinclination of their employers to pay the same rates as mills, but because their employers cannot afford to do so.

For this reason, the scale of dearness living allowance paid by the Mill-owners Association sets in motion that vicious spiral of which I have spoken, and which may have unfortunate repercussions throughout India at some future date.

Mr. Jamnadas Mehta correctly said the other day that the State has the right to interfere, if a point of starvation wage has been reached in an industry and no reasonable person can gainsay that, but I submit there is little reason shown in the adoption of the payment of dearness living allowance on a scale dependent upon the incidence of cost of living, if there is no parallel price control of the product of the industry concerned, and if this procedure is permitted to continue without the fixation of ceiling prices for commodities, it will inevitably lead to economic disaster, for who but the State and the individuals comprising it, pay these allowances? The policy must lead to inflation.

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and because large amounts of money are handed over to individuals whose incomes are outside taxable limits, the State loses large sums of revenue, not only by way of income-tax but also Excess Profits Tax.

On the other hand, if prices are permitted to rise unchecked, and profiteering to go unpunished, an employer, however willing he may be to pay to the State, that which is due to it by way of Excess Profits Tax, cannot entirely disregard a demand made upon him by labour to compensate them for an abnormal increase in the cost of living.

As I have said, I do not oppose the payment of a dearness living allowance nor a reasonable bonus; the latter is a profit sharing measure and to my mind is to be encouraged, but I urge that the Central Government should seek the collaboration of the Provinces in an attempt to reach uniformity in the payment of dearness living allowance by the various industries and the immediate introduction of price control measures. To the lack of these, I shall refer later.

As every one knows, the vast bulk of individuals representing labour in this country are improvident. That fact not only applies to India, but perhaps the more so. I would, therefore, suggest, not only in the interests of industry, particularly when wages must be reduced, but of labour as well, that the whole or a proportion, but not less than a half of the bonus (and here, of course, I differentiate between bonus and dearness living allowance) should, by statute, be invested in Post Office Certificates or some such fund administered by Government, and I am surprised that this suggestion has not been made by my Honourable friends, Mr. Jamnadas Mehta, and Mr. Joshi.

It is well to remember that dearness living allowance and regular *ex gratia* payments made to labour throughout the war, will, in total be regarded by them as wages, however much an employer may attempt to keep them separate.

Possibly some Honourable Members have seen "The Report of the London Chamber of Commerce on General Principles of Post-war Economy" which has recently arrived in the country, and which may, in the opinion of some, be regarded as the anticipation of the millenium, but it provides much food for thought. One of the points the report stresses is the desirability of the balance of earnings between industry and agriculture, that is to say, between town and country, and how essential this balance is both for social stability and for the health, and happiness of the community. As was pointed out in this House but a few days ago, though the cultivator may today be making more profit on his crops than in normal times, nevertheless, the lion's share of the proceeds consistently goes to the middleman.

If the Government has not already done so, may I suggest that they study the manner in which South Africa has achieved the equalisation of the balance of which I have made mention? I ask for nothing which will lower the standard of living of the masses of India, but I draw attention to the increasing unevenness of the tip of the balance as between wages of industrial and agricultural labour. I will now deal with the subject of Import licences, and the delays that occur in the granting of them. I appreciate only too well the magnitude of the work undertaken by the Department of the Chief Controller of Imports and the nature of its responsibilities. It is complex and multifarious to a degree, but I am left with the impression that a great deal of the spate of criticisms directed to this Department, is due to the fact that it continues to be organised as a Government Department instead of on lines on which a commercial business is conducted.

If ever there was a department of Government that should be organised on commercial lines, it is this one, for a very large section of the business community in this country can only operate at the pace at which this department functions.

The delays in the granting of licences seem to be due to three main causes: firstly, several hundreds of applications are daily received in the department, and are addressed to the department rather than to an individual, which procedure is in strict keeping with Government ethics, and no doubt throughout the years, this practice of retaining the obscurity of the personnel of a department was well founded, but I believe that this one factor is responsible for the commencement of the delay.

The envelopes containing the applications, I think I am correct in saying, are opened and sorted by a cadre of clerks, whose duty is to classify them in their particular schedules, to attach them to the appropriate file if there has been any previous correspondence in the matter, and the file is then passed on to the officer, whose duty it is to peruse the application. These applications must cover a range of some hundreds of industries and thousands of products, and it seems to me incomprehensible, that any one, or two or half a dozen men in the department should be expected to be informed of the intricacies of the vast variety of industries entailed. No business house dealing with the complexities of the work handled by the Chief Controller of Imports would expect one and the same man to be expert in, say, machinery for the textile industry, the tobacco industry, the steel industry, the vast number of manufacturing operations covered by the Engineering industry, the drug industry, the scientific apparatus industry, to name but a few of those to which the applications apply.

What then is the result? Unless the officer dealing with an application can dispose of it himself, he must seek the advice of some other Government department which he feels has on its staff an individual who knows more about the industry to which the application applies.

Now, Sir, if the file has to be passed to another department, the second delay comes into operation. It seems that even, if the office to which the file is passed by the department is but a few yards away from it, it takes at least three days for it to reach its destination. This is not an exaggeration, indeed it is based upon the assumption that the officer to whom it is sent has not to pass the file on to somebody else.

In the reverse process, the file is "in the wilderness" as it were, for another three days, and if my friend the Chief Controller of Imports feels I do him an injustice or exaggerate the position, I would ask him to investigate the accuracy of what I am saying, and to take, at random, half a dozen applications received in his office, and ascertain the dates on which they were originally received, the dates on which they were perused by the officer within his department, and if they had to be passed on to another department, the date on which they left the C. C. I's department, the date on which they were received in the other Department, the date on which they left, and if they had not to be passed on to yet another department, the date on which they were received back in the C. C. I's department. I venture to suggest that he would be surprised at the waste of time, not in the actual examination of the file, but in transit from one Department to another. My criticism is directed not against the individuals but to the system.

The third cause of delay, and one not generally appreciated, is one beyond his control, and is due to the exigencies of war. I refer to the frequency with which shipping programmes are upset.

However, Sir, the first two factors should be within the competence of the department to correct, and I suggest the number of officers in the C. C. I's Department who handle these applications be increased, for my own experience is that its present and efficient personnel have far too much to do, also that the business community be informed of the names of the gentlemen to whom applications for licences should appropriately be sent, and if for any reason, which I am unable to perceive, Government wish to keep masked the identity

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a portion of these balances, the result thereof on the economy of this country would be disastrous. The value of money depends on its backing. Money forfeits its purchasing power and foreign convertibility if it is not backed by tangible assets such as gold, silver, foreign exchange, etc. In India, the gold backing of the currency has now fallen to 7.4 per cent. or even below that, while sterling securities of the Reserve Bank note liabilities are as high as 69 per cent. and more.

The Honourable Sir Jeremy Raisman: The value of gold is three times of what the Honourable Member indicated.

Sir Abdul Halim Ghuznavi: The value of gold is three times, but where is the guarantee that the value of gold will not fall to a third at a future date?

The Honourable Sir Jeremy Raisman: You are taking the present value of sterling and when you are comparing the percentage of backing, you should also take the present value of gold.

Sir Abdul Halim Ghuznavi: My point is—what is the value of sterling. You have controlled it in such a way that it cannot be converted into gold or dollar or anything else. I am talking of your sterling balances in London. I should like to get your answer to that and then I shall give you my point of view. Sterling has ceased to be a free currency. What is your answer to that? Is it not a fact that you have controlled it in such a way that it is no longer freely convertible? Sterling has ceased to be a free currency in the sense that it is no more freely convertible into gold or dollar. That is what I meant. Moreover the gold parity of sterling has declined by 12 per cent. since June 1939. It is difficult to foresee what the status and value of sterling would be in the future. I am not being unduly pessimistic, but it is only a common sense view that sterling cannot maintain in the post-war world the same status that it has had in the past.

The Honourable Sir Jeremy Raisman: That is by no means only common sense.

Sir Abdul Halim Ghuznavi: I shall prove that it is sense. - What is the lesson of the last war? Don't forget that.

The Honourable Sir Jeremy Raisman: What is the lesson of the three or four years after the last war?

Sir Abdul Halim Ghuznavi: That is a different thing altogether. We are now discussing what will happen immediately after the war—not what will happen three or four years later. By that time we shall clear up all our sterling balances and we shall be left with nothing. The four or five years following the termination of the war will give ample time to clear away all the sterling balances. In this connection, I may point out that America, Canada and South Africa have all obtained from Britain payments more by disinvestments of British assets in those countries than by opening up sterling credits in London.

The Honourable Sir Jeremy Raisman: What is Canada doing now?

Sir Abdul Halim Ghuznavi: I will tell you later on what Canada is doing now. When Argentina expressed fear that her sterling balances in London would be treated as block credits, on their own insistence, Britain agreed to give them a gold guarantee clause. Am I correct?

The Honourable Sir Jeremy Raisman: That was before the war.

Sir Abdul Halim Ghuznavi: Whether it is before the war or after the war, you have given a guarantee by means of a gold clause. That is my point. Give us that guarantee too and we will not bother. Give us that gold guarantee for our sterling which you hold in London, which is our money. The case of India, however, is unique in this respect. Of course, the repatriation of sterling debts and railway annuities and the purchase of certain railway debentures have helped to clear a certain portion of these sterling balances but these are almost insignificant compared with the rate at which these balances are accumulating in London.

The Honourable Sir Jeremy Raisman: The Honourable Member has an extraordinary idea of insignificance.

Sir Abdul Halim Ghuznavi: What is your balance now? What is the rate of accumulation?

The Honourable Sir Jeremy Raisman: I do not know what it is but three hundred millions cannot be insignificant in relation to it.

Sir Abdul Halim Ghuznavi: I admit it is not insignificant but still you have cleared that out. That has gone now. The Indian public and the Indian commercial community, in particular, have from time to time expressed deep concern over the Government's policy in allowing these balances to go on accumulating. The Federation of Indian Chambers of Commerce and Industry has made a representation to the Government in which very helpful and sound suggestions have been made for the disposal of these balances now. They include the liquidation of British investments in India, payment for purchase in durable assets like capital goods, payment in part in gold and dollars. It is only fair that these suggestions should be implemented. If, on the other hand, India's dependence on Britain is taken advantage of and a treatment which is different from that meted out to the other Colonies and Dominions is meted out to her, then I say that Britain and the Government here will never be able to clear themselves at the bar of world opinion. The Honourable the Finance Member may laugh, but that is the position. He can only laugh: what else can he do? Viewed from this angle I do not at all feel happy about the Budget speech of my Honourable friend.

Now, Sir, there is another trick which the Finance Member has up his sleeve. The Honourable Member now wants to liquidate a part of these balances by making advance provisions of sterling to meet future payments of family pensions and provident fund. That we will pay from year's end to year's end for centuries, but he is now trying to create a fund out of these sterling balances to provide for these pensions which are payable from year's end to year's end. He finds the sterling balances very helpful and useful. I ask: why are you funding that?

The Honourable Sir Jeremy Raisman: Did the Honourable Member object to the redemption of the non-redeemable debt which also would go on from year's end to year's end?

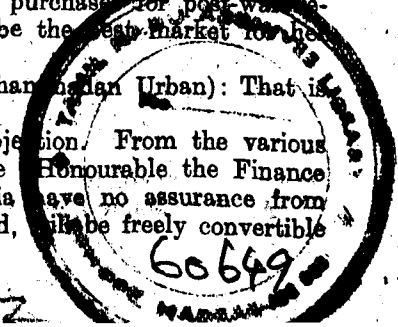
Sir Abdul Halim Ghuznavi: Because there I save my interest and even there I do not agree with him. Let those debts be there. I can use these sterling balances for other useful purposes. My point is: Is the Government apprehensive that a future Indian Government would refuse to pay those pensions? Is that in your mind? Otherwise why do you want to fund it immediately. Why don't you trust the Government which is to come? They will not repudiate these obligations. They will go on paying those pensions which are your obligations and which obligations they will take over.

Now, Sir, a word regarding the Re-construction Fund. I know my Honourable friend, Mr. Neogy, will deal with this part of the Budget speech, but I will deal with one aspect of it which, I am afraid, may not be in his mind. It is this. The question of constituting a Re-construction Fund is another way in which Government think of liquidating part of the assets. In view of what I have already said, the country is not satisfied that the Re-construction Fund will purchase an equitable value for India in the post-war days. Moreover such funding makes it incumbent on India to make her purchase for post-war reconstruction in Britain which may not necessarily be the best market for her then.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muham. Indian Urban): That is our chief objection.

Sir Abdul Halim Ghuznavi: Yes, that is our objection. From the various statements made on the floor of the House by the Honourable the Finance Member it is evident that the Government of India have no assurance from Britain that the Re-construction Fund, so constituted, will be freely convertible.

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in gold or dollars. We will agree to your funding for the reconstruction in order that India may make her purchases freely from the best markets in the world. Sir, comments appearing in the British press lately on the Honourable Member's speech and statements made by the mouthpieces of "big business" in Britain have only tended to confirm the apprehensions in the minds of the Indian public that the Re-construction Fund is designed in order to subsidise and support British exporters and assist the rehabilitation of British industries in the post-war period. I must, Sir, enter my emphatic protest against the method by which the Government is frittering away the sterling balances which substantially represent the toils, the sufferings and the sacrifices of the poor millions in this country.

Sir, regarding the Public Accounts Committee and the joint war measures, I agree with my Honourable friend, Sir Cowasjee Jehangir, when he said that the Public Accounts Committee is not the appropriate body to offer advice to the Executive Government on this subject on behalf of the whole of India. The Public Accounts Committee is elected from this Honourable House in which a substantial number of the Honourable Members are absent. Such a Committee cannot be said to be a fully representative Committee, as my Honourable friend, Sir Cowasjee Jehangir, has pointed out. Moreover, we have the admission of the Honourable the Finance Member himself on the floor of this House that their scrutiny is only in the nature of a post-mortem examination. These and other allied subjects are matters of vital importance affecting the future economy of the entire country. The Executive Government cannot be the sole arbiter on these matters. They must be guided by the advice and decisions of a Committee of men representing not only the electorate of the country but also able economists and, in particular, those who have a vital stake in the country's economy.

Sir, I will now deal with the new taxation measures which I feel are inconsistent with the Honourable the Finance Member's assurance given in 1940. Even in peace time the taxes on India's resources have been somewhat on a war scale. During the war the taxes have been so increased as to bring them up to the strangulation point. The new proposals with regard to the taxes with increases in the surcharge and in the corporation tax are serious inroads on the normal profits of trade and industry. They are bound to cripple the building up of reserves by the existing industries for protection against post-war competition. I would go further and ask whether this increase in the income-tax rates and the basic rate of corporation tax is not inconsistent with the assurance given by the Honourable the Finance Member when he introduced the Excess Profits Tax Bill on the 13th and 14th March, 1940, that the cost of additional defence measures should be borne in the first instance from profits arising out of war operation. While replying to the debate on the Excess Profits Tax Bill on the 14th March, 1940, my Honourable friend the Finance Member said—these are his own words:

"The principle of this Bill is not the taxation of profits which can be demonstrated to be due to the war; it is the taxation of excess profits arising in war time and in war conditions, because it is based on a principle of priority of taxation, namely, that the cost of the additional defence measures to be borne in the first instance by those who in the conditions of war find themselves not worse off but better off."

Mr. P. J. Griffiths (Assam: European): In the first instance.

Sir Abdul Halim Ghuznavi: Yes, in the first instance.

The Honourable Sir Jeremy Raisman: I understand the Honourable member to be supporting an increase in the excess profits tax.

Sir Abdul Halim Ghuznavi: What I say is this: there is no justification for you to increase the surcharge and corporation tax. That is not due to the war. That is their every day normal business profit. You are increasing it to a strangulation point.

An Honourable Member: Is it a strangulation tax.

Sir Abdul Halim Ghuznavi: Strangulation of industries. The Honourable the Finance Member further said:

"In looking round for the sources of your new tax will you refrain from taxing definite war profits, because it can be argued that any measure which is devised to tax war profits will also possibly affect a small number of persons who, though they are making additional profits during the war, are perhaps not making additional profits because of the war?"

That is the justification the Honourable Member gave us for the excess profits tax. What is his justification for increasing sur-charge and corporation tax? Sir, the percentage of tax, income-tax, sur-charge and super-tax in a rupee profit has increased steadily from 21.9 in 1939-40 to 38.5 in 1943-44, an increase of 16.6 per cent. I would say that the attempt is to kill the goose that lays golden eggs.

Now, Sir, there are certain grievances of the income-tax assesses. My Honourable friend the Finance Member laughs. I am the only one who attacks him on that point. I am not attacking him this time on that point; I am addressing my remarks to Sir John Sheehy. My Honourable friend thinks that I am going to attack him now as I have been doing during the last two years.

Sir, I come to the administration of the Income-tax and the Excess Profits Tax Department. As a result of country-wide agitation to free the appellate machinery of this Department from the shackles and influence of the Executive, the Honourable the Finance Member, while replying to my Resolution on the Income-tax Administration during the last Budget Session granted that the Appellate Tribunal may be transferred to the Law Department, for which the assesses are very grateful to the Finance Member and Sir John Sheehy. But Sir, the Appellate Assistant Commissioners still remain under the Board of Revenue.

The Honourable Sir Jeremy Raisman: And will remain.

Sir Abdul Halim Ghuznavi: Before I finish my sentence the Honourable the Finance Member says "it will remain". I expected that answer. Let it remain on the ground that justice is not going to be done to us. No amount of my talking will convince him. Now, Sir, I will not deal with that point. I will stop it here; since he has said, "it will remain", what is the use of bothering my head for giving further arguments.

Sir, there are certain anomalies in the administration which I related last year on the floor of this House and which still persist. Look at the anomalies and look at the discrimination. I will give only one instance. The Income-tax authorities are still calling upon Indian assesses—only Indian assesses and not Europeans—to submit, on oath, a statement of their total wealth. How is it possible for a man or a woman to give a statement of his or her total wealth when he or she may not have accumulated that wealth but have inherited from his or her parents. I have already pointed out the impossibility of submitting such a statement in a form requiring a thousand and one details. My point here is that we are not bound by law to give that statement. The Law does not authorise the Department to call for that statement. If they still persist in asking us—I mean only Indians—a test case will have to be fought out in order to see whether the law permits of it or not.

Sardar Sant Singh: Have you taken the legal opinion on that point.

Sir Abdul Halim Ghuznavi: Now, Sir, a word or two about the National War Front. My friend, Mr. P. J. Griffiths, has sent me one of his pamphlets. This is the one I am referring to, "Why can't he mind his own business"? In deference to his request which is contained in this pamphlet, I have not sent it to the waste paper basket. I have read it from beginning to end. I understand, Sir, that nearly 75 lakhs of rupees are being spent annually on propaganda of this sort. What a huge waste of the resources of the Indian coffers? Whom does my Honourable friend want to convert to his views?

Mr. P. J. Griffiths: Not you, but those who have an open mind.

Sir Abdul Halim Ghuznavi: Before I proceed, further, may I know what in the percentage of literacy in India? It is not more than ten per cent. of

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whom much less know English. Look at the colossal waste of money on 90 per cent. of the population who know not how to read. Now, Sir, as I said whom does my Honourable friend want to convert by the publication of such propaganda?

Mr. P. J. Griffiths: Not you?

Sir Abdul Halim Ghuznavi: I am with you. Why this waste?

Mr. Jamna Das M. Mehta: With him in waste?

Sir Abdul Halim Ghuznavi: Those of us who are termed "loyalists" are already actively supporting the National War Front. That my Honourable friend knows. We are all with him. (Interruption.) I am qualifying my statement by using the word "loyalists"—those of us who are "loyalists". Others who realise the cause that is at stake in this war are also actively helping you in the National War Front. These two classes, you have already got. No propaganda is necessary for them. Does my Honourable friend hope to convert the extreme nationalists by this propaganda, by these pamphlets which he issues from time to time? They will not even as much as look at these pamphlets. If you want to get them, what they want is something done here and now to make them feel that this is their war. Do that. No propaganda is necessary. The whole of India will stand behind you to crush the axis powers in no time. Willingly men will march forward to fight the Nazis, and as Sir Muhammad Yamin Khan said, people will come forward then not merely for pecuniary considerations, but for the love of defending their country. I will then willingly offer all that I possess to fight the Nazis and the Fascists. Show by your action that this is our war. I do my bit because I think it is my duty to do it, whether I feel for it or not. We must do what we can to win the war, but I cannot call upon my countrymen to do the same thing unless they feel that it is their war. Create a situation by your action in which we may feel that it is our war.

In this connection I have got a small cutting of an advertisement for which my Honourable friend, Sir F. E. James, has a great liking. Here is the propaganda on which my Honourable friend spends so much money. I am the Chairman of the Defence Loan Committee in Bengal. My Honourable friend knows it. Day in and day out, I do all I can to collect money for the defence loan. At one of the meetings of the Committee my Honourable friend was present when I argued that the time had come when we can go to the masses and win them over. But the Committee turned down my suggestion and said that this was not the time. They said that the prices of commodities had gone up sky-high and, therefore, not one of them would even think of saving, because there was no saving. The masses are now living under such bad conditions. But why then this advertisement, may I ask?

Mr. P. J. Griffiths: On a point of information, Sir. The masses do not read papers in English.

Sir Abdul Halim Ghuznavi: Then why do you advertise? For whose benefit are these advertisements inserted? These loans are subscribed to by monied classes like us who are with you; they are subscribed to by the Banks, by Insurance companies and by the commercial community. They do not require this kind of advertisement. Is it then to bribe the nationalist press; is it that you want them to support you for your giving them this advertisement, which you perfectly well know, will not be read by the masses? According to your own statement they do not know English. This is the advertisement in the *Amrita Bazaar Patrika*, a nationalist paper:

"2,000 new tyres, 520 tons of stores needed daily in the Middle East Campaign. Success depends on supplies. Buy Defence Savings Certificates."

Mr. P. J. Griffiths: What is wrong with that advertisement?

Sir Abdul Halim Ghuznavi: By reading this advertisement, I would not buy one pie worth of certificate. That does not tempt me.

Now I come to another point. I may be wrong on this point and I am subject to correction by my Honourable friend who has got the national war front propaganda in hand. I think he has been instrumental in engaging the services of Prof. P. J. Thomas.

Mr. P. J. Griffiths: Yes.

Sir Abdul Halim Ghuznavi: Well, then, it is a fact. Now, I will not use any strong word such as "expose", but I will simply say I bring this to the notice of the House. Look at this. This is not a matter for laughter. When I give you the facts, you will soon cry. My Honourable friend admits he has got Prof. P. J. Thomas appointed.

Mr. P. J. Griffiths: I do not admit; I state.

Sir Abdul Halim Ghuznavi: Yes, he has engaged the services of Prof. P. J. Thomas, an Economist. I do not know where he is. What is he appointed for? "To organise public opinion against the persistent public demand in this country for the establishment of key industries and greater industrialisation".

Mr. P. J. Griffiths: That is entirely and completely untrue.

Sir Abdul Halim Ghuznavi: Then, let my Honourable friend say what he is doing. I will tell him what he is doing according to my information.

The Honourable Sir Jeremy Raisman: Do not first say what he is not doing and say he is doing that.

Sir Abdul Halim Ghuznavi: Well, let me proceed. Well, these laughters do not perturb me, you can rest assured. I know my subject well.

The Honourable Sir Jeremy Raisman: Or the subject knows you.

Sir Abdul Halim Ghuznavi: These laughs do not help you to take me away from my subject. His first move is in the direction of organizing "autonomous groups" in various provinces, which would educate in their turn, public opinion on questions such as greater benefits of free trade policy, necessity for maintaining the agricultural economy of India, safeguarding of consumers' interests and the unsuitability of the policy of protection.

Mr. P. J. Griffiths: Sir, on a point of information. I must object to this. Two contrasting policies have been put forward for consideration. My Honourable friend in each case is dealing with one of those policies and ignoring the other.

Sir Abdul Halim Ghuznavi: I am not in possession of the other. Your policy is in my possession.

Mr. P. J. Griffiths: Where have you got it from?

Sir Abdul Halim Ghuznavi: From the Chamber. (Interruption.) What is the Chamber for if it does not provide us with all the information.

Mr. P. J. Griffiths: It is your duty to find it out before you speak it out.

Sir Abdul Halim Ghuznavi: This is an information which you do not contradict. There is another side of the picture also, but I will drop it because my Honourable friend is getting fastidious.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): We would like to hear.

Mr. P. J. Griffiths: Do not drop it.

Sir Abdul Halim Ghuznavi: What is the good of rubbing it in any more; I have rubbed it in sufficiently. So. I would drop the rest of it.

The British businessmen have already started a cry for more agriculturisation of this country and my Honourable friend, Mr. Deshmukh has fallen for that cry. My Honourable friend, Sir F. E. James, even went so far as to suggest that the best way in which the growing sterling resources of India could be used is for the reconstruction of agriculture. All of which, so that India may always remain a predominantly agricultural country producing nothing more than the raw materials necessary for the Western democracies.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Did he say that?

[Mr. E. L. C. Gwilt.]

of officers dealing with applications, then give them a code number, so that the application may go direct to the officer, who will deal with it.

An Honourable Member: No. 10.

Mr. E. L. C. Gwilt: Anything you like. I suspect one of the objects of not divulging the identity of the officer concerned, is the chance of his being transferred to some other department, and the fact that he can be so transferred is, I maintain, yet another factor causing delay. Is it not possible to retain senior personnel during the war, and for them to retain their claim to seniority? On one or two occasions recently officers within the department have been transferred, and probably just as they had mastered the complexities of their work. If my proposal to enlarge the responsible personnel of the department is not feasible, I would suggest an inter-departmental Committee consisting of a member of the Departments of Finance, Commerce, Supply, D. G. I. M. S., and Lease-Lend should be available for consultation not less than once a week, and this Committee should consider and give a decision upon applications upon which the C. C. I. Department require advice.

I would also ask whether the filing system that is in force throughout the Secretariat, is virtually identical to that in use in times of peace. Government are employing commercial experts to assist them in production. Can they not impart similar advice completely to overhaul their filing system?

I will now deal with a matter which may, on the face of it, appear trivial, but which is far from it. I refer to the excessive amount of time frequently spent by those who come to New Delhi on Government business.

Owing to the rapid expansion of so many of the departments, constant changes have to be made, not only within their personnel, but in the location of the department itself, and judging by the assistance a visitor, attempting to find his way, receives from the majority of the chaprassis at the Secretariat, that building might well be termed "That Great edifice of *Malum Nahin*".

To give but one illustration of my case: During the last Budget Session, and previously, the office of the D. G. I. M. S. was situated in the South Block of the Secretariat. In August I had occasion to call upon that department, but on arrival found at the entrance an armed guard who refused to allow me to enter without a pass, because that section of the building had been taken over by the Army. The sentry did not know where the D. G. I. M. S.'s Office was, indeed had never heard of it. Three Chaprassis of whom I enquired, were equally innocent, but a clerk came to my assistance and told me there was a Notice to say the department had been moved; but as the Notice was in the corridor, and I was not permitted to enter to read it, it was not very helpful.

Eventually I discovered the department had been moved to the North Block. Now, the North Block, Sir, is a large building consisting of several hundreds of rooms and a labyrinth of corridors, and it was only after the greatest difficulty that I eventually found the Department of the D. G. I. M. S. I arrived fifteen minutes late, missed my appointment, and had to wait another hour and a half, for the gentleman I wished to see, naturally concluded I was not coming.

Then again, telephone numbers are constantly changing, and officers move from one department to another. It is impossible to assess in terms of money the time lost by those who have to find their way to and about various Government Departments, time, all the more important, when the staffs of so many business houses have been drastically reduced. I suggest there should be a Central Enquiry Bureau, to which should be submitted each day any changes that have occurred in the personnel of a department, in its telephone numbers, and in its location. The Bureau might be in charge of a pensioner who knows his way about Delhi and the working of the various departments, and should have under him a team of intelligent chaprassis who could guide a visitor to the room he seeks, or at least put him on his way. If at such a Bureau a visitor could make his enquiries, not only will he have cause to be grateful, but also many of the officers of Government, for, as things are frequently the only way

to learn the whereabouts of for instance, an Under Secretary, is to phone a colleague, his time is wasted, and an already overloaded telephone service is further strained. On Friday morning the European Group tried to locate the whereabouts of the office of Major General Wood. We had to phone up five different numbers before we got him. We disturbed four people and we put through five calls when one should have been sufficient.

An Honourable Member: Such is the efficiency of the administration!

Mr. E. L. C. Gwilt: Now, before I end, I would like once more to draw attention to the inaction of the Central Government to control prices, and especially of imported foods and drugs, for instance, Infant Foods and many others which are imported not only at the peril of the ships that bring them to India and the lives of those who man these ships, but at great sacrifice of the peoples from whose countries they are shipped. England, Sir, can ill afford to spare much of what she is exporting, this not only applies to food, but the more so.

To my mind, the Government of India, if they continue in their failure to take drastic steps to put a stop to it, lay themselves open to the charge of connivance at profiteering in imported foods and drugs, and it is pertinent to ask what they consider would be the attitude of His Majesty's Government, were they made aware of the fact that the people of Britain are being asked to make sacrifices in order to provide a black market for the middleman in this country.

It is no answer to say that price control is a Provincial matter. The initiation of action against profiteers can be taken by the Central Government tomorrow if they are determined to put an end to these activities, they, and they alone, have full powers to do so.

May I ask the Honourable Member in charge of Defence or his representative in this House in relation to this subject, whether he has considered the position of the British private soldier? His pay is little enough, but if he is in England he makes his few purchases of comforts at controlled prices, but if he comes to this country to be ready to fight for it, he is fleeced for practically everything he buys in the bazaar. I cannot but think that his interests in this direction are causing the greatest anxiety to the Army authorities.

I have already placed before the appropriate departments a method upon which a price control scheme could be based; so I claim an attempt at being constructive.

There are some who say that this is not India's war, but there are others, and they cannot be one and the same, who have made and are making fortunes out of it, not necessarily from what India herself produces, but out of goods which England exports and thus has to forego in times of want.

Sir Abdul Halim Ghaznavi: Mr. Deputy President, my Honourable friend, Sir Cowasjee Jehangir, has dealt with the Budget proposals extensively and in a very able manner. There are, however, one or two points which I would like to elaborate because I feel that Sir Cowasjee Jehangir was not sufficiently clear in regard to those.

Sir, I would like to deal with the question of inflation and the sterling credits first and, in that connection, the problem of rising prices, which has been the subject of much criticism on the floor of this House and outside. The

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shortage of consumable goods is said to be one of the reasons for this sharp rise in prices. In certain quarters it is believed that inflation has already set in. I personally think that, while there has been a large expansion of currency, which is inevitable under the war conditions, there is no inflation as such. We must not lose sight of the fact that till the war started the authorities were unwilling to place into our hands sufficient currency for the healthy conduct and growth of our commerce and industry. In this connection, Sir, I must refer to the policy of the Government in the treatment of the sterling resources of this country. If sterling balances are allowed to mount up at the present rate in Britain and the Government here go on doing nothing but issue currency against

Sir Abdul Halim Ghuznavi: It is my statement. Sir, it was Henry Ford who once said: "Go out into the world and the only slave left on earth is man minus machine." That was a pointed reference to India.

Mr. P. J. Griffiths: That is a biased view.

Sir Abdul Halim Ghuznavi: I know that if India must industrialise herself it will be not because of these foreign vested interests, but in spite of them. It will be very interesting to know how these very same vested interests who, in Bengal, opposed tooth and nail all attempts of that Government to reduce the acreage under jute in order to grow more rice, have now come forward with a plea for larger agriculturalisation in the interest of the Indian masses. But do you know why they say "grow more jute"? Not in the interest of the agriculturist, but in their own interest. What they want is: "Grow more jute" so that jute may be sold to them at uneconomic prices. They want to buy cheap jute and put up a high price for their finished goods. The Government wanted to reduce the jute acreage to a third; but these vested interests fought, fought and fought. Instead of saying "Grow more food", their cry was "Grow more jute"—starvation or no starvation. Here they are shedding crocodile tears for the Indian agriculturist! But the real point is that the future of India depends on better industrialization which will automatically provide better means of agriculture.

Sir, it has become customary for the Viceroy of India to grace the occasion of the Annual General Meeting of the Associated Chambers of Commerce in Calcutta by his presence which is generally taken advantage of to sing the political song both by the President of that organization and His Excellency the Viceroy. On the 17th of December, last, my good friend, the Honourable Mr. R. R. Haddow, in his presidential address to the Associated Chambers, showed a closed fist at the Indian industrialists. His entire speech was characterized by an overwhelming indignation against the demand for greater industrialization in India. In all that he said, what appeared to me most ridiculous was his assertion that all that they ask is that they receive the same treatment in India as Indians receive in Great Britain. The absurdity underlying this statement is patent indeed! Do a Government of Britain Act provide for "commercial discrimination" in favour of Indian interests in Britain? . . .

Dr. P. N. Banerjee: It is absurd.

Sir Abdul Halim Ghuznavi: . . . Or, for that matter, do an Associated Indian Chambers of Commerce assemble every year in London attended by an Indian Viceroy as the Head of the British administration to hear a hymn of hate sung against the indigenous people? Ever since Sir Stafford Cripps visited India with his ill-fated proposals, and expressed the opinion of the British Cabinet that a guarantee of special protection for British commercial interests in India would not be a condition for the acceptance of whatever constitution Indians might evolve in the future, the British vested interests here and abroad have launched upon an effective opposition to any attempt on behalf of Indians to retain the sovereign rights of a free country in shaping her own economic and industrial structure in her best interests. This move is fully indicated in the speeches of Lord Craigsmyle and Lord Catto in the House of Lords on the 20th July, 1942, and of lesser men in India from time to time. But, God willing, India will resist any such attempt to the last straw.

Sir, I will now deal with the food situation. During the discussions on the food situation recently the Honourable Members of this House criticised Government's handling of the situation and suggested ways and means of improving it. If any Government want to seek the loyalty of the people they are supposed to rule over, they must first feed them. "Man eats before he thinks".

Speaking, Sir, on the food situation on the 17th February, I remarked that utter chaos prevails between the Government of India and the Provincial Governments. There is no co-ordination and no co-operation between the two. In

fact, within the Government of India itself there is utter chaos and too many cooks have been employed to spoil the broth. Owing to this, businessmen suffer untold difficulties and consequent losses.

As an illustration of this, Mr. Deputy President, I want to point out how the rice merchants of Bengal—all Muslims—suffered over the commitments of the Government of India to ship rice to Saudi Arabia, Iran, Iraq and the Persian Gulf. These exporters of rice had obtained permits from the Government of India on their own quotas of export. As there were no shipping facilities at the time in Calcutta they forwarded their shipments to Bombay for transshipment to destination. Even though the Export Controller of the Government of India in Bombay had permitted shipment, the Government of Bombay would not allow it. This rice, sent from Calcutta to Bombay for shipment, is boiled rice and of no use to the Bombay consumers, and it is still lying in Bombay in godowns to rot. The Bombay Government will not allow it to be exported nor do they want it themselves.

In another case an exporter obtained a permit from the Government of India, in accordance with the permission of the export Controller, to export certain quantities of rice from Calcutta. The rice was actually loaded. But the Bengal Government intervened and served a notice on the exporter, asking him to show cause why he should not be prosecuted for failing to obtain the permission of the Government of Bengal, and what is more, got the whole of the rice unloaded from the steamers. In fact, one of the steamers which had already proceeded on its voyage was asked to stop at the next port and return to Calcutta. In spite of the permits that they had obtained from the Government to ship, the merchants have been prosecuted. Having received an order from the Government of India, how are they to know that they have again to apply to the Provincial Government? And why apply to the Provincial Government? It was the Government of India's business to see that the Provincial Government did not interfere in this manner with their commitments. Therefore, Sir, I say utter chaos prevails between the Government of India and the Provinces.

There are certain steps which the Government of India, if I may say so, should take immediately in order to improve the situation. (1) First of all, controls and all measures regarding food production and distribution must be centralised in the Government of India. The Provinces must act in close co-operation with the Centre and complete co-ordination must be brought about between the two. (2) A new drive to collect complete statistics as to the country's future requirements must be now made. The plus and minus provinces and the districts must have their food positions closely studied. (3) Price controls and fixation of ceiling prices have failed to produce the desired results, and, therefore, they must be scrapped at once, both in the Centre and in the Provinces. (4) The Provinces must be instructed to remove all restrictions or hindrances placed by them against the free movement of foodstuffs. (5) Until the situation is eased, all exports of foodstuffs, whatever may be their nature, must be stopped. (6) Government must import such foodstuffs as are in shortage without any further delay. The importation of wheat from Australia is a step in the right direction and must be followed up. (7) Corruption in the control machinery must be stamped out. The Control machinery and the Government must take the established commercial bodies and the trade organizations into counsel to help them function efficiently. (8) Last, but not the least in importance, is the need for a practical programme by which the 'Grow More Food' campaign may be made effective. The provinces must be made to fully co-operate with this scheme.

I wish, Sir, I had made my speech a bit earlier. Then my honourable friend, Mr. Mackeown, could have replied to me on my references to the Supply Department. Certain actions of the Supply Department are disturbing

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the minds of a section of the Indian mercantile community and they are considered detrimental to the larger interests of the country. The procurement of war supplies through the official agencies and the Provincial Directors of Industries is most objectionable. Indian industry is in its infancy and anything that will hamper the growth of the infant should be removed from its way.

But so long as the Supply Department's policy remains as the procurement of supplies through the Director of Industries and the official agencies,

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Indian business enterprise and initiative must die by default. The Government must accept as their principle that where trade channels already exist for the supply of a particular article or when such channels can be expanded to meet the demand, they must buy from those channels and not through the official agencies. Only in unusual cases where trade channels do not either exist or cannot be expanded to meet the large demands of the defence services, should any official agency be introduced either to supply or supplement the existing channels. What is objectionable is that the Government sometimes places orders with the Directors of Industries, completely ignoring the existing industries as in the case of pith hats in Bengal, as also the manufacture of camouflage nets and barrack blankets. . . . The story is this. The pith hat industry was entirely in the hands of Hindu and Muslim merchants in Calcutta. A number of these merchants were Muslims and some Hindus. One Muslim firm has been doing this business for over fifty or sixty years. This very firm supplied all the requirements in the last war when there was nothing to grumble for. There, for the first time, comes in the Director of Industries, Bengal; my friend knows it; what does the Government of India do? They finance him to start an organisation for making pith hats in Bengal thereby destroying the merchants who were *bona-fide* pith hat merchants and who have been supplying pith hats to the Government all along. They did not stop at that. By a notification in the Gazette they gave all the pith and other incidental materials in Bengal to that Director of Industries. He sets up a factory by himself and I shall now tell the House what he does. Thereby the Supply Department has killed that industry in Bengal and the men in the industry would be left high and dry unable to recoup themselves after the war, because, after the war, this gentleman, the Director of Industries himself would own this big concern which he has built up at the cost of the Government of India. The Government are financing him to do that. I shall now give the facts. What is being done is that the workmen of the existing organisations are being taken away and employed by the Director of Industries; the existing organisations are thus deprived of both men and raw materials. The Director of Industries professes to supply the articles on a no-profit basis. In this matter my friend, Sir Henry Richardson, demonstrated once to the Supply Department committee what loss they were incurring in not calling for public tenders for the supply of flour they wanted for the defence forces which contract they gave to a certain individual. He demonstrated that by facts and figures and here is another instance. The Director of Industries professes to supply the articles on a no-profit basis. Fancy the cheek of it! This is absolutely bunkum. Enormous profits are being made on the plea of no-profit basis and there are a lot of scandals about it.

An Honourable Member: Profits made by whom?

Sir Abdul Halim Ghuznavi: By the Director of Industries; he is the man who supplies now.

An Honourable Member: He is an Indian, is he not? (Interruption.)

Another Honourable Member: By the Government!

Sir Abdul Halim Ghuznavi: You are confusing the matter. It is the Director of Industries in Bengal. The Government of Bengal has nothing to do with it. The Supply Department has entrusted this gentleman, the Director of Industries, Mr. so and so to supply these hats. I challenge the Government

of India to deny this fact. The Government of India has financed this gentleman to set up a factory, a manufacturing centre, and deprive these merchants who were the suppliers before; even now these merchants have submitted memorials stating their grievances, but nothing has been done. They say, even today, in spite of all the restrictions, they are prepared to give to the Supply Department those pith hats at the same price as that of the Director of Industries. Still Mr. Elkin of Calcutta would not consider that proposal. He will stick to the Director of Industries. Government may say that these merchants or traders were making excessive profits, but they have the control machinery in their hands to check it. They have ample powers in their hands to control those rates. As a matter of fact this is being done in many other cases; but that cannot be a plea or argument for destroying an industry and denying the opportunity to the people of this country to establish an industry. These monopolies granted to the Director of Industries, including the monopoly for the purchase of raw materials, both hemp and pith, have given rise to scandals which should receive the early attention of Government. I will end here so far as the Supply Department is concerned.

A few words about the brave Indian seamen of Bengal. In October, 1941, I founded a union for seamen known as the Indian National Maritime Union of which I am the president since. It is my object to secure for them any protection they stand in need of, and help them in their difficulties by bringing to the notice of the authorities and the liners concerned the various disabilities from which they suffer. These brave Indian seamen are all Muslims and come from Eastern Bengal and they number as much as 50,000 to 60,000 or more in Calcutta. There exist in Calcutta four or five unions of seamen, three of which, I believe, co-operate with my union and one does not. However, I want to bring to the notice of this Honourable House . . .

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

. . . the grievances which are common to all seamen whether they belong to my union or to any other union, whichever they have chosen to join. These brave seamen, despite the perils of the sea which the war has brought in its train, offer themselves every day in their thousands to dare the perils of the sea and serve their country.

To prevent corruption in the selection of the men, the Government of India had agreed that their selection should be on the 'open muster' system. My friends would understand this: that is, the number of seamen required for the different liners are selected in an open muster of all applicants. At present the muster takes place in the shipping office. I have visited the shipping office to see how an open muster is conducted. I find that the men assemble in thousands in the compound of the shipping office. Imagine the trouble they have to bear in standing there for hours on end without any shade or protection while the liners go on selecting a few hundred only! Day after day they continue to go to the shipping office and back like a shuttle-cock. I urge the Government to put up a huge shed on the compound in order that these men may have at least protection against the sun and the rains.

The Government should also take such early steps as are necessary to put a stop to the crew ratings wearing the badge of their respective Unions or surreptitiously wearing distinctive marks at the time of selection which is prejudicial to and which actually defeats the object of impartiality in the selection by "Open Muster". I would also urge the introduction of the Roster System in the selection of these men as otherwise justice is not done to many of the seamen who assemble there for work. For instance, some seamen who have been discharged and have already earned some money, immediately offer themselves in the "Open Muster" selection and get selected again, while others who have been out of employment for months together do not get an opportunity. Therefore it has been proposed, and the proposal has met with the approval of the

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Government, that there should be a Roster system so that every one will have the advantage of being employed in rotation. Under this system those seamen who are discharged are not immediately eligible for further service. This system must be introduced without any delay.

It is my opinion, Sir, that the Deputy Shipping Master should be selected from the I.C.S. cadre and must be a Muslim officer with two additional Deputy Shipping Masters to assist him. The work that has to be done is huge and it is impossible for one man to do it. He has to select seamen in their thousands every day and one Deputy Shipping Master must find it impossible to do that job. And as the whole lot of seamen are Muslims, I say that not only should the Deputy Shipping Master come from the I.C.S. cadre but he should be a Muslim as well. The Government of India should also appoint a Seamen's Welfare Officer and not leave it to the Provincial Governments to appoint such an officer. Nor should this officer be a Police officer.

I suggest that the shipping office should be provided with a Prayer Room, as thousands of Muslims assemble there every day and on Fridays the signing on must be discontinued for one hour to enable these men to say their Friday Prayers.

The Government should also immediately build a Seamen's Home for these seamen in Calcutta. Their present lodgings, which I have myself visited, are in such hopelessly uninhabitable condition that I only wonder why the death rate is not as high as 90 per cent. instead of 10 per cent. These seamen are exploited by the lodging-keepers who offer nothing but filthy, dirty, beastly dungeons in which the poor men flock together like cattle until they are fortunate enough to get employment and clear out. The Government should, without delay, start building up the Seamen's Home for these men in Calcutta, for which the Government, I understand, have a programme; and if the Roster system is introduced, the number of seamen present in Calcutta at a given time would automatically be reduced in view of the fact that only such seamen who would be eligible for service under the system would turn up.

The seamen have generally to wait long before they procure employment in Calcutta and they do not have the means to pay for food. At present the lodging-keepers fleece them by lending money on usurious interest, repayable when employment is secured. I urge the Government to create a fund for Khoraki so that small advances for Khoraki may be made to these seamen when they are stranded.

This Department is in the charge of my Honourable friend, Mr. T. S. Pillay, and I must state here that I have always found him sympathetic and willing to serve the cause of these poor seamen. I know that he will do his best to remove the many grievances of the Indian seamen some of which I have just pointed out.

Before I pass on from the subject of workers, I feel bound to mention a few words with regard to the labour employed in the Calcutta Docks for shore-work under the Port Commissioners. Ever since the opening of the Kidderpore Docks, the sub-contract for the supply of labour to the Docks has been assigned to Messrs. Bird and Co. They supply the labour to the Port Commissioners. Now, I am sure I will find in this House due appreciation of the extent to which the efficiency in clearance of ships that enter the Port of Calcutta from time to time has a direct bearing on the war effort of this country. On the efficiency and speed with which the loading and unloading is effected in this Port depends to a large extent the speed with which the materials necessary for the fighting forces in the front travel. In April, 1942, owing to the Japanese menace in the Bay of Bengal, the Docks in Calcutta were practically closed to traffic. But when they re-opened subsequently, there was acute shortage of labour and the shipping companies began experiencing difficulties. Then after the air-raids

on Calcutta in December last, the remaining labour too fled. It was evident that, unless the labourers were promised better remuneration, it would not be possible to find any at all. The Port Commissioners did not do anything effective to procure the labour necessary nor did Messrs. Bird and Co., in their turn, offer sufficient inducement for the labour to return and work. Both were apprehensive that if they yielded to the demand of the labour, the rates would run sky-high during the war which will have its own repercussions after the war. It was patent that under the conditions obtaining in Calcutta no labour was available unless they were well remunerated. They had to be paid better because the cost of living had substantially risen and the black markets were playing havoc after the raids. I speak with some personal experience of running a governmental institution, namely, the Co-operative Milk Societies Union. After the air raids the labour employed by the Union also fled; but milk had to be supplied. The obvious solution was to import and employ labour on attractive remuneration which entailed payment of double or even treble the original wages. In the case of the Dock labourers, those responsible decided to sacrifice the cause of the war effort at the altar of money.

My submission is that either Messrs. Bird and Co. must be notified to procure labour by paying them adequately or the Port Commissioners must forthwith withdraw the monopolistic sub-contract vested in them and then call for tender for the supply of labour. This fantastic adhesion to Messrs. Bird and Co. as the sole suppliers of labour is costing the war effort much by seriously hampering the efficient and quick loading and unloading of vessels, so vital at this stage.

I would ask for the indulgence of the House to let me say a few words on the present general situation in the country before I conclude.

There seems on the Government Benches some impatience at the criticisms levelled against the size of the expenditure on Defence. They argue that every other country engaged in this war against aggression has had to spend at least as much as India. I do not deny that the expenditure, having regard to the nature of the war, of the risks to which we are exposed, and the action that has yet to be taken to defeat the aggressor powers, may be unavoidable; but there is a fundamental difference between what other countries are doing and ourselves; those countries are spending with the willing consent of the people, while in India the money is being taken from us. No one can pretend that this House, as at present constituted, represents the people of India. Any one with eyes to see realises that the estrangement between the British authorities and Indians is daily widening. It is fortunate for this country and for Britain that the danger of invasion has receded; but would any one be surprised that in the state of bitterness that exists there should have been defeatist talk and defeatist activities when that danger was imminent? It is easy to wax indignant at such talks and activities, but they were, and are, inherent in the political conditions which exist in this country. If the tide of invasion should again approach this country, which God forbid, you will hear and see them again. The fact that the tide has receded, however, is no justification for giving up the attempt to mobilise opinion in this country by bringing about a drastic change in the political machinery which alone can have this effect. Surely, Sir, the highest statesmanship is to vigorously tackle the problem now, when no one can say, as was said at this time last year, that it is only fear of a superior force that will drive the British to part with power. My British friends often express surprise at the distrust of British motives which exists, but if they will stop to ponder over the history of the past three decades, they cannot fail to realise that promises of advancement were practically always forced upon them by perilous or difficult situations, and when the danger had receded the authorities again relapsed into the torpor, which characterises their traditional attitude towards the constitutional advancement of this country. Let there be no mistake about this. While there exists great distrust between Hindus and Muslims, both alike bitterly

[Sir Abdul Halim Ghuznavi.]

resent the British domination and this situation can only be remedied by constant and high endeavour not only on the part of the two communities to come to a settlement but on the part of the British Government to part with power and act between the communities as an honest broker. It is only by steady and persistent endeavour on these lines that anarchy can be avoided and the continuance of India within the British Commonwealth of Nations ensured. Is this too much, I ask, to expect of British statesmanship? (An Honourable Member: "It is.") If it is, then the continuance of the Empire in the better sense of a League of Nations with the different nations bound together by common aims, common ideals and by equality of citizenship, is doomed.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Don't say Empire. Call it "Commonwealth".

Sir Abdul Halim Ghuznavi: It is doomed not because of the military might of aggressor nations, not because of any defeats that they may be able to inflict upon the Allies, but because of the loss of those high ideals, those high and self-sacrificing endeavours which built up the Empire and which alone can adapt it to new conditions and make it endure. It was a great British political thinker who pronounced the dictum that "Great Empires and little minds go ill together". That is a great truth on which my British friends will do well to ponder.

My complaint against the Government of India as now constituted is that by their action in connection with Mahatma Gandhi's fast they not only missed a great opportunity of bringing about an atmosphere in which reconciliation both between communities and between them and Government would have been possible, but that they have in the process lost to India the services of three Members of the Council who had the largest support of the people of this country. It was fortunate that Mahatma Gandhi survived his fast, but that does not affect the merits of the course that was pressed upon Government when Mahatma Gandhi's condition was reported to be grave, not only by the three Members who resigned but by the Leaders' Conference that met in Delhi on the 19th and 20th February. The members of that conference were not what the Honourable the Home Member is so fond of describing as "rebels". They were, if I may use the same parlance, "loyalists" and voiced the universal feeling in the country for the immediate and unconditional release of Mahatma Gandhi on purely humanitarian grounds. These leaders were not supporters of Mahatma Gandhi's political programme or of his political tactics, but they demanded Mahatma Gandhi's release because they know the hold that Mahatma Gandhi has on the affections of all classes of the community on account of his saintly character and of the spiritual contribution he has made to the thought and life of the world in general. If, Sir, Mahatma Gandhi had died, no argument would have availed to convince the people, whether rebels or loyalists, that the responsibility for that was his alone. The gulf between the people and Government would have widened so much that no reconciliation between them would have been possible. The "Shadow of Amritsar" which the late Duke of Connaught deplored as having lengthened over the face of India would have been nothing to the shadow of Mahatma Gandhi's death for which the British authorities would have been held responsible. Although the Honourable the Home Member and men with little minds may exult over the result, it is only Providence which has saved the British Government.

Pandit Wilakantha Das (Orissa Division: Non-Muhammadan): Do you mean to say that Providence is in British Government's favour?

Sir Abdul Halim Ghuznavi: . . . and India from that dire fate. Nor let it be supposed that Muslims would have resented his release. No humanitarian act of this kind would have been resented by any right-thinking Muslim, and it is only because the Honourable the Home Member and his kind can never appreciate this, that all sections of the people desire a radical change in

the constitution. On the other hand, if in spite of what had been stated by Government they had released Mahatma Gandhi as a purely humanitarian act in recognition of the value of his life to India and to the world, there would have been such a surge of feeling of appreciation and gratitude born in the people that a new opportunity for reconciliation would have offered itself which, if Government used in the right way, would have enabled them to mobilise public opinion behind them and to find a new approach to the solution of the constitutional problem. No one can believe that the Mahatma would have condoned violence on the part of his followers and though he is entitled, as he claimed, to examine the evidence, the result could not be in doubt. His whole life's teaching should have satisfied Government of that. Furthermore, the response of Mahatma Gandhi's sensitive soul to a great humanitarian act of this kind would have been incalculable. It may well have enlisted the energies of the remaining years of his life to the healing of differences both between communities and between them and Government. It is our misfortune and it is the misfortune of the Empire that those who were responsible are incapable of appreciating the teaching of their greatest political philosopher that "magnanimity in politics is the highest wisdom". It is not too late yet to mend. I have faith in the good sense of the British people, if not the present ruling class, and I hope the day when Britain and India could fully co-operate with each other in establishing and securing permanent peace and tranquility on this globe is not very far off and may fall within my life-time.

Mr. C. M. Trivedi (Secretary, War Department): Sir, may I begin by tendering my grateful thanks to my Honourable friend, Sir Frederick James, for the very warm tribute paid by him to our armed forces. I was glad also that my Honourable friend, Mr. Deshmukh, joined in the tribute. I am sure everyone in this House will endorse most whole-heartedly my Honourable friend, Sir Frederick James' appreciation. The brilliant achievements of our troops, our Navy and the Air Forces in India and their many deeds of conspicuous gallantry and valour have filled us all with pride and have evoked generous admiration from the United Nations and I have no doubt that they will live for ever in the history of India.

My Honourable friend, Sir Frederick James, referred to the consumption of paper by the Defence Services and stressed the vital need for economy. It is a fact that the Defence Services are very large consumers of paper, and I do not deny that there is some avoidable waste of paper in the Defence Services, but I can assure my Honourable friend that all possible steps for economy are being, and will continue to be, taken. The monetary grant for stationery to officers and offices has been considerably reduced. The distribution lists of Army publications as well as the set up of printed matter are being reviewed from time to time with a view to reducing the consumption of paper, and substantial results have been achieved. All requisitions for new printing are carefully scrutinised by the War Department to ensure that only such matter as must be printed goes to press, that the minimum number of copies is asked for and that the matter itself is printed in the most economical form. A review of Army Forms has also been undertaken with a view to their abolition, or suspension during the war, or reduction in size or use of cheaper paper, and I understand that about 90 per cent. of the forms listed in the classified list of forms have already been reviewed. Further, a special economy officer has recently been appointed for Defence Headquarters and Commands. It is his duty to ensure, by personal inspection, that economy is being observed, to suggest further economy where this may be possible and to take appropriate action where waste is discovered.

My Honourable friend next made certain observations on publicity in regard to military operations with specific reference to the Burma campaign. Those observations, if I may venture to say so, were very valuable; and I fully endorse them. I will only add that the Directorate of Public Relations

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is, in fact, guided by the considerations mentioned by my Honourable friend. The majority of war correspondents have taken a consistently balanced view of our operations in Burma, and so has the Indian Press on the whole, though it is true that in certain sections of the Press, particularly overseas, the modest announcement made in the India Command Joint War Communique on the 19th December was hailed as the beginning of the re-conquest of Burma. May I, Sir, quote that communique? It read as follows:

"During the past few days some of our troops have advanced southwards from the Arakan border into Western Burma and had occupied the Maungdaw—Buthidaung area without opposition from the enemy who abandoned his defences."

On occasions it is advisable for those responsible for publicity to pass over in silence speculations or even exaggerations in the Press in order that the enemy may not obtain information of some value. Subject to this consideration, I may assure my Honourable friend that it has been, and will continue to be, the constant endeavour of the Directorate of Public Relations, through contacts with the Press or war correspondents or by other means to ensure that publicity is conducted in a manner which will avoid either excessive optimism or undue pessimism.

My Honourable friend next asked whether some means could not be devised for giving timely warnings of reduction in allowances to dependants of officers and other ranks, whether "missing" or prisoners of war. The matter has already been taken up, and preliminary examination shows that there may be some difficulties in giving effect to my Honourable friend's suggestion. We are, however, pursuing the matter and will take such steps as are possible to mitigate the hardships to which my Honourable friend has referred.

My Honourable friend next raised the question of the pay of British Service and Indian Army officers taken prisoners of war. The position in this matter was explained by me in answer to a question put by my Honourable friend some time last month, and I need not traverse the same ground again. I would, however, repeat what I said on that occasion, namely, that in no single comparable case is the pay of an officer of the Indian Army, while a prisoner of war, less than the pay drawn by a British Service officer in captivity; in fact, the pay of an officer of the Indian Army, while a prisoner of war, is always greater than that of a British Service officer. The statement which I sent to my Honourable friend last month will confirm this. I would like to add that it has now been decided that the marriage allowance and lodging allowance of an officer of the Indian Army will not be cut by 25 per cent. while he is a prisoner of war. In addition, separation allowance which was not granted previously will be given in full. I hope this will satisfy my Honourable friend.

My Honourable friend enquired if passage facilities could be provided for the return to the United Kingdom of families of officers or British other ranks left behind in India. I am not certain whether my Honourable friend has seen the press note dated the 11th February, 1943, on the subject which announced a scheme of free passages for military families. As stated in the press note, every effort will be made to allot passages as soon as possible, but it is obvious that the shipping position may cause considerable delays. I have a copy of the press note here with me, and I will be glad to give it to my Honourable friend.

My Honourable friend next enquired whether the Indian Air Force Squadrons were being equipped or re-equipped with modern aircraft or whether there was still a shortage of such aircraft. The House will recollect that the 10 Squadron plan for the Indian Air Force was announced in the Assembly in November, 1941. The House will be gratified to learn that its completion is now in sight. A certain number of modern aircraft has already reached here, and more are due to arrive. The limiting factor in the 10 Squadron programme is not now the lack of modern types of aircraft, but an insufficiency of trained technical Indian personnel for ground duties. It is our

hope, however, to form seven Squadrons by the end of June, 1943, and to complete the full 10 Squadron programme by the end of this year. This will give us an Indian Air Force exactly 10 times its size at the outbreak of the war, and for the first time in its history India will have a modern Air Force equipped with modern aircraft and able to take an active part in the defence of her frontiers.

In addition to this main 10 Squadron plan we have decided to undertake two further important Indian Air Force expansion measures.

The first measure is the introduction of a scheme for the appointment of a number of Indian Air Force personnel to Royal Air Force staffs and units in India to gain experience in established units working under war conditions. This scheme is wide in its scope, and will eventually not only add thousands to the war-time strength of the Indian Air Force, but also provide trained maintenance staff for the establishment of maintenance and base units behind Indian Air Force Operational Squadrons, when such a course becomes possible and advisable.

The second measure is the Indianisation of Balloon Squadrons. The Indianisation of two Royal Air Force Balloon Squadrons is already progressing and if this is successful, it is proposed to Indianise all Balloon Squadrons in India.

As I said before, the main factor now limiting the rate at which the Indian Air Force can expand is the lack of experienced trained ground personnel; in fact, the Indian Air Force needs thousands of trained Non-commissioned Officers and Airmen technicians if its expansion is to continue. It is in this matter that Government will greatly appreciate the co-operation and assistance of Honourable Members of this House. In this connection, may I say, Sir, that Air Headquarters has made special arrangements for a squadron of the Indian Air Force to be at Delhi Airport on Sunday the 21st March, 1943, with a view to give Members of the Central Legislature an opportunity to see for themselves a modern squadron of the Indian Air Force. I hope that all Honourable Members will accept our invitation to this ceremony, and having seen the Indian Air Force for themselves they will give us their advice and assistance in the matter of obtaining the airmen-technicians necessary for the expansion of the Indian Air Force. With regard to the repair and maintenance facilities for the Air Force in India to which my Honourable friend referred, I may say that all possible steps are being taken to strengthen and expand those facilities so that they may be capable of meeting all operational requirements.

Finally my Honourable friend urged that the question of giving the British emergency commissioned officer in the Indian Army full Indian Army allowance instead of one half as at present should be reconsidered. As my Honourable friend is aware, this question has been examined in the past. I have now examined it once again in the light of the arguments advanced by my Honourable friend in the course of his speech. The first point I would make is that the Indian Army allowance is a special form of remuneration, a form of overseas pay if one may call it so, which was originally designed partly to attract British officers to the Indian service in normal times and partly to compensate officers who undertake continuous Indian service for the disadvantages incidental to it. These considerations have no application to emergency commissioned officers whose service with the Indian Army may be limited to the duration of the war. The second point is that the fact that the regular British service officer seconded to the Indian Army receives full Indian Army allowance is not by itself a sufficient justification for giving full Indian Army allowance to British Emergency Commissioned Officers of the Indian Army.

Some Honourable Members: Why?

Mr. C. M. Trivedi: I am coming to that. Such secondment of regular British Service officers continued in the past for long periods, and the seconded officers were mostly Royal Engineers and officers of the Royal Corps of Signals. The payment of full Indian Army allowance to regular seconded officers is

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a legacy of long standing and not a new measure introduced during the war. The real criterion is whether the emoluments of British Emergency Commissioned Officers of the Indian Army are adequate or not. In the opinion of the Government these emoluments are adequate. The case of an Emergency Commissioned British officer serving in the Indian Army is comparable not to that of the regular officers of the British service, but to that of the non-regular officers of the British Service. The non-regular officers, if attached to the Indian Army receive half the Indian Army allowance and so do British Emergency Commissioned officers of the Indian Army. The third point I would make is that my Honourable friend is under a misapprehension in thinking that a British Service officer in India draws colonial allowance automatically, if he does not get the Indian Army allowance. Colonial allowance is admissible only to British service officers who are temporarily in India in transit, on courses of instruction or on leave; but they do not draw Indian rates of pay, and the colonial allowance in their case is intended to relate their United Kingdom rates of pay to the cost of living in India for a temporary period. The fourth point is then an increase in the Indian Army allowance to British Emergency Commissioned officers of the Indian Army would accentuate the discontent of Indian Emergency Commissioned officers as it would increase the disparity between the emoluments of I. C. Os. and E. C. Os. I regret, Sir, that Government is unable to accept my Honourable friend's suggestion.

I will now turn to certain remarks made by my Honourable and gallant friend, Lieutenant-Colonel Dr. Sir Zia Uddin Ahmad. I am sorry he is not in his seat. He complained that specifications in the Inspection Branch were vague and ambiguous. This is certainly not true in regard to specifications for armament stores. The specifications for these stores are, I am informed, extremely elaborate and precise, doubtless because any appreciable deviation from them is liable to render such stores completely unsuitable for use. Specifications for practically all general stores are drawn up by Specification Committees appointed for the purpose by the Government of India. These Committees include trade representatives who have knowledge of the capacity of their own trade and its ability to meet the required standard or to produce alternatives. The position, as I understand it, is that specifications are sufficiently clear and unambiguous to suit the trade. If my Honourable friend gives me any particular case of a specification to which his complaint relates, I will have the matter examined.

My Honourable friend next referred to the system of employment of Inspectors on the basis of payment at daily rates. Inspectors are in receipt of monthly salaries, and perhaps my Honourable friend referred to examiners and viewers working under the Controller General of Inspection. It is a fact that until recently these examiners and viewers working under the Controller General of Inspection, were generally on daily rates. This system was found to be unsatisfactory, and a monthly rate for these grades has been introduced with effect from the 1st January, 1948. The Controller General of Inspection is taking steps to bring his inspection personnel on to the monthly rates of pay as soon as he can suitably do so. I hope this will satisfy my Honourable friend. In the Armaments Directorate, the only inspection personnel employed on daily wages are the viewers. I am informed that this system is working quite satisfactorily.

I will now turn to the remarks made by my Honourable friend, Mr. Lalchand Navalrai. He enquired about the progress of Indianisation in the Armed Forces of the Crown. I regret that for security reasons I am unable to state the number of British and Indian officers in the Army, but I will give proportions. As far as regular service officers of the Indian Army are concerned, the proportion at the outbreak of the war was 5.5 British to 1 Indian. The proportion on 8th September, 1942, was 4.5 to 1. As Honourable Members are aware, permanent Commissions in the Indian Army are not at present

given either to Indian or British officers, and officers for the expanding Forces are obtained by the grant of Emergency Commissions. On the 3rd September, 1940, the proportion of Emergency Commissioned British Officers to Indian officers was 2.75 to 1. On the 3rd September, 1942, the corresponding proportion was 1.5 to 1, that is, 1.5 British to one Indian. In other words, while the number of British Emergency Commissioned Officers has increased since 3rd September, 1940, by about 350 per cent. the number of Indian Emergency Commissioned officers has increased by over 600 per cent. Even taking into account British service officers attached to Indian units, the proportion of British to Indian officers was 7.5 to 1 at the outbreak of the war and it is now 4.5 to 1. This is striking progress indeed, but I would add that there is practically unlimited further scope for the appointment of Indians as Emergency Commissioned officers. But the difficulty is the shortage of suitable candidates coming forward. This is the universal complaint of Central Interview Boards. The suggestion put forward by my Honourable friend that permanent commissions should be given in order to induce candidates of the right type to come forward is obviously one that cannot be accepted and which I am sure he himself will oppose on further consideration. It would be out of the question both on financial and other grounds to build up an army required during the war the basis of permanent employment. As regards the future, some Emergency Commissioned officers would be absorbed in the post-war army, while others will be absorbed in superior civil posts, a large percentage of which has been reserved both by the Government of India and the Provincial Governments for candidates with war services.

As regards the Royal Indian Navy, the proportion of British to Indian officers was 11 to 2 at the beginning of the War, and the proportion now stands as 9 to 5. As regards the Indian Air Force, this is purely an Indian service. Owing however to the fact that fully trained Indian officers are not yet available, it has been necessary to take a small number of R. A. F. officers as a temporary measure. The percentage of R. A. F. officers in the Indian Air Force is only 2.5.

My Honourable friend next complained that there was a large number of British soldiers in the clerical establishment of G. H. Q. This is not true. The total number of Indian clerks, both permanent and temporary at the G. H. Q. is 3,971 as against British other ranks who number only 565. As I explained in the House some time ago in reply to questions, the G. H. Q. is a military organisation, and the constitution of its ministerial establishment must be adapted to its needs. It cannot be compared in all respects to civil offices. The G. H. Q. requires personnel of different types to deal with the questions arising there. It requires a small number of British personnel to deal with work for which military experience, in addition to clerical training is essential. It also requires Indian clerks to deal with other types of work for which military experience is not required.

My Honourable friend next referred to the question of an advertisement for the post of an Assistant Master in the Prince of Wales Royal Indian Military College, Dehra Dun. I am afraid that in the short time available, I have not been able to get all the information, because the office which deals with this is in Simla. But I am informed that the advertisement does not bar applications from Indians and if the Federal Public Service Commission recommends an Indian, I have no doubt that Government will appoint him.

Finally, I would refer to one or two points mentioned by my Honourable friend, Sir Muhammad Yamin Khan, who, I am sorry to say, is not in his seat. He referred to the abuse of staff cars. The position in that respect is that there are orders that staff cars are to be used only on official duties and not for any private purpose, for example, going home for lunch.

Mr. Muhammad Nauman: What is the practice?

Mr. O. M. Trivedi: I have no reason to believe that the orders are not followed, although I am prepared not to deny that there may have been cases of individual abuse. We will continue to maintain vigilance to ensure that the existing orders are carried out and there is no contravention of them.

Sardar Sant Singh: Will you take the same action in India as they did in England when they found that an officer took the car for games and when he was found out, he was dismissed?

Mr. O. M. Trivedi: We will certainly take action in any case where abuse is proved.

The next point referred to was in connection with some contract for military lorries in Meerut. My Honourable friend Sir Muhammad Yamin Khan who mentioned this did not give full details. Neither have I got any details. But if my Honourable friend gives me particulars I will certainly have the matter looked into. Sir, I have nothing more to say.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I should like to make a few observations about one or two matters which at the moment are agitating the public mind. I will speak only about two matters generally, that is, one, Indian Overseas and secondly, about employment of demobilised officers of the army after the war.

Sir, while I am on the subject of Indians Overseas, I must make a public appreciation of the services rendered by the Honourable Mr. Aney to the cause of Indians Overseas. I had the honour and privilege of working with Mr. Aney in the Emigration Committee, and I have been watching his attitude on the floor of the House. In the Standing Emigration Committee, his opinions were listened to with the greatest respect by all the Members of the Committee and great weight was attached to them. As head of that Department, he was very frank, very sympathetic and if there were failures, and it is such a Department where failures are bound to occur, he was very frank about it and told the Committee exactly how the things stood. He never allowed either his personal prestige or the prestige of the Government of India to stand in the way of his frankness. He served Indians when they were in greatest need. When owing to the Japanese aggression many of his countrymen had the misfortune of being turned out of countries where they had settled, he was the first to go to their aid, even at his advanced age and he undertook a journey to Assam and there he spent some time at the cost of his health. He is a lovable gentleman who is always prepared to make sacrifice for the sake of his ideals.

Now, Sir, coming to the general question of Indian Overseas, I must say that a large number of Indians who chose to settle outside India are not in a happy position. One should have thought that at a time when this war is on, when Indian soldiers have been making large sacrifices on all the fronts in the defence of the Empire and in the defence of all the sacred principles of human liberty, sacrifices which won the applause both from friends and foes alike, at that time one should have thought that racial discrimination which our nationals are meeting outside India would be done away with. But unfortunately it is not so. One glaring example of such discrimination, I may point out, is the Highlands of Kenya. Even today, Sir, unfortunately, the position in the Highlands of Kenya is the same as it was before.

Mr. President (The Honourable Sir Abdur Rahim): It is Five O'Clock now. The Honourable Member may continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th March, 1943.

LEGISLATIVE ASSEMBLY

Tuesday, 16th March, 1943.

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. Ram Ratan Gupta, M.L.A., (Cities of the United Provinces: Non-Muhammadan Urban).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MUSLIM REPRESENTATION IN THE DELHI POLYTECHNIC.

309. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Education Secretary please refer to part (b) of the reply to unstarred question No. 77 of the 25th March, 1942, and state who has laid down the all India ratio of 25 per cent. for Muslims in the matter of recruitment to the various Departments of the Delhi Polytechnic? Were the Home Department consulted? If not, why not?

(b) Is it a fact that the Home Department resolution of July, 1934, prescribes that all India ratios should be further subdivided according to the population ratio of the various minorities?

(c) Is it a fact that the recruitment to the personnel of the Delhi Polytechnic is not made through any central agency, such as the Federal Public Service Commission, but it is made locally?

(d) Is it a fact that the scales of pay are very high and the posts are permanent and pensionable and yet the recruitment is not made through the Federal Public Service Commission? If so, why?

(e) What are the reasons for fixing 25 per cent. ratio for the staff as a whole instead of for each department of the Delhi Polytechnic in clear contravention of the Home Department resolution of 1934 which provides that the ratios should be fixed for each grade or division of a service?

Mr. J. D. Tyson: (a) The Delhi Polytechnic is an all-India institution under the direct control of the Government of India and recruitment to the Polytechnic is made on an all-India basis. The communal proportions laid down in paragraph 7 of Home Department Resolution No. F. 14/17-B/33, dated the 4th July 1934, which applies to recruitment on an all-India basis, are applicable and are duly observed. As the matter is covered by existing rules, a specific reference to the Home Department was not necessary.

(b) The Honourable Member is apparently referring to paragraph 8 of the Resolution which applies to services to which recruitment is made by local areas. This does not apply to the Polytechnic to which recruitment is made, as I have already stated, on an all-India basis.

(c) and (d). Class I and Class II posts are filled through the Federal Public Service Commission. Recruitment to the subordinate service is made by the Principal himself as in other Subordinate Offices of the Government of India. Considering the nature and responsibilities of these posts, the Government of India do not think that the scales of pay attached to them can by any means be termed high.

(e) I am afraid the Honourable Member is confusing the various Departments of the Delhi Polytechnic with the grades or divisions of the staff. The prescribed communal proportions are being adhered to for each grade or division, where the numbers employed or the special requirements of an institution like the Polytechnic make this practicable.

REMOVAL OF THE FORMER INSTRUCTOR IN GENERAL ENGINEERING IN THE DELHI POLYTECHNIC.

310. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Education Secretary please refer to the reply to unstarred question No. 77 on the 25th March, 1942, regarding the recruitment of technical staff for the Delhi Polytechnic High School, and state whether the present incumbents of the posts of Instructors in the Engineering Workshop Practice (Grade II) and Instructor in Wood Work satisfy the minimum qualification mentioned in the reply to part (a) (i) and (iii) of the question referred to above? If not, why have they been appointed in those posts? If so, what are their qualifications?

(b) Is it a fact that the former incumbent of the post of Instructor in Engineering was far more qualified than the present one and was responsible for the establishment of the Engineering Workshop?

(c) Is it a fact that he had to work for about 13 hours daily in setting up the Workshop and in preparing syllabi etc.?

(d) Is it a fact that he had completed successfully about 2/3rd of the period of his probation and had been awarded certificates for good work and conduct?

(e) Under what circumstances was the former incumbent referred to in (b) above removed from the post?

(f) Is it a fact that the former Instructor in General Engineering was duly selected for a permanent post in the Delhi Polytechnic and prior to that was holding a quasi-permanent post in the Railway Locomotive Workshops at Mughalpur?

(g) Is it a fact that the Railway Department filed a suit against the official through the agency of the Punjab National Service Labour Tribunal for leaving the service of Railways without the necessary permission and that the Principal, Delhi Polytechnic, tried his best to retain the services of the official?

(h) Is it a fact that within a month of his endeavours to secure the services of the official for his school as an efficient Instructor, the Principal removed him from his post in the Delhi Polytechnic (T. H. S.)? If so, what was the reason for this sudden change of attitude with the result that the Muslim official was deprived of all chances of permanent employment in Government service?

Mr. J. D. Tyson: (a) Yes. Both hold diplomas from the Mayo School of Arts, Lahore.

(b) No.

(c) No.

(d) and (e). He was appointed on a year's probation and given a trial for about seven months. He was finally discharged because he was found wanting as an Instructor even though he was efficient in his craft and his conduct was otherwise satisfactory. He was given certificates regarding his craftsmanship and conduct with a view to help him to secure more suitable employment elsewhere.

(f) The answer to the first part is that he was appointed to a permanent post on a year's probation; the answer to the second part is in the affirmative.

(g) The answer to the first part is in the affirmative; the answer to the second is in the negative.

(h) Does not arise in view of the reply to part (g).

DISMISSALS OF INSTRUCTORS, ETC., IN THE TECHNICAL TRAINING CENTRE, DELHI POLYTECHNIC.

311. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable the Labour Member please refer to part (e) of the reply to unstarred question No. 75, on the 25th March 1942, and state the reason for frequent dismissals of Instructors and Assistant Instructors in the Technical Training Centre, Delhi Polytechnic, especially when there is an acute shortage of skilled men?

(b) Is it a fact that some Muslims have been discharged without any reason being assigned therefor?

The Honourable Dr. B. R. Ambedkar: (a) Fourteen Instructors have been discharged since the 1st April, 1942, 13 for inefficiency and one for political activity.

(b) According to my information, no.

GRIEVANCES OF EMPLOYEES IN THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†312. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member be pleased to state whether the entire employees of the Government of India Press, New Delhi, went on strike on the 1st and 2nd December, 1942 and that on the 2nd December, 1942, the Labour Secretary went there and was presented with six demands and that one of the demands was for the annual increment to the Binding Department and that the start of the salary should be from Rs. 30 per mensem and that within the period of 20 years the salary should reach the maximum grade of Rs. 75 per mensem?

(b) Is it or is it not a fact that the Binding Department since 1927 has been submitting questions and memorials to the Works Committee for an annual increment, and has been putting questions in the Assembly, and the Press Union has also submitted a memorial?

(c) Is it or is it not a fact that people are receiving a certain pay since the last 15/20 years and most of them, after having paid from their salaries the usual cuts, i.e., for Fund, Society, Water, Quarters, etc., receive only 10/12 rupees per month, with which it is not possible for them to make ends meet easily?

(d) Is it a fact that the Union of the Binding Department had submitted a memorial to the Secretary, Labour Department, in November, 1942, in which it was laid down that until the annual increment is enforced, the employees of the Binding Department should not be retired before 25 years' service and in this way they be compensated a little?

(e) Are Government prepared to retain the people in the Binding Department until they have put in 25 years' service?

The Honourable Dr. B. R. Ambedkar: (a) Yes, with the exception of the supervising staff and a few other employees. The question of the introduction of a time-scale of pay in the bindery is receiving attention.

(b) Yes.

(c) No.

(d) No. The Press Workers Union submitted a representation in November 1942. But it does not contain the prayer as stated.

(e) No. No employee is ordinarily required to retire before he attains the age of 55 years.

GRIEVANCES OF EMPLOYEES IN THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†313. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member be pleased to state if it is a fact that there are some persons in the Binding Department of the Government of India Press, New Delhi, who are getting Rs. 30 per mensem?

(b) Is it a fact that the office mistakenly cut down their service and upto now that service has not been restored to them with the result that for years they are getting Rs. 30 per mensem though others who are of less service are getting more, for instance those who used to get Rs. 22 and Rs. 25 per mensem are at present getting Rs. 40 and Rs. 45 per mensem?

(c) Is it a fact that those whose services have been cancelled, have submitted a memorial to the Controller requesting him for the inclusion of their past service in their present service?

(d) Are Government prepared to include the service of those whose service has been cancelled? If so, is it possible to make them senior to those who superseded them?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) Condonation does not imply that the period previous to the break be counted as service for fixing the pay to be drawn after the break and no mistake has been made.

(c) No.

(d) Does not arise.

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

MUSLIM OFFICERS, CONTRACTORS, ETC. IN THE FOOD DEPARTMENT.

314. *Mr. Umar Aly Shah: (a) Will the Honourable Member representing the Food Department please state the total number of persons in higher ranks whose salaries are Rs. 500 or more in the Food Department? How many of them are Muslims?

(b) What is the number of contractors and of Supplying Agents?

(c) Is it a fact that out of a total of 55 only one is a Muslim?

(d) Is it not a fact that Mussalmans are willing to have their names registered and they are in a position to supply wheat and other foodstuff?

Mr. K. G. Ambegaonkar: (a) The number of officers in the Food Department whose salary is Rs. 500 and above is forty-three and the number of Muslims among them is seven.

(b) The number of Contractors and Supply Agents in this Department is 323 and 25 respectively.

(c) Information as to the religion of Contractors and Supply Agents is not recorded and the name is not always a reliable indication. Many Firms are not known by personal names. Of those which are known by personal names 23 Firms are registered under Muslim names in the list of Contractors and one in the list of Supply Agents.

(d) Government have no information.

Mr. Muhammad Nauman: Is it not a fact that the name of the director or partner is normally written on the letter heads, and is not Government in a position to say which firm belonged to which community?

Mr. K. G. Ambegaonkar: The names of the firms are not necessarily in personal names. For instance, there is a firm by the name of Bharat Laboratory and Chemical Works. It does not give any indication at all, but I understand that it is a Muslim firm.

Mr. H. A. Sathar H. Essak Sait: Arising out of the reply to part (d) of the question, will my Honourable friend try to find out whether there is any truth in the persistent complaint which is indicated in this question, that the Muslims are not being registered, that they are being victimised?

Mr. K. G. Ambegaonkar: Yes.

POST OF DEPUTY DIRECTOR GENERAL OF ARCHÆOLOGY.

315. *Maulana Zafar Ali Khan: (a) Will the Education Secretary kindly state when the term of the present incumbent of the post of Deputy Director General of Archæology will expire?

(b) Is it a fact that this officer will complete the term of his tenure post, which is three years, in August next?

(c) Will a Muslim be appointed to the post after the present incumbent reverts to his substantive post of Government Epigraphist?

(d) If the answer to (c) be in the negative, what is the reason for it?

Mr. J. D. Tyson: (a) and (b). On the 2nd September, 1943.

(c) and (d). The question of selecting a successor to the present Deputy Director General of Archæology has not yet been considered. When it is considered the claims of all officers eligible for the post will be taken into account.

Mr. Lalchand Navalrai: May I know whether this is a reserved post?

Mr. J. D. Tyson: I am not quite sure what the Honourable Member means by a reserved post. It is not reserved for any particular community.

Mr. Lalchand Navalrai: That is what I wanted to know. Is it a fact that one Mr. Srivastava is on the top of the list—No. 1 above the other Muslim gentleman?

Mr. J. D. Tyson: I shall have to ask for notice of that.

APPOINTMENT OF MR. PURI AS THE ASSISTANT SUPERINTENDENT-IN-CHARGE OF THE DELHI MONUMENTS.

316. *Maulana Zafar Ali Khan: (a) Will the Education Secretary kindly state if it is a fact that Mr. Waddington, the Assistant Superintendent-in-charge of the Delhi Monuments is on deputation to the Civil Defence Department?

(b) Is it a fact that Dr. K. A. A. Ansari, Assistant Engineer, Agra, was in charge of these monuments during Mr. Waddington's absence and was getting some special pay?

(c) Is it a fact that in place of Dr. Ansari, the Director General has put Mr. Puri in charge of these monuments?

(d) What are the engineering qualifications of Dr. Ansari and that of Mr. Puri?

(e) Is this Mr. Puri the same gentleman who claimed false travelling allowance and was punished by Government?

Mr. J. D. Tyson: (a) Yes.

(b) Pending permanent arrangements Dr. K. A. A. Ansari was appointed to hold charge of the current duties of the post of Assistant Superintendent, Archæological Survey, New Delhi, in addition to his own and was given an additional pay of Rs. 50 p. m. for holding the dual charge.

(c) Dr. K. N. Puri, an Assistant Superintendent on probation was subsequently posted to Delhi, thus relieving Dr. Ansari of his additional duties.

(d) Dr. Ansari is qualified as a Civil Engineer. Dr. Puri has no engineering qualifications.

(e) Yes.

Mr. Lalchand Navalrai: May I know that the engineering qualification is not necessarily required in the Archæological Department?

Mr. J. D. Tyson: The permanent holder of the post did not have engineering qualifications; he was an architect; that carries with it a certain amount of engineering qualification.

Mr. Lalchand Navalrai: May I know if Mr. Puri is in class I and Mr. Ansari is in class II?

Mr. J. D. Tyson: I think that is the case but I am afraid my list does not show it.

Maulvi Syed Murtuza Sahib Bahadur: May I know if it is not a fact that merit counts in all these appointments and not class I or II?

Mr. J. D. Tyson: I might perhaps explain that in this particular instance, the officer who was given charge of the current duties of the post is stationed at Agra, and it was from our point of view an unsatisfactory arrangement that an officer who had a full job of work and was stationed at Agra should be in charge of the very important monuments in Delhi, especially when the Director General himself, who was going to supervise the looking after of the Delhi monuments, had his headquarters changed from Delhi. Therefore when another officer became available who could be stationed at Delhi,—the usual arrangement,—we were very glad of the opportunity to fill the post again on a whole-time basis.

ADVANCE INCREMENTS TO CERTAIN STAFF OF ARCHÆOLOGY DEPARTMENT.

317. *Maulana Zafar Ali Khan: (a) Will the Education Secretary kindly state whether the Director General of Archæology in India has during the last two years recommended the grant of advance increments to certain member or members of staff? If so, how many of them are Hindus, Muslims and Christians?

(b) Did he stop the increments of any members of his office during this period? If so, how many of them are Hindus, Muslims and Christians?

Mr. J. D. Tyson: (a) Yes: to one Hindu.

(b) Yes, of two persons. One of them was a Muslim and the other an Indian Christian.

WAR VACANCIES IN ARCHÆOLOGY DEPARTMENT.

318. *Maulana Zafar Ali Khan: Will the Education Secretary kindly state how many temporary vacancies of long duration for the posts of typists and clerks occurred for the period of war in the office of the Director General of Archæology during the last two years, and how were they filled? How many of these vacancies went to Hindus, Muslims and other minority communities?

Mr. J. D. Tyson: Seven temporary vacancies of more than three months' duration occurred between the 1st January, 1941, and the 31st December, 1942.

They were filled by the appointment from time to time, of 14 candidates of whom three were nominated by the Home Department. Of the candidates nominated by the Home Department two were Hindus and one a Muslim. Of the candidates recruited by the Director General of Archaeology in India seven were Hindus, three were Muslims and one was a member of another minority community.

Sardar Sant Singh: Which is that other minority community?

Mr. J. D. Tyson: A Sikh.

PAUCITY OF MUSLIM ENGINEERS ETC. IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

319. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Labour please state, community-wise, the number of Superintending Engineers, Executive Engineers and Sub-Divisional Officers (gazetted and non-gazetted) employed in the Central Public Works Department inclusive of the Aviation and Access Road Works?

(b) Is it a fact that Muslims are under-represented in each of the cadres mentioned above? If so, what action do Government propose to take to make up the under-representation of Muslims?

The Honourable Dr. B. R. Ambedkar: (a) A statement is placed on the table.

(b) Yes. The under-representation of Muslims is due to the fact that most of the appointments were made for Aviation works which were urgent and important and required a large number of experienced and qualified officers. Owing to the Japanese threat to India, these officers were required at the shortest notice, and appointments according to the strict communal roster would have led to delay which would have been highly prejudicial to the defence of the country. All the appointments in regard to which communal rules have not been observed, are temporary only, and irregularities will be put right as soon as the present emergency ceases.

Statement.

Designation of Officers.	Euro-peans.	Anglo-Indians.	Hindus.	Muslims.	Sikhs.	Indian Christians.	Parsees.	Total.
1. Superintending Engineers	5		3		2			10
2. Executive Engineers	12	4	35	5	1	5		62
3. Sub-Divisional Officers Gazetted. (Assistant Executive Engineers.)	1	5	25	6	2	4		43
4. Sub-Divisional Officers Gazetted. (Temporary Officers)	..	4	43	4	3		1	55
5. Sub-Divisional Officers (Non-gazetted)	..	3	124	23	22	1		173

Maulvi Syed Murtuza Sahib Bahadur: Are we to understand that when urgent appointments are made, it is only the unfortunate Muslim community that has to suffer?

The Honourable Dr. B. R. Ambedkar: That is not the only unfortunate community; there are other communities which are equally affected.

Maulvi Muhammad Abdul Ghani: Do Government propose to recruit Muslim officers from provinces if they are found fit?

The Honourable Dr. B. R. Ambedkar: Yes.

Mr. Jamnadas M. Mehta: When the communal proportion is restored, will those who have already been appointed be dismissed?

The Honourable Dr. B. R. Ambedkar: They are all temporary appointments.

Mr. Jamnadas M. Mehta: So they will be dismissed.

The Honourable Dr. B. R. Ambedkar: They are temporary. There is no question of dismissal.

(Mr. Jamnadas M. Mehta continued standing in his seat even after putting the question.)

Mr. President (The Honourable Sir Abdur Rahim): When the Honourable Member has asked a question, he ought to resume his seat.

Mr. Jamnadas M. Mehta: I want to ask another question, Sir. That means that those who came to your assistance at the critical moment will be given a short shrift?

The Honourable Dr. B. R. Ambedkar: The appointments are temporary, and there is no question of dismissal or discharge.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: What is the duration of these temporary appointments?

The Honourable Dr. B. R. Ambedkar: It is quite impossible to say.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Is it not laid down in the rules or in the resolution passed by the Government that any temporary appointment for three months and over should be made in accordance with the Resolution of the Government keeping in view the percentages of various communities?

The Honourable Dr. B. R. Ambedkar: All that must be subject to emergency.

NEW ASSISTANT ESTATE OFFICERS AND ASSISTANTS TO THE ESTATE OFFICER.

320. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Labour please state the number of the new posts of Assistant Estate Officers and Assistants to the Estate Officer created during the last two years?

(b) Has any of the above posts been given to a Muslim? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) Number of Assistant Estate Officers—three; number of Assistants to the Estate Officer—one.

(b) No.

Three of the posts were filled by selection and promotion from among the Superintendents in the Chief Engineer's Office. This is the normal method of recruitment to these posts. No suitable Muslim Superintendent was available. The fourth post was filled by an Officer temporarily on deputation from the Burma P. W. D.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: May I know if Mr. Karim Baksh was the seniormost Superintendent at the time when these posts were filled up?

The Honourable Dr. B. R. Ambedkar: I want notice.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: May I know if Mr. Brown, Mr. Grant, Mr. Ellis, and Mr. Bronkhurst held the posts of Superintendent?

The Honourable Dr. B. R. Ambedkar: I must have notice of that.

Mr. Muhammad Nauman: May I know whether all enquiries were made, whether other people were efficient or not, and when the Honourable Member wants notice for everything, he must have come here with proper replies if no Muslim was found fit?

The Honourable Dr. B. R. Ambedkar: I have no doubt that proper enquiries must have been made.

Mr. Muhammad Nauman: But the Honourable Member has no information on that at least.

Mr. President (The Honourable Sir Abdur Rahim): That is not a question. Next question.

CONTRACTS IN AVIATION WORKS.

321. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for Labour please state whether it is a fact that in the case of Aviation works it has been the practice of Government to award contracts for emergency works by private negotiations without calling for tenders?

(b) What is the total value of contracts awarded by private negotiations during the calendar year 1942?

(c) What is the total value of such contracts awarded by private negotiations to Muslim contractors?

The Honourable Dr. B. R. Ambedkar: The information asked for by the Honourable Member is being collected and will be laid on the table in due course.

THE INDIAN FINANCE BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): Before the House resumes discussion of the Finance Bill, I wish to inform Honourable Members that a number of Members wish to take part in the debate. But it will not be possible to accommodate all of them or even most of them unless the Members who are going to take part in the debate are willing to impose some self-restraint upon themselves and curtail their speeches. So far as the Nationalist Party is concerned, four Members have spoken, occupying four hours and sixteen minutes; from the Muslim League Party two Members have already spoken, occupying three hours and twenty-one minutes; as regards Unattached Members, three have already spoken, occupying three hours and eight minutes. On behalf of the Government three Members have spoken, occupying fifty-six minutes. The European Group have put up two speakers already, and they have spoken for one hour and twenty-three minutes. What I suggest to the House is that if a chance is to be given to most of those who are anxious to take part in the debate, the Members must come to some arrangement among themselves as regards time limit.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): May I be permitted to make a submission in this connection? During the General Discussion and the debate on the cut motions, those Honourable Members who are fortunate enough to be located nearer the Chair have been able to catch the eye of the Chair first and the back benchers have not been able to do so.

Mr. President (The Honourable Sir Abdur Rahim): That is not the question now under consideration. Mr. Ghiasuddin will continue his speech.

Mr. M. Ghiasuddin (Punjab: Landholders): As so many Members want to follow me, I do not want to be in their way and so I shall try to be as brief as possible. When the House adjourned yesterday, I was talking about the grievances of Indians in East Africa, particularly mentioning the case of the Kenya Highlands which are still reserved for Europeans. At a moment when we are hearing so much about liberty, equality and fraternity, when we are fighting for democracy and when our young men are laying down their lives for that sacred cause, it seems very odd that certain portions in East Africa and in other Colonies should be reserved for one race only. And may I ask the Government for whose benefit this reservation is made. After all the number of European settlers in East Africa is only ten thousand and for the sake of these ten thousand people—I know this is not the responsibility of the Government of India but they can make a representation to the British Government,—the British Government are antagonising a nation of four hundred millions of people whose help they are seeking even today. It is not only the case that only Englishmen and Scotchmen are allowed to settle in these Highlands but even before the war started, these Highlands were open for settlement to Germans and Italians who are now our enemies. Any German or any Italian, if he so desired, could settle there, whereas Indians were debarred. It is only 20 years ago, may I remind the Government, that you fought the Germans and you complained of the cruelties inflicted by German military men and the unbearable atrocities they committed. You called them Huns and Boches. As soon as the war was over, you opened out your homes and your colonies to these Germans and yet you have deprived the very persons who helped you to win your victory of the fruits of that victory. As citizens of the British Empire, we are asked to make all the sacrifices that are expected of citizens and yet we are deprived of the benefits. There is a very strong feeling of resentment throughout the country and in this House and I would ask my Honourable friend Mr. Pai who is representing the Government to convey our feelings to His Majesty's Government. There are two types of Governments in the Empire, namely, the Colonies and the Dominions. In the case of the Dominions, you have to consult their Governments and you have

got to make representation to them but Kenya is a Colony. It is not a Dominion and in charge of that Colony is the Secretary of State for Colonies who is a colleague of Mr. Amery. So, the British Government can by their own initiative wipe out this disgraceful Order in Council and open up the Highlands of Kenya to Indians. It is not a question of settlement and it should not take any time if the British Government wants to do it. For the sake of these ten thousand people, who wrongly persist in something, the Government should not be afraid and it will be a great thing for their cause if they will remove this ban on the Indians.

Now, Sir, I would like to refer to another matter in connection with East Africa. According to the *Leader* of the 26th December, 1942, a new body is going to be created after the pattern of the United Kingdom Commercial Corporation with monopolistic powers to import piecegoods and cloth into East Africa. The East African Government is now actively proceeding with a scheme and according to the information available it is proposed to establish a Corporation based on the recommendations of the East African Civil Supplies Board with monopolistic powers in regard to the import of textiles to East Africa. Now, Sir, this is going to hit very hard the East African Indian settlers. The Indian population of East Africa is something like 150,000 and out of this number—I am speaking subject to correction of course—about 24,000 people are employed in this piecegoods trade. These Indians in East Africa have rendered great service to that country and I would like to quote here what the Right Honourable Mr. Winston Churchill had to say about the Indian settlers in East Africa. Mr. Winston Churchill in his book "My African Journey" says as follows:—

"It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader who penetrating himself in all sorts of places to which no white man would or in which no white man could earn a living, has more than any one else developed the early beginning of trade and opened up the first slender means of communication. It was by Indian labour that the one vital railway on which everything else depends was constructed. It is the Indian banker who supplies perhaps the larger part of the capital yet available for business and enterprise and to whom the white settlers have not hesitated for financial aid. The Indian was here long before the first British officer. He may point to as many generations of useful industry on the coast and in the land as the white settlers especially the most recently arrived contingents from South Africa, (the londest against him of all) can count years of residence. Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark on a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of public faith."

This is the opinion of a man who today is the head of the British Government and I would suggest to the Government of India to appeal to him and tell him what he himself said and I hope that this representation will bear fruit. Why is this Corporation going to be created. They have given four reasons for the creation of this Corporation, firstly that it will save shipping space, secondly, that it will remove the shortage of supplies, thirdly, that it will make equitable distribution and fourthly make the price control to be more effective.

Now, Sir, these arguments will not bear scrutiny, if you examine them closely. We are told that shipping space has been already reduced to a minimum and there is no chance at all of any further reduction. As regards price control, very few prosecutions have so far been launched against Indians, and even where the prosecutions were launched, I am glad to say that very few of them were successful, because Indians are by nature law abiding citizens and they would not infringe the law. In fact, East Africa is better stocked than India itself. The stringent price control exercised by the East African Governments has seen to it that there is no profiteering whatsoever.

When these proposals were put before the Indian Chamber of Commerce as well as the English Chamber of Commerce, the Indians rejected them altogether, because this whole thing is being created for the benefit of the Europeans.

[Mr. M. Ghiasuddin.]

This Corporation is to have a capital of £100000 and each individual will be allowed to hold £7,500, worth of shares. So, it will only benefit the chosen few and those chosen few are going to be the white favourites of the various Governments in East Africa. It is a thing which we resent and I hope our resentment will be duly carried to the proper quarters.

Now, Sir, I have promised to be brief and I will briefly refer to one or two more matters which have been agitating the public mind. The first thing that I want to know is: What is going to be the fate of Indian officers and men who, on your appeal, have come forward to serve at the risk of their lives, and a good many of whom are unfortunately bound to lose their lives? What is going to be their fate after the war, which, God willing, we win and when peace is restored? What are you going to do for their employment? Now, Sir, we all know and we all hope that immediately after the war the present Government will abdicate in favour of some sort of National Government that is going to be created. I am for the abdication of the present Government; let there be no mistake about it. But the question is whether the Government which is going to succeed the present Government will be favourably inclined towards these young men? If the Congress Party comes into power, then we all know that they have done everything in their power to dissuade these youngmen from doing their duty. So, I suggest that before you abdicate, as abdicate you must, you must do something for these people. Now, so far as the Congress sympathy with these persons is we all know that Punjab Government had some pieces of land reserved for the ex-soldiers. One should have thought that such a measure will meet with the approval of all, but the Congress papers and the so-called nationalist papers were the loudest of all in their protest against this meagre measure which the Punjab Government undertook to provide for those who are defending us today at the supreme sacrifice. The *Tribune* wrote against it and all the other nationalist papers wrote against it. I have one or two concrete suggestions to make in this respect and I hope the Government will act upon them. There is no question of considering them because they are right and just. The first thing is about the expansion of the army. We know that the army has to be extended in peace time. Naturally, its strength will be reduced; it will not be of the same strength as it is today. But surely it will not be the meagre Indian army of pre-war days. We all know to our cost that India was under-defended at the beginning of the war and so our army will have to be increased. Now, Sir, I suggest that all Indian officers who are coming forward today should be given preference when the time for permanent commissions comes and they should be given preference over the Europeans who are getting emergency commissions in the Indian Army, because so many avenues of employment are open to them which are barred to Indians. A European can go to any of the Colonies or Dominions and settle there. He can get a job in England; he can get a job in any part of the world, but the lot of these Indians is going to be a very hard one when the time for demobilisation comes. So, they should be given preference over everybody else.

The second thing that I wish to mention is that I am glad to note that a great percentage of posts has been reserved under the Government for the civil employment in various All-India Services and I hope these ex-officers will be given preference over everybody else for those posts.

The third proposal which I want to put before the Government is that at the moment a good many firms through the Supply Department are earning a lot of money from the Government. Before you give your contracts to these firms, I think it will be only fair and equitable that you take a promise from them that if you give them your contracts for supply after the war they will employ a certain number of ex-officers. This should meet the case because

at the present moment there are two types of men, one set of men are profiteering during this war and the other class of people are defending the country at the cost of their lives. I am making this appeal to Mr. Mackeown and I hope he will think over it. Both the Government and the public are very anxious that when the time for demobilisation comes, these youngmen should not be thrown to the wolves because it will be most ungracious thing to do and it will create the greatest discontent in the country.

Now, Sir, I will refer very briefly to one or two other matters and then conclude my speech. First of all, I take the case of the National War Front. I am one of those who believe that the National War Front with all its limitations is doing a very useful work and I am one of those who believe that the 75 lakhs of rupees spent on that movement is well spent. Naturally, there is room for improvement as there is room for improvement everywhere else. We cannot take all the enemy propaganda and everything else which is anti-war lying down. We have to make a reply, at least those of us, who believe in the winning of the war, think so. While on this subject, I must pay my tribute to my Honourable friend Mr. Griffiths who is doing a lot in this direction and I hope he will continue his good work.

I will refer very briefly to what my Honourable friend Sir Frederick James said about the Royal Indian Navy. India, as we all know, has not had a naval tradition for some time past, but the exploits of His Majesty's Indian ship "Bengal" were marvellous. I had the pleasure of listening to Sir Herbert Fitzherbert and he said that the brave deeds of that gallant little ship compare with any illustrious deed of the British navy and it can be favourably compared with any naval feat in the history of the world. And I believe all the sides of the House will join in paying tribute to that gallant little ship which sank one of the two Japanese ships, which were much better armed which encountered this one. I also join Sir Frederick James in paying our tribute to Admiral Sir Herbert Fitzherbert who is to leave our shores very shortly. He did a lot for the Royal Indian Navy and can rightly be termed as its father.

Now, Sir, I will say a few words about the matter which has been agitating the minds of Mussalmans who live round about Delhi. Some of the mosques are in a dilapidated condition, but the Mussalmans are not even allowed to repair them, because the Public Works Department or whosoever is in charge of this work thinks that these mosques will one day tumble down and eventually become their property. It hurts the Muslim sentiments very much to see mosques tumbling down and their being not in a position or rather not being allowed to repair them. Sir, the war is on and this sort of behaviour is sure to alienate the sympathies of Mussalmans. It is a very small matter and I hope the Public Works Department or whoever is in charge of this work will give his serious consideration to it and will remove the ban imposed on Muslims in the matter of repairs.

Sir, I have little to say about the political situation in this country. The Congress Party have embarked on a course which cannot but bring disaster to every one concerned. We know at the beginning of the war the Congress Governments were in power in seven Provinces and at those times their relations seemed to be getting on very well with Governors and every official. But when the Nazi aggression began in Europe the Congress Members and other Congress Leaders were urging Great Britain to fight for the case of freedom. They were saying why "don't you" fight to defend Austria, Abyssinia and Czecho-Slovakia. As each new aggression took place there was a hue and cry that Britain should take upon herself the role of a policeman and fight for the defence of all these smaller nations. But when the war came at once the hand of co-operation was withdrawn and Ministries were withdrawn from all the seven Provinces and every thing was done that could be done to put obstacles in the way of successful prosecution of the war. At times it seems that the

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Congress Party actually want the Nazi power to win and we can say on the authority of Pandit Jawahar Lal Nehru as was revealed in the proceedings of the Working Committee of the Congress that actually Mahatma Gandhi's mind is working that the Axis Powers, God forbid, will win. Sir, it is very regrettable and I would appeal to all the Congressmen and everybody to give up this disastrous attitude. This is the time when our country is still in danger, although danger seems to have receded a lot, still danger might reappear at any moment. This is the time when every good and patriotic man should come forward and do his little bit for the defence of this country.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I rise to reply to the criticism made by Honourable Members during the course of this debate on certain points or acts of commission and omission with which the Labour Department is concerned. Sir, I will begin with the points raised by Sir Frederick James. As the House is aware so far as the Labour Department is concerned there were two points to which he devoted special attention. The first one is the point which relates to paper. Sir Frederick James paid great attention to the point how Government of India was extravagant in the use of paper and how in every direction Government was responsible for what he called waste. Sir, this question of paper, as the House will recall, was once debated in the course of this Session on an adjournment motion when I gave a reply on behalf of Government. It is quite clear that my Honourable friend Sir Frederick James was not satisfied with the reply that Government then gave and has returned to the subject again. I make no complaint of his returning to the subject again for I am glad that it does give me another opportunity to explain what Government is doing in the matter of conservation of paper. Sir, before I enter into the subject matter it might be desirable to tell the House that as far as I have any information it seems to me that the House is exhibiting, if I may say so, a certain degree of over-anxiety that there is a shortage of paper, but I am not quite convinced that there is what we might call acute suffering in the matter. It might be interesting to the House, if I present to Honourable Members a few figures with regard to the publications that have been issued in Great Britain and in India. Sir, in 1939 in Great Britain, fifteen thousand books were issued and in 1940 eleven thousand were issued, in 1941 the figure fell down to five thousand. As against this if you take the production of books in India you will find that in 1939 there were issued altogether fourteen thousand publications, in 1940 the figure rose to fifteen thousand and in 1941 the figure was fourteen thousand. I am not saying that shortage of paper is not a question with which we are not concerned. As I said, there is shortage, but what I want to emphasise is that there is not a case of what we might call acute suffering.

Sir, proceeding further, as the House will remember, Sir Frederick James depended upon two illustrations in order to substantiate his charge of extravagance against the Government of India. Last time when the subject was debated, Sir Frederick James brought out a rent bill which is issued from the Western Court to the tenants who occupy that building. His case was that the rent bill which was presented to the tenants was a document of great enormity which contained details which were probably unnecessary and at any rate which could have been cut down in the period of the war. This time he brought out an old dilapidated copy of the *Calcutta Gazette* and pointed out that there were published in the Gazette certain information which could have been avoided in the course of the war.

Sir F. E. James (Madras: European): May I just interrupt my Honourable friend for one moment? The issue I demonstrated of the *Calcutta Gazette* was the one which was just received from Calcutta and I think it was dated February of this year.

The Honourable Dr. B. R. Ambedkar: I am obliged to my Honourable friend. Now, Sir, the point I would like to make is this. If Sir Frederick James was a lawyer, I am sure he would not have brought forth these two cases as illustrations of the points he was making. With regard to the rent bill, Sir Frederick James evidently forgot to look up the date on which it was printed. This bill was printed in 1938 and far from condemning the Government of India for using the bill, I think the Government of India ought to be congratulated that rather than destroying the old bills, the stock of which exists in the Government of India, the Government of India had laid aside all requirements of reforming the bill and were bent upon using the old stock which it possessed in order to conserve paper.

Sir F. E. James: Make them into scrap.

The Honourable Dr. B. R. Ambedkar: Sir, with regard to the question of the Gazette, I think a slip was committed by Sir Frederick James by reason of the fact that he was not able to appreciate the importance of the Gazette. The Gazette is not merely a matter which contains useful information, information useful to Government, but as every lawyer knows, the Gazette is the only document where in some cases proof can be given by nothing else in a court of law except by the production of the Gazette. Even the list of enemy firms, patents, etc. Government Gazette according to the Evidence Act, is the only primary evidence by which certain things can be proved. I would therefore ask Sir Frederick James whether he would not agree with me that whatever else we may do with regard to economies in Government paper, the Gazette is the last thing which we ought to touch.

Sir F. E. James: I would point out that my case was that an enquiry should be made whether it was necessary to publish in all the Provincial Gazettes, undoubtedly unimportant items which are published in the Central Government Gazette.

The Honourable Dr. B. R. Ambedkar: The reason obviously is that every Provincial Government must publish its own Provincial Gazette as prescribed by the Government of India Act. But, Sir, I do not wish to rely upon what might be called a rhetorical reply to meet the argument of my Honourable friend. I propose to refer to the practical steps which the Government of India have taken in order to economise paper. I would first of all take up the question of the Gazette. Now, I would request my Honourable friend Sir Frederick James and also other Honourable Members of this House who are interested in this question to compare Part II, Section I, of the Gazette of India of 29th August with that of Part II, Section I, of 6th March 1943. If the House and the Honourable Members would take the trouble of comparing these two issues of the Gazette, they will find that practically the matter which used to occupy 1½ pages of the Gazette is now compressed in half a column, so much space has been economised. All margins have been cut out.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): What about people with defective eye sight?

The Honourable Dr. B. R. Ambedkar: I cannot please all. Then, Sir, with regard to the point which Sir Frederick James just now raised, I might also inform him that the Government of India has circularised all Provincial Governments whether it would not be desirable and possible for them to use notifications issued in the *Gazette of India* by the Government of India and not to reproduce or repeat them for their own use in their own Gazette. Of course, all that we can do is to advise and to recommend.

Then, Sir, with regard to Indian Information, the House will be interested to know that we have already issued orders that its size should be reduced to half.

Coming to the question of forms, the House will be interested to know that as a matter of fact 149 forms have been suspended during the war and 190 have been altogether abolished. Secondly the size of the form has also been reduced

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from 1941. In the forms printed after July 1942, no superfluous space is allowed. I would say that if Honourable Members have any suggestions to make to the Government of India, I should certainly feel extremely obliged and give my best attention to them.

Then, Sir, with regard to publications, I might assure the House that nothing is published, unless it is found to be absolutely essential. In order to determine the essentiality of any publication, the Government of India have introduced three different checks on publications. There is first of all the check applied by the Controller of Printing and Stationery. He is no longer the mechanical man who used to execute orders placed before him for printing. We have now invested him with authority to scrutinise and to examine the essentiality of any publication put before him. If he disagrees and objects, the matter is then referred to the Secretary of the Labour Département who considers the question and if the Labour Department and the Controller of Printing agree that the publication is not an essential publication, then the matter is referred to a Committee whose decision is regarded as final. Then, Sir, we have also issued instructions to printers whereby they are directed that they must make the most economical use of paper both in the matter of spacing, margin and other things. I am sure that although this may not be a very impressive list of steps taken by the Government of India, it is undoubtedly a serious attempt to produce economy. Sir, as the saying goes, no one expects Hannibal's elephant to learn the goose steps. The Government of India, and any Government for the matter of that, is a huge beast, slow in moving, slow in guits and yet it cannot be expected to learn goose step and yet, I think the House will agree, the Government of India has learned the goose steps, if it has not learnt, it is ready to learn.

Sir F. E. James: It is still quite young.

The Honourable Dr. B. R. Ambedkar: Now, Sir, I come to the definite suggestion made by my Honourable friend Sir Frederick James in the matter of bringing about economy of paper in the Government of India. His specific suggestion, if I understood him correctly, was that a body was appointed in England, a committee consisting of a Chartered Accountant, a representative of the Publishing House and a representative of the Printing establishment. Sir, he has given us no details as to the mode and the manner by which this Committee works in England, nor has he referred to any principles adopted by this Committee in order to bring about economy. It is therefore at this stage quite impossible for me to say that I am ready to accept the suggestion that he has made. But I would like to point out to him the steps that we had taken which I am sure he will agree is more or less along the lines that he suggests. The step that we have taken is to appoint an officer called Commercial Master Printer to advise the Controller of Printing. We have very recently secured the sanction of the Finance Department, and the Officer will be appointed before long. I am sure this Officer will be able to do what the Committee in England is said to have done.

Dr. P. N. Banerjee: Is he an Indian or a European?

The Honourable Dr. B. R. Ambedkar: We have only got the financial sanction just now.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Will he save more than he will cost?

The Honourable Dr. B. R. Ambedkar: Let us hope so. There is no harm in guessing and hoping. That is all that I have to say with regard to this question of paper.

The next point dealt with by Sir Frederick James was with regard to the housing of families of officers in Simla. He will appreciate that so far as housing is concerned, this is probably the tightest corner in which the Government of India finds itself. The accommodation which it had

and the accommodation which it has been able to control as a result of the requisition order is nothing as compared to the officers which the Government of India has had to employ as a result of war efforts. He will also agree that if we are to prosecute the war effort fully, we have to have priority fixed for accommodation, and he will agree that so far as the priority is concerned families must take a second place as compared to the officers themselves. At the same time, the Government of India is aware how separation of husband and wife, father and children is likely to affect the mentality, the ease of mind of an officer who is required to do war effort. In order to relieve whatever distress such an arrangement might be causing, the Government of India has undertaken to open three boarding houses in Simla in order to accommodate the wives of officers who cannot leave their stations and I hope that Sir Frederick James will accept this as a token of goodwill of the Government of India towards this very acute problem.

Then, Sir, I come to the third point which was raised by my Honourable friend, Sir Jamnadas Mehta.

Mr. Jamnadas M. Mehta: I beg your pardon.

The Honourable Dr. B. R. Ambedkar: I hope you will be on the way to Knighthood. I won't withdraw, nor apologize; I only say that it is in anticipation.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Coming events cast their shadows before.

The Honourable Dr. B. R. Ambedkar: Mr. Jamnadas Mehta in the course of the debate referred to the Session of the Dominion Labour Trade Union Congress which is being held in England or which is about to be held, and he complained that Indian labour was not represented at that Dominion Conference. Sir, I share the regret and the sorrow which Mr. Jamnadas Mehta feels at the omission of representation of Indian labour at this important labour conference, but I would like to tell Mr. Jamnadas Mehta that the Labour Department is in no sense responsible for this unfortunate result. I would also like to tell him that the Labour Department was not consulted by the conveners of this Conference and I am sure that Mr. Jamnadas Mehta will admit that we really could not do anything in this matter since we were not consulted. Why they omitted to consult us and why they did not directly consult the heads of the labour movement in this country, who are quite well known to the gentlemen who are working for this Conference, I can more than understand. But, I think, Mr. Mehta, will agree that the Labour Department is as watchful as any department can be in the matter of safeguarding the interest and the position of the Labour Department. Sir, I have done.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): The other day when the cut motion moved by Mr. Yusuf Abdoolah Haroon on the subject of martial law in Sind was being discussed in this House, my Honourable friend, Mr. Lalchand Navalrai, in a speech which he made in that debate was good enough to say about me that I was a sober and decent man, and I remember having interjected at that time that I reciprocated the compliment. Later, on Friday last, when the Honourable the Home Member, whom I do not notice in the House at the moment, acting in accordance with orthodox bureaucratic practice gave evasive answers to questions put by Maulvi Syed Murtuza Sahib Bahadur regarding the suspension of direct recruitment to the cadre of Assistants in the office of the Government of India and Attached offices and as a last resort of one who feels cornered trotted out, the hackneyed and never-convincing plea that the information was not readily available and its collection would entail an amount of time, labour and expense which would not be justifiable, all those who attach any value to the privilege of interpellation enjoyed by the Honourable Members of this House resented this evasion. In fact, on all occasions when--refuge is taken behind this form of evasion in order to prevent the true

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state of things from coming to light and to cover a multitude of sins, great resentment is naturally felt by all those who attach a value to the right of interpellation. My Honourable friend, Mr. Lalchand Navalrai, in a fit of sobriety and decency, put what he considered to be a supplementary question asking why Government should not take steps to stop the recruitment to the services of everyone except Muslims. Not only that, he even posed as if he were waiting for an answer to his sober and decent question. Of course no answer was given and none could be given, but the incident raises some important points. The first point is that Mr. Lalchand Navalrai appears to be fed up with questions put, cut motions moved, Resolutions tabled and debates initiated by Muslim Members of this House regarding the proportion of Muslims in the services and not only goes the length to which Mr. Gandhi went more than twenty years ago in offering the Muslims a blank cheque in the matter of the Muslims' position under swaraj and saying, in effect "Take as much as will satisfy you and leave for the Hindus as much as you like," but he out-Gandhis Gandhi and says "Take all". Of course Mr. Gandhi's cheque remained eternally blank in all respects as he never adorned it with his signature, but is history now repeating itself and is Mr. Lalchand Navalrai's offer meant to be as infructuous as Mr. Gandhi's blank cheque? The fact is that the whole dispute is between the Haves and Have-nots, and Mr. Lalchand Navalrai made the altruistic-looking offer in a spirit of bitter sarcasm. Really he meant to say that this incessant cry over injustice to Muslims in the services should now cease. After all, the attitude of Mr. Lalchand Navalrai and those of his way of thinking can be understood. But what about the Honourable the Home Member, who, I am glad to see has now come to the House? That brings me to the second point. No one knows better than the Honourable the Home Member that questions of the kind which he evaded on this occasion are the only means of bringing to light the trickery, the machinations, the high-handedness, the favouritism, the nepotism and worse which are constantly employed by those holding key positions in the services to the detriment of the Muslims. What goes on inside the offices of this clerk-ridden, clerk-controlled, and clerk-guided Government is a sealed book to those interested in seeing their rights enforced and protected, and whenever something untoward happens to them—and that happens often enough—they cannot get even the bare facts, on the basis of which they may make an effort to get a wrong righted. Those responsible for the omissions and commissions will naturally try their best to conceal the facts, and it is only by the compelling force of interpellation in this House that facts and figures can be obtained whereupon to base a demand or to find an argument. If Government itself takes to harbouring the offenders and declining to give information, all is over with those who believe that Government meant its orders to be carried out, and they are forced to the conclusion that even Government was not quite serious when it passed the orders in 1934, laying down the communal proportions in the services.

Let me quote the very question put by Maulvi Syed Murtuza Sahib Bahadur which the Honourable the Home Member evaded and which constitutes the occasion for my remarks. It is starred question No. 286. The question runs—

"(a) Will the Honourable the Home Member please state the names of offices in the Secretariat proper and attached offices where direct recruitment to the cadre of Assistants has been suspended?

(b) Is it a fact that direct recruitment to the cadre of Assistants has been suspended in the Posts and Telegraphs Directorate? If so, why?

(c) What measures have been taken by the Home Department to protect the interests of minority community officials referred to in (a) and (b) above? If none, Why?"

I will stop there. Evidently, Sir, the offices referred to were not so innumerable that the Honourable the Home Member should have felt that he was faced with a Herculean task which it was impossible for him to undertake. The offices were few enough and he could have easily said whether direct recruitment

to the cadre of Assistants had been suspended or not. In fact, if such recruitment had been suspended it must have been under orders from or with the concurrence of the Home Department, so that the Honourable the Home Member must have been cognizant of such suspension and the reasons which led to it. His refusal to give the information can only mean that either he abetted the act or became an accessory after the fact and therefore must ward off all efforts to extract information. Can we hope that the Honourable the Home Member and other Honourable Members and Secretaries in charge of Government Departments will prove more communicative in future and will not allow their subordinates to prepare such evasive answers for them to read in the House? Of course they have no time to prepare such answers themselves. I have already stated that this is a clerk-guided Government. The office prepares the answers and the Honourable Member reads them out. Care must be taken to see that the office does not lead the Honourable Member into an untenable position. The answer of the Honourable the Home Member to this particular question is by no means the only instance of the evasion complained of. Such instances constantly occur and the position comes to this. The information cannot be collected and given because of war time work. Direct recruitment has to be suspended as a war time measure. Supersession of deserving Muslims cannot be looked into because of war time conditions. All efforts to get communal grievances investigated and redressed must be given up because of war time preoccupations. The result is that all those Muslims who suffer exclusion from recruitment, deprivation of promotion, supersession, and the like, must be regarded as war casualties without being recruited in the army or sent to the fighting front.

Now, Sir, this much about what happened in this House with regard to questions on Friday last. I shall now point out a few facts relating to the Department which is represented in this House by my Honourable friend, Mr. Tyson, viz., the Institute of Agriculture, Veterinary, Forest Research, etc. I have had figures collected which represent the state of things existing in April 1941, and it would not be unreasonable to suppose that things are not very much better now. Those figures are:—

	Muslims.	Europeans.	Hindus.
Imperial Agricultural Research Institute—			
Officers, Class I	2	2	8
Class II.	2	1	20
Imperial Dairy Department	5	7	4
Imperial Veterinary Research Institute, Muktesar, and its sub-stations.	6	6	27
Forest Research Institute and College	..	1	17
Indian Lac Research Institute	..	..	..
Indian Central Cotton Industry—			
(a) Central Administration (Bombay)	9	..	9
(b) Technical Laboratory	2	..	28
(c) Plant Industry, Baroda	1	..	9

Now, these figures are, I think, fairly instructive by themselves without any comment from me, and I want the special attention of the Department of Education, Health and Lands, of which the Honourable Member also fortunately for me happens to be present here at the moment. I now want to point out some typical cases of appointments.

In 1938 the post of Assistant Superintendent, Zoological Survey of India, was given to Dr. Roonwall, a Hindu. This was a Muslim's post; and qualified Muslims were available, but thrown off. Second instance: a post of Class II—Second Entomologist in the Imperial Agricultural Research Institute, New Delhi, specially advertised for a Muslim was given to Dr. Narayan Iyer, a Hindu. Two Muslim Doctors were available but rejected. This was in 1941. Instance three. A post of Assistant Entomologist in the Veterinary Department at Muktesar was advertised; qualified Muslims were given no opportunity to get that post. That was in 1941. Instance four. A post of Assistant Entomologist in the Forest Research Institute, Dehra Dun, was advertised in 1941; it was reserved for Muslims, a Hindu was appointed in spite of qualified Muslims being available. Instance five. A post of Assistant Entomologist in the

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Research Institute, Namkum, Bihar, was advertised, in 1942; qualified Muslims, were given no opportunity and a Hindu has been taken. These facts require not only careful but sympathetic looking into. The disease must be diagnosed and a cure found. According to my information one cause of the disease is that whenever a selection takes place before the Public Service Commission, the technical advisers who are present on the occasion according to the rules happen to have certain prejudices against Muslims. Another cause is that the directors or chairmen of the institutes prefer Hindus. The plea is usually put forward that the better qualified candidate was taken; but I am afraid such a plea cannot be very convincing to those who are prejudicially affected by the procedure. I think our Hindu brethren who are supposed to be very highly qualified and are perhaps as a matter of fact highly qualified can always be replaced easily by a better qualified European. You can find one man better qualified than another; and a third better qualified than the second. That is not the thing. Have you got a qualified Muslim for the post which you have advertised for a Muslim? If you have, it is no plea to say that another better qualified man can be had and therefore although we advertise the post for a Muslim, you cannot get it. Whenever objection is taken that the proper percentage required by Government orders of 1934 is not maintained, we find that by engaging lab boys and peons and field men the necessary percentage as far as figures are concerned is made up.

I am glad that the Honourable the Labour Member is still in the House although not in the seat which he occupied a few minutes ago; I want his attention to one particular point and that is the quota of newsprint allotted to that section of the press in India which consists of papers published in the Indian languages. That includes all the Indian languages—Urdu and Hindi and Telugu and Tamil and everything. Now, on this question, the position has become very acute of late; so much so that my Honourable friend Maulana Zafar Ali Khan on one occasion attempted to move an adjournment motion in the House on that subject, which of course for technical reasons could not be admitted by the Chair; but it indicated that proprietors of papers in the Indian languages had been hit very hard indeed. Originally certain quotas were fixed for individual newspapers according to an estimate made of their requirements. In December 1941, that quota was reduced by 25 per cent. for six months. In January, 1942, there was a further reduction of 25 per cent.; that means the original quota was brought down to 50 per cent. Then in January, 1943, there was a further reduction of 75 per cent., reducing the entire quota to 1/8th of what it originally was. Now this really means a matter of life and death for these papers. Most of the papers are such that they had not got enough capital to keep a stock of newsprint in advance of hard times so that they have no stock now, having never had any. Then recently another order has been passed; this was, I believe, on the 18th February, 1943, which legally prohibited these papers from purchasing newsprint elsewhere—they could only purchase from specified paper depots and not from anywhere else; so that if there was any possibility of their making up the deficiency in other ways, that possibility has been ruled out. That has hit them so very hard indeed that I think most of the papers are now faced with death; and unless Government takes up a sympathetic attitude and revises their quotas many papers will be compelled to stop publication. That will not only mean a loss of income to the owners of the papers and a loss of their jobs to those who are employed as editors, managers, printers and all that, but I think Government propaganda is also in danger of suffering because it is a well known fact that these papers have helped enormously in carrying on war propaganda and thereby they have rendered great services to Government, and I think it is only just and fair and reasonable that their quotas should be increased and they should be put in a position to carry on their work as they have been carrying on before. Another thing which appears to have been ordered by Government is that these

papers should raise their subscriptions and also their advertisement rates. That is a remedy worse than the disease. The moment subscriptions are raised, I think the circulation of the paper will go down automatically at once; and the moment advertisement rates are raised people who publish their advertisements in these papers will simply stop giving them these advertisements for publication, and in that way also they will suffer. So I hope that this point will be attended to by Government at the earliest opportunity and in a sympathetic spirit. That is all, Sir.

Mr. Frank R. Anthony (Nominated Non-Official): The Honourable the Finance Member in his speech referred to the fact that rising agricultural prices had obviously diminished the agricultural indebtedness in this country. I am inclined to doubt the obviousness of the allegation made by the Honourable the Finance Member. The only persons who have been benefited by the rise in prices, not only of agricultural but other prices in this country, are the money-lender, the profiteer and the bania. And this benefit has been accentuated in a way by the Government's apparent policy of indifference and leniency towards the money-lender. Any one who has practised as a lawyer and who has come into fairly close contact with the *malguars* and agricultural classes must realise to-day that it is the creditor who is increasingly impounding the stocks of the agriculturists at pre-war prices and is releasing them in a black market or from time to time when stocks are either difficult to procure, or not procurable at all. It is unfortunate that Government should assume as axiomatic conditions which do not in fact exist. Do Government seriously believe that the rise in agricultural prices has really benefited the agriculturists? Is it not a fact, on the other hand, that the money-lender, the profiteer and the bania having secured the crops of the agriculturists at rock bottom prices are then releasing them in a manner and at a time so as to secure the widest margin of profit from the poorest people of this country. In another part of his budget speech, the Honourable the Finance Member referred to the question of dearness allowance. I quite agree with him when he says that by increasing the purchasing power of the people by enhancing dearness allowance, we are not finding an answer to the problem of dearness. What other remedy or partial remedy can he suggest? The Honourable the Finance Member said that in the successful organisation of food supply to the people will lie the best safeguard against an increase in the cost of living and consequential demand for dearness allowance. Implicit in this statement of his is the untenable postulate that food constitutes the only need of the poorer people in this country. The experience of Government attempting even partially to supply foodstuffs to the poorer classes of employees in this country has been a sorry and tragic failure. It is not so much an attempt to supply foodstuffs or other necessities vital to life that will meet even to a limited extent this phenomenal increase in the cost of living. It is rather a tightening up of the whole system of food control, a tightening up of price control, a tightening up of the distribution of commodities, that can solve the problem. To my mind it is the lack of obvious measures of food and price control, it is the lack of a seeming rule on the part of the Government to adopt and implement rigorous methods for controlling these unjustifiable increases in price and for controlling the phenomenal increase in the cost of living—these are the real causes of the present artificial rise in the cost of living in this country. I do not think that I exaggerate when I say that the cost of living index in India has risen perhaps more than that of any other country in the world. What is the reason for this unique and uniquely unhappy position?

Officialdom seeks to shift the burden of responsibility by imputing all kinds of reactionary and anti-social habits to the peoples of this country. But officialdom cannot escape its share; and a very definite share, of the blame for the present situation. Government persisted in pursuing a blandly indifferent policy, a smugly complacent policy of imperviousness to any suggestion from whichever quarter it may come. Leading public men, the most responsible

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newspapers have from time to time suggested measures' which Government should adopt to meet present situation. But Government persists in continuing its present, short sighted, unimaginative and disastrous economic policy. We are heading straight for economic disaster. And the only people that do not seem to appreciate this are those who control and direct the economic policy of this country. We will inevitably be overtaken by strikes and by food riots. I wish the picture I have drawn were a figment of my imagination, but unfortunately it is only too true.

Government has not offered any explanation as to why it is shirking its obvious duty of evolving a more rigorous food control and price control policy in this country. We are told that in Turkey the profiteers and boarders are whipped, and that other drastic steps are taken in respect of anti-social activities which have had a very wholesome and salutary effect on the food situation in that particular country. But here, our authorities, when they are faced with the increasing misery of the poor people, seem to encourage the profiteer and the hoarder. It has been suggested by some Honourable Members that there is a kind of unhallowed understanding between the Government and the profiteer in this matter, that is, that profiteers can continue to profiteer on a large scale provided they contribute a certain proportion of their profits and their blood-money to the war effort. If they do that, they seem to be permitted by Government to continue to fatten on and wring their fortunes from the misery of India's poor. We have not heard from Government the whisper of a suggestion that it is prepared to adopt any special measures in this connection. In excise matters the Government has special staffs for investigating and detecting crime. They offer rewards for information, but when the whole economic structure and life of the nation is in jeopardy, you continue and you are prepared to continue to persist in this present policy of misguided leniency. We all realise that in time of war and under present emergent conditions there must necessarily be a certain rise of prices, but the present rise of prices, the present rise of cost of living—these are artificial and they have been artificially induced and encouraged by Government's present policy of leniency.

Government are not aware of the misery, the increasing misery that is being imposed on the lower middle class worker in this country. My Honourable friend, Mr. Jamnadas Mehta, has pleaded repeatedly and fervently the cause of the lower paid worker in this country. I endorse what he has said, but I also repeat that it is the lower middle class worker, who, if anything, is comparatively worse off than the labourer or the menial as he is designated. A man who is earning Rs. 200 or 300 a month can look forward only to increasing burdens from the Government. Are the railways or the different Government authorities aware that such a man who to-day has three or four children to educate is obliged increasingly to deny to one or two of his children the minimum education that is necessary to equip them for the battle of life? Are Government aware that people getting about Rs. 200 to 300 a month are having to surrender increasingly to small degree of financial security that they have attempted to make for their family? I know that many people earning between Rs. 250 and 300 on the railways have practically been compelled to surrender the small insurance policies which they had taken out? I would make my appeal not only to the railways but to all the Government Departments, particularly, to the key services like the Posts and Telegraphs and Customs. These men in their services are in need of a dearness allowance to the same extent and the same degree as your railway worker. The Honourable Member for Railways and War Transport has been good enough to extend the range of dearness allowance to cover incomes up to Rs. 200. But this is still a niggardly and inadequate level of income. Does Government seriously believe that, by extending this dearness allowance to include this very limited range of incomes, it is really helping to relieve the increasing misery—which is engulfing wider and still wider circles of employees in the key services of

India. I would draw attention to the tragic position which has been imposed by the Government's present policy of drift and leniency on employees in the various key services. The position is becoming increasingly desperate. If Government refuses to listen to and accept the appeals of people like Mr. Jamnadas Mehta and myself who are in close and intimate touch with the needs of the employees working in these key services, if they persist in continuing to treat these appeals with the usual official cynicism, then I can only say that your most loyal workers today—not because they want to but because they will be driven to by sheer economic desperation—will listen increasingly to counsels of extremism and destructive action.

I have heard with regret that certain Railway Unions contemplate going on strike in order to implement their demands. No one sympathises more than I do with the demands of railwaymen, wherever they may be and to whatever community they may belong but I believe that at this time to hold a pistol to the head of the administration is to indulge in a highly misconceived, dangerous and misguided course of action. And I feel sure that the 20 to 25 thousand Anglo-Indians in the various railways of India, in spite of the fact that you still do not listen to their grievances, can be relied upon completely not to stoop to any methods of coercion, any undesirable methods of sabotage or undermining of the wheels on which the war effort and the war industries of this country are moving. When I appeal to 20 to 25 thousand of my community in the railways to stand fast at this juncture, I am not misguided by any motives of disloyalty to other Indian employees on the Railways. The war effort, whatever our political creed, whatever the degree of our resentment at the action of Government, must be the first and paramount consideration for every community in this country. And any attempt deliberately to induce a paralysis of the key services like the railways would be to deliberately undermine our own national position. That is why I feel sure that leaders of employees in the various key services will deprecate any attempt to sabotage the war effort of these key services. Not only that. They must call upon the people whom they lead not only to desist from strikes and methods of coercion but also to do their utmost to break strikes and any attempts to coerce Government or to paralyse the war effort at this critical juncture.

I think very few communities in India have been treated in a more niggardly and ungrateful manner than the community which I represent. It has been said by Lord Lloyd that the Anglo-Indian community is probably the most vital and the most vitally strategic community from the point of view of the administration in India. And yet we find that the authorities have from time to time imposed the most galling and bitter restrictions against the Anglo-Indian community. Today communal discrimination is being flaunted in a most accentuated form. All kinds of inducements are being offered to Anglo-Indians, as has been done in the past, to look away from India and falsely to identify themselves with the Europeans. On the one hand, this policy involves disabilities and handicaps and on the other it deliberately induces people, by offering them differential economic advantages, to deny their parentage and their community. We have lost many of our famous sons because of this policy, many Anglo-Indian Governors and administrators, many great Anglo-Indian soldiers have been induced by this policy of racial, communal and economic discrimination to look away from India and their community. The military authorities, if anything, are today practising this discrimination in a flagrant way. My Honourable friends do not realise the nature of this discrimination. You are not aware of the nature of the differential scales of pay and allowances that are offered to British commissioned officers on the one hand and Indian commissioned officers on the other. And this is a matter which affects us all in this country, to whichever community we may happen to belong. It is a flagrant case of communal discrimination translated into economic pressure. You are not aware that a married Captain on the European scale gets Rs. 775 as against Rs. 610 drawn by the Indian Commissioned

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Officer. A Major gets 1,105 as against 850 drawn by an Indian Commissioned Officer. A Lieut. Colonel gets 1,450 as against 1,105 drawn by his Indian counterpart. And this discrimination becomes more marked as the seniority increases. Is there any justification for this discrimination? Economically there is no justification and morally it is indefensible. I make this assertion on the floor of this House and I challenge the military authorities to investigate my assertion and they will find that what I say is true. I say that 99 and nine-tenths of your so-called British Emergency Commissioned Officers, who are domiciled in this country, are Anglo-Indians. But because they choose, wittingly or unwittingly, to make the false declaration that they are Europeans, without any investigation whatever, you give them a differential and higher scale of pay. The Government probably is not aware of the definition of an Anglo-Indian. Let me refresh their memory. An Anglo-Indian is a person of European descent who is a native of India. And a native of India is a person born and domiciled in this country of parents habitually resident in India. Thus every European born of parents habitually resident in this country is an Anglo-Indian. And yet as I have said 99 and nine-tenths of your so-called British officers, who are domiciled in this country, come within the purview of this definition and you give them a higher scale of pay because they make a false declaration. The utter travesty of this position is brought out by the fact that we know of not one but several Anglo-Indian families in which the lesser educated sons of these families, because of their lack of education, have made a false declaration and without attempting to investigate the question, you have given them the enhanced European Commissioned Officers' scales of pay. The better educated members in the family get the reduced scale of pay, because they refused to deny their parentage and their community. The whole position is thoroughly immoral. You are today, as you have done in the past, placing a premium on dishonesty and cheating. If a man lies and makes a false declaration, you pay him more but; if a man has the courage of his conviction, you penalise him by giving him a lower wage. I do not ask you to lower the wage of the British Emergency Commissioned Officer. But I do ask you to increase the level of income and allowances of the Indian Commissioned Officer. As I have told you 99 and 9/10th per cent. of your British Emergency Commissioned Officers who are domiciled in India are Anglo-Indians. They are of Asiatic domicile. They are drawn from the same cultural and economic stratum as the Indian Commissioned Officer. What possible justification, economic or moral, can there be to differentiate in this matter of pay unless it be on obviously communal and racial grounds? I do not blame them for making these false declarations. I blame your foul Government policy which places a premium on communal discrimination and which offers a mess of pottage to the man who is prepared to deny his community. Most men have their price. Whatever position a man may happen to occupy, if you offer him an extra mess of pottage he is often prepared to stoop to dishonesty. That has been your policy which has affected adversely and which has emasculated the Anglo-Indian community. It has enabled the British historian to filch the names of great Anglo-Indians and to include them in the pages of British achievement. In spite of the fact that in this war, as in the last, 90 per cent. of the available man-power of my community is serving in the different theatres of war, this discrimination is continuing unchecked. 30,000 Anglo-Indians are serving today in the various theatres of war. 20,000 are in the various auxiliary forces. My Honourable friend Sir Edward Benthall should appreciate and acknowledge the invaluable services that are being rendered by these auxiliary force men in preserving the integrity of the railway administration. And yet in spite of all these services, the allowances granted to the Auxiliary Force have been recently decreased. There cannot possibly be any reason or justification for this. Then, you have 8,000 of our lads in the Royal Air Force in England. The Anglo-Indian is not permitted, as he was

permitted for a few months, to offer himself for service in the Royal Air Force. These 8,000 Anglo-Indians by going to England have escaped from this policy of discrimination. The irony of it all is that while they are not permitted to enrol themselves in India, they go to England and are in the vanguard of achievement there. It is a boy from this country who holds the record for the largest number of planes brought down in single aerial combat. Dawson, the grandson of a former Anglo-Indian leader, brought down six Italian aeroplanes in 15 minutes. I wonder what the country would do without the many hundreds of Anglo-Indian girls who are in the Nursing Services. It is with the deepest regret that I have to draw to the notice of the Government the unfortunate conditions prevailing in the women's auxiliary corps. Up till last year there were 1,243 Anglo-Indian girls in this corps. I have spoken to many scores of Anglo-Indian girls on this subject. I have received the same general complaint that ranking and promotion are determined according to communal discrimination. In spite of the fact that the overwhelming majority of the Anglo-Indians form the personnel of this corps, it will be interesting to know how many of them hold commissioned ranks. I have been told by every Anglo-Indian girl, I have spoken to that ranking in and promotion to the grade of warrant officer and commissioned ranks are not determined by educational qualifications or specialised knowledge but are determined by other and less worthy considerations. There are many girls in this corps who are most highly qualified but will never be considered for officers' ranks because their only crime is that they are Anglo-Indians. There are many scores of girls with the finest social antecedents who are prepared to join this corps but who refuse to join it because the ranking and promotion are determined on communal lines. The only girls you will get are those who are driven by financial need to seek and to find employment. There are many girls today who are eager to do their bit but who refuse to join this service until the conditions are revised. The same is the story with regard to the I.A.O.C. I referred this matter to the Adjutant General. In spite of the fact that so many Anglo-Indians have already enrolled themselves in the I.A.O.C., they are no longer certain of their position. One technical officer says that they are eligible and then another technical officer who disqualifies them because they declare that they are Anglo-Indians. Some of our lads have even deliberately been asked to make the false declaration that they are Europeans. I have brought these matters to the notice of the Adjutant General but he has maintained a guilty silence. The only conclusion that I can draw from his silence is that he is conniving at the muddle-headedness, confusion and communal discrimination that is being practised by his underlings.

I would also like to draw the attention of the Government to the utterly unsatisfactory nature of their handling of those who have been discharged from service because of disability incurred while on active service. There is an increasing feeling in the country that these men are not only receiving hardly treatment but they are not being treated in the way which they are entitled to expect in the matter of disability pensions and the gratuities. Two such cases have been brought to my notice. One of them resigned a good job in order to join the R.A.O.C. He was a fine healthy individual when he joined but as a result of rigorous conditions of active service he was discharged as a hopeless invalid. This was over a year ago. All his attempts to secure from the army authorities even an answer as to whether he is entitled to a disability pension or gratuity have failed. He has a wife and two children. The man is a destitute and his family is starving. What possible reaction can a treatment of this sort have on the minds not only of those who have served you but on the minds of those who are still anxious to serve you? There is another case of a boy who was serving on one of His Majesty's ship. He lost his leg as a result of a bombing attack by the Japanese. This was over a year ago. He has applied through the usual channels asking whether he is entitled to a disability pension or gratuity but he has waited a whole year

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and has heard nothing. These people cannot get even an answer because of the red-tapeism and lack of imagination of the military authorities. All I can ask for is that the military authorities should deal with these questions with more imagination and greater liberality and should waste less time and energy on maintaining a false sense of dignity and a babuified and an unnecessarily complicated machinery of administration. The need for considering the case of these men, who have served you and who have given what is perhaps more than their lives—their health—in the service of the country is vital. These are the men whose case I have just cited and who can only look forward to a living death.

I would also draw the attention of the Government to the need for formulating from now schemes for post-war re-employment and re-habilitation. There are hundreds of men who have resigned their civil and Government jobs in order to answer the call. They felt that they ought to do their bit. Are they going to face after this war, as they did after the last war, the same attitude of Government? Are they going to be told by the Government after this war as they were told after the last war that we have had all the use we could possibly get out of you and having had that use we do not want you any more? Are the hundreds and thousands of my community who have no liens on their appointments and who have resigned good appointments in order to rally to the colours, going to face the same disillusionment and unemployment with which they were faced by an unsympathetic and cynical Government after the last war? To all these people who volunteer for active service you owe as a first

duty, not only lip sympathy, but it is your first obligation to re-employ them after the war. Therefore, evolve from now a definite policy of rehabilitation and declare that it is an avowed principle more than that it is a statutory obligation to give preference to men who have served and who return after the war as ex-service men. I believe it is my Honourable friend Sir Frederick James who made a plea that today when the sons of India and sons of England are fighting the same fight we should forget communal differences. I endorse that plea of his most fervently. Today as I think of the many thousand of our Anglo-Indian girls who are also serving in the various theatres of war, I say today when not only the sons of India and England but the daughters of India and England are serving the same cause and fighting the same fight, is it too much to expect that Government will give up this policy of communal discrimination? Is it too much to expect that not only will Government pay lip sympathy to the principle of equality but there will be a re-orientation of spirit on the part of administration, a re-orientation of spirit which will crush any attempt on the part of any person who tries to practise communal discrimination. Is it too much to expect that from the present crucible of suffering and blood, equal sacrifice and equal heroism equality of treatment in India irrespective of caste or creed or community, equality of treatment will emerge triumphant.

Sr. Vithal N. Chandavarkar (Bombay Millowners' Association: Indian Commerce): Sir, at the very outset I want to assure the Honourable Members that I have no communal grievances to ventilate before this House. I have come here to speak on the provisions of the Finance Bill and on some important issues arising out of the proposals made by the Honourable the Finance Member. But before I actually come to the Finance Bill I would, if you will permit me Sir, like to clear some impressions that seem to exist in the mind of Honourable Members with regard to the cotton textile industry and the high prices of cloth which are now prevailing. Sir, I do not like to boast, but my Honourable friend Mr. Pillay, Joint Secretary of the Commerce Department, will bear me out when I say that there is only one industry and one association, which right from the outbreak of the war, had the vision to foresee what was likely to happen. It had the wisdom to press upon the Government from time to time to take steps to arrange for voluntary control of cotton industry and to take over its production

for war purposes and for civil requirements. I make bold to say that it was the Millowners of Bombay who soon after the war broke out pressed upon the Government the desirability of doing away with the tender system for securing Textiles for the Supply Department and to adopt the system which they are following now, of placing running orders and of fixing prices at intervals of three or six months in consultation with and on the advice of persons engaged in textile industry. Sir, it was only in September, 1941, that this system, which we had suggested to Government in August, 1940, was accepted at a Conference held in Bombay. I hope, the Supply Department will give us credit for the successful working of the present system as far as supply of cotton textile is concerned. I make bold to say as far as purchase side is concerned there is practically no scope for corruption and everything is above board. We have been working the present system without being obliged to do so by the rules made under the Defence of India Act. As regards the present position, one Honourable Member talked about the steep rise in the price of cotton. People who have been in cotton trade will find that there are certain factors which are responsible for the present rise in the price of cotton. Question of transport has been one cause which has led to this. The Government of Bombay were of the opinion that cotton which could not be used by mills should not be brought for marketing to the market in Bombay City. This was suggested by the Railway authorities on account of shortage of wagon supply. There was a great shortage of food in Bombay and the Railway authorities and the Government of Bombay wanted to reserve the available wagon supply for transportation of food. The East India Cotton Association and various others interested in the trade also were anxious to have a new hedge contract which had a more practicable connection with the actual variety of cotton used in the manufacture of yarn and piecegoods and the result was that the present new hedge contract was introduced. There are people who think that this contract had not been a successful contract, but on the other hand there is a large volume of opinion in favour of the new contract. The transport difficulties have also compelled the mills to stock large quantities of cotton and they are very willing buyers as they cannot think of any better investments for locking of their surplus fund. Therefore, I submit it is wrong to say that the rise in price followed the introduction of the Budget. Actually on the 9th or 10th February the rise in prices began. That rise has continued till last week. There is a great demand for cotton. People are anxious to buy it. It is not so much on account of speculation but simply because people have got plenty of money, and the only investment they can think of is cotton. Now, Sir, that is the position, as far as cotton is concerned. We are not responsible for the rise in prices. As regards cloth we have definitely agreed with Government to place at their disposal 60 per cent. of our production for war purposes and civil requirements for the poor people. The percentage fixed for the Supply Department was 85 per cent. but owing to certain causes which could not be foreseen, that percentage, I am told, is likely to be reduced to 25 per cent. Anyhow, we have promised the Commerce Department that we shall manufacture 1,500 million yards of "standard cloth" for the civil population in one year. We have also pressed upon the Commerce Department the necessity of restricting the export of cloth to foreign markets. As far as Bombay is concerned, Government policy in regard to restriction of export has been a failure. Middlemen from the Middle East have come to Bombay and simply scrambled for cloth from the bazaar, not from the mills, and taken the cloth and exported it to their own countries. Both Mr. N. R. Pillai and Mr. T. S. Pillay when they were in Bombay and even the Honourable the Commerce Member, were apprised of this by persons who were in the know; even the names of persons who came from the Middle East by aeroplane and within a short time were able to export a large quantity of cloth were mentioned at the conference we had in Bombay.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Was it under a licence?

Sir Vithal N. Chandavarkar: Yes, they got licenses, somehow or other. We have asked that this matter should be investigated and we have been promised that enquiries would be made. It was said that cotton piecegoods were taken in country crafts to certain harbours and then exported. The attention of the Commerce Department has been drawn to this incident. We are not at all responsible for this rise in price. I maintain that as an industry which owes a duty to the State, we have from the very beginning of the war done our level best to secure and offer our co-operation to Government for the proper control and adequate supply of cloth for public purposes. We have tried to increase production. By maintaining grain shops, we have tried to minimise the chances of strikes. We have given bonuses, we have given labour fat dearness allowances, we have done our best to maintain production at its highest level, we have done all that we can and I hope the House will accept this explanation and will think twice before making any assertion which might likely cast any doubt as to the...

An Honourable Member: Honesty.

Sir Vithal N. Chandavarkar: I won't say honesty, because I do not want any certificate from anybody, but as to the earnestness of the textile industry to rise to the occasion.

Now, Sir, I come to the food situation. My Honourable friend, Mr. Ambegaonkar, was rather surprised that my Honourable friend, Mr. Jamnadas M. Mehta, believed all that he was told by a certain member of the Sugar Syndicate. Who is responsible for the willingness and the readiness of the people to believe any story or to believe any rumour or to believe and accept any expression of opinion as to the incompetence of the Government to deal with the problem of food supply? It is the policy which Government have been pursuing during the last three years that is responsible for the present atmosphere. We have now a Food Department, and I learn today that regional Food Commissioners are going to be appointed, but I hope this will not mean an increase in red-tapeism. In the last two or three years, there has been gross negligence on the part of the Government. I will give you one instance of this. In April, 1941, I was the Chairman of the Millowners' Association and I anticipated the present situation as regards rice supply. I wrote two letters, one letter to the Honourable the Adviser to the Governor of Bombay. The other letter, through a mistake, because I was ignorant of the various Departmental arrangements in the Government of India, I addressed to the Honourable Sir Reginald Maxwell who happened to be the Member of the Government of India whom I knew best. I wrote a long letter pointing out that a great deal of rice was being exported from Burma to Japan which was then our potential enemy. Because Bombay was a deficit Province, we suggested to the Government of Bombay that rice should be brought over by Government and supply assured for at least a year in Bombay Province. Out of the 2,20,000 people we employ in the textile industry, the bulk of the people come from the coast and are rice eaters. I received no reply from the Adviser to the Governor of Bombay. I received a very courteous acknowledgment from the Honourable Sir Reginald Maxwell who informed me that he had forwarded my letter to the Commerce Department who deal with this matter. So far, I have received no acknowledgment from the Commerce Department although it is now March, 1948.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after lunch. The House will now adjourn for 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 Vithal N. Chandavarkar: Mr. Deputy President. Sir, when we adjourned, I was referring to the food situation in the country and told the House how we in Bombay were very much concerned over the food situation. We are, in every respect, a deficit province, and owing to various difficulties the Bombay city is now finding itself in a very precarious condition, and in spite of the various measures taken by the Government of Bombay we are anxious about the future. Because the city of Bombay is engaged on war work on a very extensive scale and to keep textile mills, engineering concerns and the harbour working, it is necessary that the Government of India should take special interest in the problem of the food supply in Bombay. My object in referring to this question is to draw the attention of the Government to the serious situation and to tell the Government not to be complacent over this matter and not to delay taking decisions. It is a well known fact and many a cynic says that the disease from which the Government departments are suffering, and especially in the Central Government, is, what is commonly known as, "Filearia". A suggestion was made by a speaker while speaking about a certain department that more officers should be appointed. More officers means more rotation of files, more noting and inability to take quick decisions. We, in commercial enterprises, are in the habit of taking quick decisions over questions which affect even lakhs and lakhs of rupees. And I do not say that we are not wrong. All of us who are in charge of responsible positions have to run the risk of being in the wrong, but in these days of war a quick decision is the very essence, I submit, of our existence. And what has happened as regards the food supply, I am afraid, is entirely due to the hesitation on the part of the Government to take immediate action. I will give only one instance: At the meeting of the Export Advisory Council held in Delhi in January, 1942, when we were discussing the question of transport of food supplies to Bombay from Madras and other places, it was pointed out to us that transport problem was very difficult and shipping space was not available. I made a suggestion then that the use of the country craft might be employed more extensively and the Government might explore the possibilities of using the country craft. Sir Ramaswami Mudaliar, who was the Chairman, promised to make a note of my suggestion, and it was in November or December, 1942, that the Sorley Committee was appointed. If it was only after ten months had passed that the Government took a decision to appoint a committee to enquire into the problem. It is a well known fact that at least on the West Coast the country craft traffic is fairly heavy. The only trouble was about securing the co-operation of the Insurance Companies. If the co-operation of the Insurance Companies could be secured in November, 1942, I do not see why Government could not have called the insurance people and asked them to provide some sort of insurance cover on goods which were transported in country craft. Sir, I have dealt with this question. Now, I go to the Finance Bill.

I was present at the Assembly when the Honourable the Finance Member made his Budget speech. I came here with a considerable amount of hope that with his capacity and ability he would be able to place before us constructive proposals to secure, what I may call, the financial safety of this country; but as I was listening to the speech, I do not mind confessing, I felt a little happy over his not increasing the Excess Profits Duty. But I must also confess that I was not at all satisfied with his Budget which, I may call, is a hand-to-mouth budget. There were no proposals to safeguard the financial security of the country, there were no proposals to check the rise in prices through financial checks and safeguards to which I will refer later. On the other hand, I submit, his reference to amateur and professional economists was uncalled for, because economists are very much respected

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in England and very often men like Lord Keynes are called upon to help the Treasury in guiding the financial policy of the country. I submit—and I speak from my personal experience on account of my six years close connection with University education—that we have in this country a band of young economists who have made a special study of problems affecting this country, and I submit that these problems can be only considered by people who live in this country, who have a stake in this country and who have had the advantage of foreign training and have devoted all their time to the study of economic problems. I do not despise foreign experts, but I submit that after 86 years of University education we have got a large number of experts in almost every subject in this country to whom the Indian Treasury might very well refer for advice and consultation. The Commerce Department has already appointed a Consultative Committee of Economists to advise the department on the problems of reconstruction, but the Finance Member evidently has not much respect for the wisdom and the knowledge of our economists.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I was only referring to economists who were putting forward a certain view. I did not cast aspersions on the whole body of Indian economists, nor was it my intention to do so.

Sir Vithal N. Chandavarkar: The use of the words "amateur and professional economists" amounted to a bit of sneer at the status of the economists. We are all professional people.

The Honourable Sir Jeremy Raisman: Again I must repeat that nothing was farther from my intention. I was merely controverting the views held by a certain section of professional economists.

Sir Vithal N. Chandavarkar: I accept the assurance given by the Honourable the Finance Member and I only say that he might have given more serious attention to the views put forward by various economists in this country. But I should like to take this opportunity of congratulating the Honourable the Finance Member on his new ally. I find that as far as inflation is concerned, one of the richest capitalists in this country—Mr. Birla—is evidently in agreement with the Honourable the Finance Member. And I wish him the joy of his new ally.

I now come to the Finance Bill and will deal with the Excess Profits Duty. My submission to the House is, and here I agree with my friend from Bombay, Sir Cowasjee Jehangir, that the estimated yield of Rs. 40 crores is an underestimate. I know a group of ten mills with which I am connected whose standard profits have been ascertained, expect to pay about two crores and 40 lakhs during the Budget year for the profits made in 1942. Another mill which had made a profit of 98 lakhs will, I believe, pay about 53 to 56 lakhs. Another group of mills will pay about 75 lakhs. I think that the mills in Bombay will contribute a substantial portion of these 40 crores. The existing situation in Bombay is such that with the exception of a few well financed mills most of the mills were having very bad times during the standard years, and the standard profits, will be on the low side, and I expect, Sir, that the yield from this Excess Profits Duty will, if promptly and properly collected, be more than 40 crores. If the Finance Member is going to recover only 20 crores from taxation I feel that it may not be necessary and I certainly think it is not necessary for him to raise the level of income-tax as he proposes to do. I have two suggestions to make in this respect. I am not going to oppose the Finance Bill nor the proposed increase in income-tax, but I think it is very hard on fixed wage-earners to have the limit fixed at Rs. 5,000 a year for the purpose of the proposed increase. The limit ought to be raised to Rs. 15,000. It is not necessary for me to tell the Government servants adorning the Government Benches how hard is the lot of the fixed wage-earners. The people employed in industrial concerns are getting fat bonuses which are really paid out of excess profits duty. As much as two, three or

six months bonuses are allowed by Income-tax officers as an item of expenditure for income-tax purposes. When we proposed to pay two months' wages as bonus to the textile workers, we were told by the Income-tax authorities through the Government of Bombay that the proposed payment would be considered as reasonable and would be allowed as an item of expenditure for taxation purposes. But for clerical staff from various offices, if my information is correct, there is no such restriction. I have heard of cases where bonuses to the extent of six months salary are allowed and I am told that the law is such that discretion is vested in the individual income-tax officer. Now, I know three words which we lawyers try to use to get over difficulties: "Reasonable", "as far as possible" and "ordinarily". With these three words we can do anything we can within the ambit or the scope of any rules and regulations. The other day I wanted to recruit a technical man for one of the mills under my control and I told him that I was going to give him two months' wages as bonus as allowed by the authorities. He gave me examples of other mills paying larger bonuses. I said that I considered a two months' bonus reasonable and I was going to give him that. He said that he had already received two bonuses this year and that he was expecting another bonus within the next two months. The common phrase used is: "Why object. The senior partner, Sir Jeremy Raisman, will pay 80 per cent. out of this bonus". A common phrase used for the Finance Member is "our senior partner". The result is that the whole vicious circle goes on. To get good employees we have to pay fat bonuses otherwise they leave us and join other people. So we have to follow the evil practice. More money means that these employees have no hesitation in buying things at any price or in the black-market. The result is that there is a disparity between fixed wage-earners in the employ of Government, railways, municipalities and the Port Trusts. Employees in commercial concerns are in a position to buy more things and this starts discontent among the fixed wage-earners.

The Honourable Sir Jeremy Raisman: Did the representatives of the Honourable Member's association put forward these views at the conference held by the Labour Department recently to consider the question of bonus?

Sir Vithal N. Chandavarkar: I am coming to that question. As far as labour is concerned, a conference was held at the Bombay Secretariat when war started in 1939. We were then told by the Government (and the most curious thing was that Congress Government's Labour Adviser was still functioning as the Honorary Labour Adviser to the new Government, and although he is now in custody, I think he is still the Honorary Labour Adviser to the Government of Bombay) that they intended to resist any demand for cash payments, and we were asked, therefore, to open grain shops at pre-war rates prevailing in August, 1939. I knew, Sir, myself that the Government if pressed would not have the courage to stand up to this position. But the majority of the committee agreed with the Government and it was decided to open pre-war price grain shops. Then in 1940 we were told that it was never the intention of Government to ask us only to supply foodstuffs at pre-war prices, but that there should be a combination of cost price grain shops and a cash dearness allowance. Since then we started paying cash dearness allowance. As regards the war bonus itself, it was the Government of Bombay who wrote to us and asked for an assurance even before the war profits accrued that we would share the profits with the workmen in the shape of bonuses. That letter was written in March, 1940. Our reply was that we disapproved of this cash war bonus and that it was a question to be solved on an all-India basis, but we were entirely prepared to consider any proposal put forward by Government. In August, 1941, again, the question was raised, and in November, 1941,—I will not use the word "coerced"—we were influenced, induced and persuaded by the Government of Bombay to announce a bonus of six weeks. This year, we have given a bonus equivalent to two months' wages and now I do not know what is going to happen the next year. So the Government of Bombay is

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equally responsible, and I will say substantially responsible, for the system of payment of cash bonuses. I want to assure my friend, Mr. Jamnadas Mehta, that we are not against the payment of bonuses to the workmen, but we do feel that two things must be done to avoid the mischief caused by cash bonuses. As far as dearness allowance is concerned, we feel that there must be a ceiling limit to cash payments which must be linked up with supply of staple food grain at prices prevailing on a certain date.

I think in Calcutta they are paying a cash bonus and supplying staple food grains at prices prevailing in August, 1942, or September, 1942. I believe the Calcutta Jute Mills Association sent us their proposals, but unfortunately we cannot adopt them in Bombay. Having started this cash payment, it is impossible for us to resile from it without provoking unnecessary labour trouble and stopping war work. Once the ball is set rolling it is impossible for the employers to stop this cash payment principle. We are not against the payment of dearness allowance or bonus; we would like to pay a little more; but the Government should have an all-India policy enforced by legislation. But there should be a limit to the cash payment and the rest of it should be in the shape of food stuffs or in the case of the clerical staff in the shape of war savings certificates or any kind of war loan. But to allow us to pay cash bonuses will lead to such a situation that the inflationary tendencies now seen will be accentuated and the situation will become worse. I think I have made myself clear. I am blaming the Government; I am not blaming myself, I am not blaming labour. Labour is entitled, when we are making huge profits, naturally to feel that they should come in; and we would like to share our prosperity with labour. But it is for Government to decide on a policy which would be in the national interest and to enforce it throughout the country. This is the suggestion that I would like to make to the Finance Member: he should think about the possibility of solving this question on an all-India basis and not leave it to the voluntary efforts of the employers; it cannot be done—at least in Bombay the textile industry considers it impossible to do it. As a result of the lead taken by us, the engineering and other firms have had to follow our lead; and with Rs. 28 that we pay the textile millhands, I doubt whether it will be possible for Government to resist any demand on the part of the Government employees for higher dearness allowance.

The expected yield from the Excess Profits Tax in my opinion will cover the amount which we expect to get from the proposed increase in the income-tax and super-tax. At least you must raise the limit to Rs. 15,000. The middle classes are the backbone of any Government. They are the people who do not want any trouble in the country; they are the people who resist any urge from extreme politicians to bring about anarchy and trouble in the country, but you are alienating the middle classes from the Government by having recourse to taxation and making their life more burdensome and more miserable than at present. If this concession is given and the limit is raised to Rs. 15,000 I submit a large number of middle class people will get relief and will thank Government for this relief.

The second suggestion I wish to make is this. The House knows my views as regards the lowering of the exemption limit from Rs. 2,000 to Rs. 1,500. I expected that this year at any rate the Government would restore the limit of Rs. 2,000; but having regard to the present rise in prices, personally I would raise the limit even to Rs. 3,000, because that is the only way you can give relief to the low paid clerical and fixed wage earning staff. There is no other way of giving relief. I would ask Government, faced as they are with the present situation everywhere,—not merely on account of political disturbances but on account of the economic dislocation also—to get the sympathy of these low paid people on their side and give them some relief, especially as I expect that the proceeds from the E. P. T. will be on a much larger scale. There has been delay in the collection of E. P. T. Take one instance—a firm which

I am controlling in Bombay—I have not been assessed even for the year 1940-41. I do not know when my standard profit will be known; we were exempt from income-tax on account of heavy arrears of depreciation but I am told that we are liable to E. P. T. But the E. P. T. case has not yet been taken up. I have kept the money separately—the amount which I think is likely to be levied. If Government were to follow the example of the English treasury and issue taxation reserve certificates, I would certainly buy those certificates—issued at one per cent I am told—and I am told that the amount there has gone up to nearly £470 millions—I would buy those certificates and keep them with me and tender them when my case is decided. I do not know when my second year is going to be assessed; but if the Excess Profits Reserve Certificates are issued by the Government, instead of keeping the money idle, I will be inclined to put it in these certificates; Government will get advance payments and the Honourable the Finance Member will be able to give a more realistic picture of the position. When we in commercial houses prepare our balance sheets and accounts we are bound to give a very definite and clear picture of our outstandings. The Government system of keeping accounts is different and they never give the public a correct picture of the outstandings. Sir Cowasjee Jehangir, I believe, said that 75 crores of E. P. T. was outstanding. I am not in a position to say if that is correct, because that information is confidential and I do not know any income-tax officer intimately and even if I knew him I would not ask him for such information; but if Sir Cowasjee Jehangir makes that statement here you must remember he is a responsible person who has held high Government office, I think the Treasury Benches ought to take note of it and take that amount into account when deciding their financial policy.

Now, I come to this tax on Vanaspathi. I know there was a great deal of objection and prejudice against vegetable ghee in the old days; but now the position has changed and this vegetable ghee has become more and more of a food product as far as the poor people are concerned. The very people who objected to vegetable ghee in the old days, when I was a member of the Bombay Corporation, and asked us to levy heavy terminal duties on it, are now asking us to see that the tax is not levied, because it has become an important food product for the poor people. I hope the Finance Member will consider the desirability of not proceeding with this form of taxation.

I have nothing to say about the proposed tobacco duty. As regards the postal charges I have nothing to say. It will, I hope, be an incentive to us to save paper and write as little as possible in order to make the letters light and see that they are within the 1½ anna limit. I support these proposals.

Now, I come to the borrowing policy of the Government. The Honourable the Finance Member said that more and more borrowing was the sheet anchor of his policy. What is the position as regards borrowings? What does it show? One thing has to be confessed, that the people are not inclined to put money in Government loans. Even industrial concerns which formerly used to invest their money in Government loans are buying industrial shares even at the present prices; and the reduction in the post office accounts—what does it show? It shows first that the people have no confidence in the Government and are not behind the war effort. There is no doubt it is a very unfortunate situation; as far as I am concerned, I regret very much indeed that a large number of people are not supporting Government loans. They are deliberately not investing in Government securities and are persuading people not to buy defence loans. The smaller people who have withdrawn from post office savings banks may have done it for two reasons: first, because they have lost confidence in Government and secondly because of the rise in the cost of living they had to withdraw their savings in order to make both ends meet. Perhaps this explanation is also right. I think it was put forward by my Honourable friend, Mr. Jamnadas Mehta. I am not here referring to the question of the solution of the political deadlock—I am referring now to the question of the Government policy. What is

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happening now? A large amount of savings is not going into Government loans. Has not the time come for Government to think of a compulsory savings scheme? The Honourable the Finance Member said that he had thought of the proposal but on further consideration he dropped it. Cannot the appropriation or distribution of profits be linked in some manner or other to the investment of a part or portion of the profits in the defence loans? Cannot the Government

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think of some way by which all the industrial concerns will be compelled to invest a portion of their profits in the Government loans? I am not speaking of limitation of dividends. But indirectly this policy might also result in the limitation of dividends. A direct limitation of dividends may be resented and may not be in the interests of industries, but reservation of a portion of the profits in defence loans and linking such reservation with the declaration of dividends might achieve both the objects, that is, Government getting the loans as well as companies being made to limit their dividends. You might also say that these Government loans ought to form part of reserve funds which after a certain number of years after the war may be distributed to the shareholders as dividends. So, the shareholders will not feel that the Government is compelling the mills to put in their money in the reserve fund without making it a condition that these funds will come back to them in future years after the war is over in the shape of dividends. Many companies have dividend equalisation funds, so that in bad times they can maintain standard dividends. This proposal, I submit, should be explored by Government.

There is another suggestion which I made last year and I wish to repeat it now. That is again in the interests of the lower middle classes and fixed wage earners. Now, you allow Rs. 6,000 for payments made as insurance premia for exemption purposes. Having regard to the rise in the cost of living and having regard to the fact that the taxation level has been increased, is it not time that Government should consider raising the level of this figure? Or they might have a double barrelled arrangement; Rs. 6,000 for insurance premia and Rs. 3,000 or 4,000 for war certificates. That will be another inducement for lower middle class people to put their money in war saving certificates. I believe Government servants have got some facilities of this nature.

Sir John Sheehy (Government of India: Nominated Official): The same limit of Rs. 6,000.

Sir Vithal N. Chandavarkar: That limit may be raised. That is the suggestion that I make.

I come to the very vexed question of inflation. I am not an economist and economics is one of the subjects which I could not make up my mind to study when I was at the University. The Honourable the Finance Member does not mean to say that there has been no inflation. That there is inflation is admitted by everybody. Currency notes are being freely printed. As one ignorant man said the other day, the only thing you can get very freely without any restriction and very cheaply is the Government currency note. I am not prepared to say that the situation is beyond control, but I do maintain that steps should be taken to check the tendencies which are now seen. Here too I submit that Government cannot act without the advice of the economists of the country and some of the industrialists who have applied their minds to this problem. It is impossible for Government to be advised by their Economic Adviser, who, in the first place, has been imported from England, and for whom it is very difficult to get into the skin of the people and understand what is happening. It is time now for Government to have, as Sir Abdul Halim Ghumanavi recommended, a small body of economists, an economic advisory council for the Treasury whom the Treasury should consult in all such matters. Some of the suggestions which I have suggested—limitation of cash bonuses, limitation of cash allowances, limitation of cash payments, will, I think, have some effect in checking the prices of commodities. We here in India think that price control is a very easy thing and all that the Government have to do is to issue

an Ordinance, say, that the ceiling price of wheat will be so much, the ceiling price of rice will be so much. But the essentials of price control are rationing and control of commodities. Control of commodities and rationing must precede price control; otherwise price control means black markets. My Honourable friend, Mr. Gwilt, was speaking about the rise in the price of cloth. I ask him what about the rise in the price of medicines? We at least are under the observation of the Supply, Finance and Commerce Departments. If you want to buy medicines, the Chemists tell you they have got them, but they will sell them at black market prices without giving you a receipt for the amount—a situation for which the wholesale dealers, perhaps, are not responsible. Government are taking steps but they are finding it difficult to check this black market in drugs and medicines. Government should control stocks, institute strict rationing and then control prices. I am waiting to see what effect the rationing of foodstuffs in Bombay will have on checking prices. We hope and believe that once rationing is introduced there will be some check on the prices of foodstuffs.

As regards sterling balances, the whole question depends upon this—whether the Government trust you and you trust the Government. The proposal of Government to buy the pension annuities may be explained by two reasons; first, that they want to make use of the opportunity and ensure their future commitments; the second is that Government are afraid and I do not say there is no justification for that fear, because some of our politicians have given expression to such sentiments, that when they come into power they will see that these liabilities are not honoured. That fear may be at the bottom of this proposal to invest our surplus funds in England to buy pension annuities for future pensioners. I hope, Government will not proceed with this proposal, because I am sure, whatever the politicians may say, any future National Government which may come into office will not have the courage and will not have public opinion behind it to contract themselves out of liabilities and to repudiate them. I am sure we shall all honour our liabilities. When the Congress Governments were in office, it is the general experience that so far as their liabilities were concerned towards the members of the civil service and other statutory bodies they acted quite fairly and squarely. At least I am not aware of any instance where they ill-treated any member of the I. C. S. or tried to get out of their contractual liabilities towards the Imperial services, I think I may safely say that no future Government of India will think of repudiating their liabilities. What we say is that no decision should be taken as regards the disposal of the sterling balances now. As regards the reconstruction fund to which the Honourable the Finance Member referred it is creating a suspicion in the minds of several of us whether it is not an indirect attempt to compel the Indian industries to buy their requirements in England. I confess freely that other things being equal, generally I give preference to articles of British manufacture and they have given me entire satisfaction. But even I feel, why should I be compelled by this indirect method to buy only in the British market? Government, therefore, should think twice before arriving at a decision in this matter, and the sterling balances should either be utilised at least to purchase more railways, or be kept in reserve till a decision is taken by a National Government. I know the Honourable the Finance Member will say, why are you afraid, because in post-war reconstruction India will be represented at the Peace Conference? Everybody knows my politics. But if anybody is going to attend the Peace Conference, I want my country to be represented by a member of a Government which owes its power and authority to the electorate and to the Legislature. It is no use ignoring facts. I remember at one of the Industrial Conferences Sir Ramaswami Mudaliar said, "We are your servants." I said, "Yes. Technically you are our servants." But will we get the right to sack you by a vote in the Legislature you are not really our servant." That is the test of the control which we in this country can exercise over our representatives in the Peace Conference. We may

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send the best of representatives but even in regard to the best men, picked from the country the people will be suspicious unless the people have got the feeling that the men have attained their present position as a result of popular choice exercised through the electorate and through the Legislature of the country. The members of the present Government should realise that they are only an interim Government and that they can be called upon to resign at any time, without any fixed time limit and I am sure the members of the present Government will be most willing to give place to the members of a national Government which may be formed at any time, without any resentment or feeling of disappointment. Therefore, if they realise that their status is that of an interim Government, they should not commit the country to any line of policy which might make it difficult for a future national Government in this country to carry out a policy which they do not consider to be a truly national policy in the interests of the country.

I will now just refer to the political situation. I am not going to give any sermon or any advice to anybody to do this or that to bring about political conciliation. As far as the Government is concerned, I know and I tell them plainly that the situation in the country is not at all happy. I am glad that they have brought the situation under control but if they think that mere repression will solve the problem, they are entirely wrong. The bitterness against the Government and the British is increasing. When a man like me says that, the Government ought to accept it. I belong to the middle class section of the population and I mix among all classes of the people, whether they are Congressmen, loyalists, Muslims, depressed classes, Christians or Europeans, and I want to assure the Government that the bitterness in the country is on the increase. If they think that because of the cleavage between the Hindus and the Muslims they can sit tight and carry on without any concern, they are entirely mistaken. I give them a warning. The food situation might change the whole outlook and picture within a very short time. When a large section of low class and middle class Hindus and Muslims find that they cannot get food to eat and that life has become a burden, then within a very short time the hunger urge will make them combine. All the political leaders on both sides will be swept aside and the people may join hands in bringing about an upheaval in the country. Do not think of the political cleavages. Think of the masses of the people. There is a great deal of unity among the masses of the people and when the hunger urge is there, it will not take very long for them to bring about a general disorder in the country. That is the warning I would like to give my friends, my European friends, on the Treasury Benches.

Now, Sir, what is the position? We are all of us anxious for freedom. The present situation is such that we have got to fight on two fronts, the Home front and the War front. Does any Indian friend of mine think that if the Allies lose this war, we have any future in this world? Does any Indian friend of mine think that the salvation of this country lies with the victory of the Axis powers? In their heart of hearts, people feel and know that their salvation lies entirely with the victory of the two Anglo-Saxon democracies of Great Britain and America. If that is conceded, then so far as the war front is concerned, we should all support the war effort. If that is conceded, let alone a national Government, there is nothing to prevent the formation of a national opposition. You cannot run the Government of the country without going through the school of opposition.

Mr. Deputy President (Mr. Akhil Chandra Datta): May I remind the Honourable Member that the President has expressed a desire that Members should be as brief as possible?

Sir Vithal N. Chandavarkar: I shall be very brief and finish in less than two minutes. Let us go through the school of opposition. Let all communities

join hands with the one desire to wrest power from the bureaucracy and to have it transferred to our hands. In some of the Provincial Assemblies, it is easy because it will be possible for the people to have their own Governments. Let all the parties come out with a declaration that they are behind the Government in the war effort and that they will do nothing directly or indirectly to obstruct the war effort. We reserve to ourselves the freedom to fight on the home front and wrest power from the present Government. No one likes to part with power. I do not like to part with the power I have over some of my people. That is a human weakness and failing. So, let that be a common factor. There are only two methods of getting rid of a foreign Government. One is constitutional agitation and the other is revolution. If constitutional agitation fails, then the other thing will follow and if it does, then God save this country and God save the British Empire.

Khan Bahadur Mian Ghulam Kadir Muhammad Shahban (Sind Jagirdars and Zamindars: Landholders): Sir, I propose to confine myself entirely to matters pertaining to the Finance of the country. I shall not attempt on all matters that exist under the Sun. I strictly promise that; and I am sure, my Honourable friends here will give a sigh of relief. I regret very much that in spite of all that has been said both in this House and elsewhere in the country, the Finance Member, like the brave boy on the burning deck, has stuck to his position and would not budge from his standpoint. He will not agree that there is inflation. He will not recede from his proposals in regard to the sterling accumulations. He will bravely defend his reconstruction and pension funds. I am afraid, these are not the qualifications which would endear him to the people of the country.

Coming down to brass tacks, I am in agreement, however, with the Finance Member in regard to the allocation between the taxation and borrowing, so far as the deficit is to be made good. There are undoubtedly some very good points in his tax proposals. Yet I must confess that the taxing of the poor man's *biri* and the vegetable ghee are not some of the proposals which I like much. I would like to suggest that the Finance Member should strengthen and make more attractive the sheet anchor of borrowing. Hitherto, Sir, this anchor has not effectively held the ship of prices from being carried away by the tide of inflation. It may be a practicable virtue in the western countries to finance the war on a three per cent. basis. But the virtue of a three per cent. war is not sufficiently its own reward in the psychology of the Indian people. It was an initial error to insist on cheaper loans than the psychology of the people would warrant. I know that the error cannot be rectified at this stage. I fully understand that to offer a higher rate would be to create other problems. I am, therefore, in favour of making the loans more attractive such as income-tax free loans, offer to pay back the loans in silver or gold after the war on a specific date. In any case, the Government must withdraw a considerable part of currency from the circulation and bottle them up. In this connection I must say that no loan or any far-reaching scheme of the Government has any real chance of success unless broad-based on the support of the people. Let me close this subject by impressing upon the Government the urgent necessity of rousing the nation psychologically in support of the war effort. But unfortunately by their political policy Government have deprived themselves of the services of national leaders. In such leaders alone, the Government can find India's Churchill and India's Roosevelt. Put them to the task of collecting and intensifying national savings. The effect will be almost magical. I am sure they could raise within a month subscriptions to the Defence Loans exceeding the total of such subscriptions for the last three years.

The other important question of the day on which the country was expecting a pronouncement of policy in keeping with the interests of India, has also not been faced squarely by the Honourable the Finance Member. I mean our sterling balances. The country was watching with a feeling of satisfaction the

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course of the repatriation of sterling debt. But the question that has been uppermost in everybody's mind is, what next?

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. The position is this. Under the arrangement we have got to finish the general debate tomorrow. The Honourable Member who is in possession of the House and other Honourable Members who will follow him cannot be resisted without some injustice. But may I suggest to the Honourable Member to be very brief and this remark applies also to those who will speak after him? There are only two alternatives,—either you must cut short your speeches or ask for the extension of time, which I do not think it is possible to do under the arrangement. So far as I am concerned, I must ask the Honourable Member to be very brief and I hope the other Honourable Members will also follow the same practice.

Khan Bahadur Mian Ghulam Kadir Muhammad Shahban: I will take about 15 minutes more, Sir. The steady accumulation of sterling has been watched with feelings of uneasiness and, may I say, distrust? The public has also been watching enviously the manner in which certain other countries confronted by the same problem of sterling accumulation were solving it. We expected that the Government of India too must be planning to acquire British commercial assets after completing the process of repatriation. But instead we have been presented with two entirely unsuspected proposals for the absorption of sterling. Sir, it is a recognised principle of economic policy that resources must always be used in the best of possible alternatives. The war effort is a common effort, but there is a business side to this common effort. The present generation has made supreme sacrifices in bearing its own share of the cost of war as well as discharging the indebtedness of the past. In the realm of our public debt we have ceased to be a debtor country. But in the field of commerce and industry, we are still a debtor nation. I have no desire to take the risk of appearing to inform the learned minds of this House of the manner in which the dominions of the British Empire have dealt with their sterling resources. Is India any less deserving of equitable treatment than other dominions? Why talk of autonomy and self-Government for India after the war? Let actions and words prove the sincerity of Britain's concern for the welfare of Indian masses. Sir, the value of British investments in India would be a drop in the ocean of British investments liquidated elsewhere during the past three years. But to India they mean a lot. Why not liquidate the British investments in the semi-public bodies and commercial and industrial ventures of India by transferring them to Indians and thus earn their everlasting gratitude?

The capitalisation of pensions and other funds is not a happy idea. It is a well known axiom in public finance that current liabilities must be paid out of current income. The annual liability on this account, we are told, is about five or six million pounds. This, Sir, is not such a big liability as to cause concern. The Honourable Member has, it seems to me, selected the least attractive method of utilising our sterling balances. His proposal for the re-construction fund has evoked deepest suspicion from every one in the country. The explanations of the Finance Member have not carried any conviction whatsoever. It has been looked upon, and very probably rightly too, as a method of guaranteeing a definite and preferential market in India for British goods. In other words, we are having Imperial preference under a different guise and form but having the same object and method in view.

Would the Honourable the Finance Member say that what is sauce for the Canadian, South African or Australian goose is not sauce for the Indian gander? Let the Dominions be a guide to our policy. I regard the proposal to devote our sterling resources to the constitution of a post-war Reconstruction Fund highly objectionable on economic, political and moral grounds. I had greater faith in the Honourable the Finance Member. I thought the war

was being fought for the attainment of high moral principles in international life, principles embodied in the Atlantic Charter, principles enunciated by President Roosevelt time and again—principles which inspire the war effort of the United Nations and give to the cause for which we are fighting a sublime moral status.

But my faith has been shaken. I hear such adverse comments as describe the constitution of a Reconstruction Fund as giving to India a very unfair financial deal, as going against Indian public opinion on the subject of denying to Indians the rights and privileges exercised in similar matters by both the Empire and non-Empire countries. Sir, we are cheerfully bearing the burden of war expenditure but I would strongly advise the Government not to add to that burden the injustice of ill-conceived financial policy. The end of this terrible conflict is as yet out of sight. It may impose further burdens, not imaginable. Breeding distrust is hardly the way to prepare the nation for further sacrifices. Big Empires and narrow financial policies go ill together. Similarly, Sir, high war aims and shortsighted monetary policies go ill together. The latter undermine the foundations of peace and security for which we are now striving. The exigencies of the war force upon our attention the events of the immediate past, and these events, in their turn, enable us to see the future with a clearness, that is normally impossible. As the Sun looms through the mist before it rises, so the future is seen in the events of the present day. In the pursuit of our immediate task, therefore, we have an obligation to the future. And to disown that obligation is not only like cutting the branch on which we are sitting but also to weaken the foundations of stable life for posterity. This responsibility towards posterity lies at the basis of all discussion on post-war reconstruction. This responsibility towards posterity gives to the monetary policy in war time a place of such high significance. And yet we in India have seen the spectacle of a monetary policy ruling our destinies for the worse instead of serving the country as a good servant.

During all these years of war, Sir, the sterling exchange standard has been adhered to in spite of the fact that it has been instrumental in depriving the country of all its dollar resources, and expanding the currency and money incomes in India, in the face of a growing scarcity. I have nothing against the sterling exchange standard as such. But I do resent the unlimited autonomy of sterling in determining our misfortunes. No country except an absolutely dependent and helpless colony of an Imperialistic Empire would have continued to follow a monetary policy based on a currency mechanism, generating inflationary and deflationary currents, irrespective of internal conditions. Sir, there is a proverb in Sindhi which says "Bigger the camel greater the jolting". Applying this to the inflationary situation that is developing in India today, I should say the farther it goes the greater will be its reaction after the War. As we sow, so shall we reap. Few people seem to realise that inflation in war time is an evil, but deflation after the war is an indefinitely greater evil. Inflation in war time develops slowly, often imperceptibly, and always creating an illusion of prosperity. But a deflation with a terrible slump will come suddenly, mercilessly and in an avalanche which will be impossible to halt. A Government that has tolerated a currency mechanism which has been the principal vehicle of today's dreadful inflation and shuts its eyes to the inroads that this inflation has made on the welfare of the people, without promoting even the war effort and which is even striking back as a boomerang on both His Majesty's Government and the Indian Government, cannot be relied upon to steer the country through the rocky waters of the post-war slump. We have honoured the laws of war finance more in the breach than in the observance. Can we expect greater respect for the principles of post-war finance? And yet I find very little reference in the speeches made in

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the two Houses of the Legislature to the post-war implications of the present inflation. The prospects of the future hold greater terrors for me than even our experience of the present. I have criticised the present inflationary policy of the Government and, at the same time, I am terrified of post-war deflation. But I do not plead guilty to a charge of inconsistency. When I warn the Government against inflation I do not advocate a reversal of the present position. Accept the evil that has happened but do not make it worse, for if we permit it to grow worse, we shall suffer not only its own sting, but also the sting of its progeny. It is time, therefore, that we limit the unlimited sovereignty enjoyed by sterling in our reserves by fixing the maximum amount of sterling which the Reserve Bank can hold. Such a limitation would stimulate the purchasers of our goods and services to find their own rupee finance in India. Logic and justice demand that the obligation to find the means of payment be placed on the purchasers and not on the suppliers. I wish Government had displayed as much logic and sense of justice in this matter as they have in their financial settlement with His Majesty's Government.

India's poverty and the national demoralisation which such poverty causes have made this country known all the world over. It is gratifying, therefore, to learn that the Government have borne this fact in mind in maintaining the financial settlement with His Majesty's Government practically unaltered. I am not implying thereby that India has escaped the penalties of war. It is generally admitted that the taxation of the people could not be made heavier. We are in reality under a greater burden of taxation than appears on the surface. To the burden of new and enhanced taxes, both direct and indirect, imposed since 1939, must be added the concealed and highly regressive taxation in the form of a high inflation of prices which Government have been unable to check. To this admittedly terrific burden must be added the burden borne by the nation in discharging the heavy burden of past indebtedness.

I congratulate the Honourable the Finance Member on his resisting a revision of the financial settlement and for keeping in view the country's capacity to pay. This should not be taken to mean that India's share in the cost of joint war efforts has remained unaltered, as the Honourable the Finance Member has informed the House. India pays for all the forces raised so long as they remain within the Indian frontiers. But it is obvious that such forces are raised in accordance with the requirements not only for Indian defence, but also in accordance with their possible use overseas. To the extent that our forces are raised and trained in anticipation of service overseas they constitute a burden on the Indian Exchequer—a burden which would not have been placed on the Indian Exchequer in the absence of the liability of our forces to serve abroad. In this sense, Sir, there has been a real revision in the financial settlement and a real increase in the cost of Imperial defence borne by India. This aspect of the matter the Honourable the Finance Member has not emphasised in introducing the Budget. In all fairness, the Honourable the Finance Member ought to place this implication of the financial settlement before His Majesty's Government. Let me also point out in this connection that India's War expenditure is by no means inconsiderable. Nor has India purchased her security in any way cheaply as it has been made out in some quarters. Our War Emergency Measures, let it not be forgotten, are nearly four times the "Basic Normal Budget".

There is one very important point arising out of the financial settlement. It is with reference to India's liability after the war on account of capital assets created in India as a result of the financial settlement. For these capital assets, we are told His Majesty's Government is paying now. But we are told that India may have to buy these over, after the war. Now, Sir, I would point out that these capital assets are assets, during war time only. It is doubtful whether

most of them will have any military or commercial value after the war. To the extent that they possess commercial value after the war, I shall be the last person to oppose a proposal for purchasing them. But I see a danger in the Honourable the Finance Member's statement, namely, that all such present assets may have to be taken over. I maintain, Sir, that Government should not commit themselves to take up any unproductive assets. I fear that if any such proposals are entertained they will be instrumental in absorbing a great slice of our sterling balances. This would mean that India would have exchanged valuable goods and services during the war for unproductive assets after the War. This would in reality amount to giving a free gift of considerable value to His Majesty's Government.

I now turn to express some more doubts on the nature and purpose of the activities of a peculiar war product of British genius. The maintenance of secrecy on matters of high military importance and the censorship of news are two intelligible requirements of State policy in war time. But it is difficult to understand the military or political necessity behind the mystery which shrouds the activities of a commercial corporation which has been conducting its activities in this country for some time. The United Kingdom Commercial Corporation has behind it the financial support of the British Government and apparently also the blessing of the Government of India. It is said that the work of this Corporation apart from its present importance will build up British goodwill in many countries, goodwill which in peace time will result in a considerable volume of export trade for Britain. I, Sir, do not grudge prosperity to the British export trade, after the War, but I think, it would be pertinent to ask, why the building of such goodwill should take place entirely at India's expense. Rightly or wrongly the operations of the U. K. C. C. make British policy appear in a lurid light. In addition to this incubus of U. K. C. C., we are informed that another is in store for us, that is, the spectre of a monopolistic organisation in the South Africa modelled and moulded after the U. K. C. C. for controlling the trade, internal and external, of East African Dominions. We are informed that this organisation would for ever cripple the Indian trading interests in East Africa which have been built up with the greatest trials and tribulations and have reached their present stage on account of the indomitable perseverance and dogged quality of Indian merchants. The Corporation and its proposed counterpart in East Africa may be a product of the War. But they are not serving the ends of war only. They are profit-earning organisations taking full advantage of the inability of Indian exporters in India and elsewhere to obtain export licences and shipping space.

In conclusion, I would like to urge on the Government that before any schemes for the post-war reconstruction of this country are drawn up and crystallised into shape, they should consult and be guided by the informed public opinion of the country—I mean the economists and businessmen. With the co-operation and full consent of those having a vested interest and the permanent goodwill of the country at heart, nothing tangible or substantial can be achieved. I would also utter one more warning. The days of Europeanization have gone. We have certainly scope for experts in highly technical matters. We are willing to take them from any country in the world and even give preference to Britishers. Whatever key posts that may be created in the reconstruction schemes, however, must be in the hands of Indians. Sir, I have done.

Sardar Sant Singh (West Punjab: Sikh): Sir, with the slogan of economy in speeches that seems to be prevailing in the Assembly Department, I think we should respond with a generous gesture. Sir, I shall try to be as brief in my observations on some topics as I possibly can. Reviewing the Government's attitude for the past few years towards the political aspirations of India, one cannot help feeling that Government has been consistently failing to carry out any of its major policies to fruition. The much advertised federation of

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units of Provinces and the Indian States as visualised in the Government of India Act, 1935, had to be given a hasty burial and its tombstone was laid by the outbreak of the war. The attempt to improve the position of the agriculturists in India and pedigree bullocks has failed as well, and the Provincial Autonomy and the Gentleman's Agreement following the Congress assumption of office in the Provinces broke down on the first shock of the war. Then followed serious attempts to solve the political deadlock in the country and efforts at reconciliation of political India, the declaration of August, 1940, preceded by a full pack of playing cards leaders interviewing the Viceroy—the results of all these fell flat on the country. The two principal political parties, the Indian National Congress and the Muslim League, and other parties summarily rejected the offer. The world was again startled by the loud humming of an aeroplane chartered to bring complete independence to India, independence was to be given to India within a fortnight. It came with the beating of drums. Delhi saw the collection of the best brains both of India as well as of Europe come together to stage a grand reception for Sir Stafford Cripps. The new bride came, but the bridal procession was soon changed into a funeral procession. The British bureaucracy had proved too much for him. Sir Stafford Cripps left the shores of India more in a crying mood, leaving a trail of bitterness behind. The feeling of frustration grew in intensification till it found expression in open revolt against the present system in the shape of "Quit India" slogan. The failure of Indian policy was writ large in bold letters at every step. Last but not the least came the fast of Mahatma Gandhi. The bureaucracy declined to take note of the writings on the wall and declined curtsy to respond to the united will of India to release Mahatma Gandhi. But as God willed it, the present Government of India even here failed in their wishful desire of seeing Gandhiji die in detention. May I ask, at this stage, Sir, how it came about that when the request to release Mahatma Gandhi was turned down summarily, the President of America, Mr. Roosevelt, the Prime Minister of England, Mr. Churchill, His Excellency the Viceroy, Lord Linlithgow, his Private Secretary, Sir Gilbert Laithwaite, our Home Member, the Honourable Sir Reginald Maxwell, all fell ill and daily bulletins had to be issued about their health. Was it a mere coincidence? Let the astrologers try to find out a common planet governing the lives of all these men and Mahatma Gandhi. I leave the superstitious amongst us to draw their own conclusions from this incident.

An Honourable Member: Are there any amongst us, superstitious?

Sardar Sant Singh: I do not know. I leave it to you to judge.

Sir, the Government of India is not an elastic body. It is obsessed with the dangers inherent in war. It had hoped that Indian volunteers would respond for war effort but this has not come true. The demand for complete independence by India here and now in the midst of the war has upset the balance of mind of the Government of India in which His Majesty's Government in England is included. The Government of India proceeds on the assumption that it is an act of high treason on India's part to make such a demand at all and then in the midst of the war. Such a mentality forgets that treason is not treason if it succeeds as a treason, because after all if treason has succeeded, it no longer remains a treason and nobody dares to call it a treason. Here again, when the Government of India takes credit in suppressing what is called a revolt in the country, they forget that revolutions fail several times, but succeed only once and when these succeed these uproot those who try to suppress them. However, let us face facts as they are. India is not offering that co-operation in war that it can offer if and when the political aspirations of India are satisfied. His Majesty's Government declines to satisfy these political aspirations and India at present remains a drag on the Allied Nations on their war efforts. May I suggest, Sir, that the only solution

which can bring about enthusiasm in the peoples of India towards war effort is to establish a National Government at the Centre. It is clear, Sir, that there is probably a difference of opinion among the Party seated to my right on this question of the establishment of a National Government at the Centre. The Government insists upon the condition precedent being fulfilled—an agreement between the various minorities in the country. Government knows, and thinks rightly, that such an agreement under the present political situation in the country is almost impossible of achievement. But does the Government mean to say that no proper atmosphere to bring about that compromise between the parties should be created by those who are in power today? If the Government has created the present atmosphere, they are responsible for that, and it is up to the Government to lift that atmosphere of suspicion which prevails in the country today. The question that faces us is this: Is the British Government prepared to part with real power today? If they are prepared to part with the real power, it is not difficult to solve the deadlock. In view of the past few years administration in this country, my feeling is that the Government is trying to be profuse in their promises for the future—by painting the future in rosy colours—refuses to do anything immediately, here and now. Sir Stafford Cripps failed because he came with proposals for the future Government of India, not with regard to the present. Therefore, Sir, I will not be far wrong if I were to draw the conclusion or if the people of this country are forced to this inference that the Government wants to get over the present crisis by promises and not by any deeds. I will suggest to them that this mentality will not help the war effort. Let us sit together, meet together and deliberate together and make an effort to discover some way of compromise by which the National Government should be formed at the Centre. The efforts of the Non-Party Leaders Conference, under the Chairmanship of the Honourable Sir Tej Bahadur Sapru, were directed to this end. Time after time suggestions have been made by which the Government, if they choose, can compromise with the people of India, but so far nothing has been done. I will today again make an effort to persuade the Government to give up this lethargy and try to find out some method for the establishment of National Government at the Centre. I have suggested a formula in my Resolution that I have tabled in this House. With your permission, I will take a few minutes to explain the implications of that formula. I suggest that all parties should be invited to a conference by His Excellency the Viceroy and they should be asked to select their own leader who will form his own Cabinet with collective responsibility, leaving the power of veto with the Viceroy.—I am not afraid of that. In that Resolution I have suggested that all the communities—Europeans, Anglo-Indians, Hindus, Muslims, Sikhs, Christians, Parsis, Depressed Classes, all of them—should be invited. (Interruption.) The question which generally arises and which is now troubling some Honourable Members is—what about the Indian National Congress and the Muslim League. There is no doubt that the Indian National Congress commands a mass of public opinion in the country. Some people may doubt this. If they doubt it, I leave them there because for my purpose this fact is not very material. What I suggest is that either the Indian National Congress commands the solid backing of the masses or it does not. Both propositions cannot be true. If they do not, ignore them. The Honourable the Home Member said the other day that the Congress are outside the pale of society and citizenship today after having declared "rebellion". If it is so, why do you worry about the Indian National Congress. Leave them alone. Then comes the second political organization of my friends—Nawabzada Liaquat Ali Khan, Maulana Zafar Ali Khan—, the Muslim League. I ask them come, let us sit together and come to some decisions. Some basis will be found for negotiations and if the Muslim League wishes to come and join us in this effort, they are most welcome.

Maulana Zafar Ali Khan: On whose behalf you invite them?

Sardar Sant Singh: I am asking His Excellency the Viceroy to invite the leaders. I am nobody; nobody will respond to my request. I am asking His Excellency the Viceroy, who is representing His Majesty's Government, to invite them.

If they are so invited, it will be left to those who are in power in the Muslim League to respond to it, or not. Let them choose what they like. We cannot coerce them to join, nor can we ignore them. Our policy should be to issue the invitations and if they come they are most welcome. If they do not, then what prevents the Government of India to work in alliance with the rest of the parties and form a National Government at the Centre.

Mr. M. Ghiasuddin: Who is left?

Mr. Jamnadas M. Mehta: Quite a large number—you and I!

Sardar Sant Singh: Why are you here? Congress is absent, but you are still here on your Benches. Here are my friends in the Muslim League, here are some friends in the European Group, and here is the official class occupying those Benches. There are so many more here. Why do you ignore them? If you are really serious in parting with power in this country

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): But they are not.

Sardar Sant Singh: there are ways to overcome this deadlock. I have seen comments in the press made on this formula and most of those comments are directed to the fact that by ignoring the two important parties—the Indian National Congress and the All-India Muslim League—what is left, and that is what my friend, Mr. Ghiasuddin, has said just now. You cannot blow both hot and cold in the same breath: Either the Government regards the Congress as the most influential party, or they regard the Congress as outside the pale of society and citizenship—as their attitude is at present. If it is the latter, why bother about the Congress? You cannot have both ways: You refuse to hand over power to the rest of the country because you think the Congress alone can deliver the goods, and yet you consider them to be outside the pale of society and citizenship. Therefore, I submit that this National Government, as it is visualised by me, can be formed. In order to escape the trouble which has been facing the country for a long time—I mean the bureaucracy in India and His Majesty's Government in England trying to manipulate the personnel in such a manner as not to permit the real men to come and take charge of the real power in the Government—I have suggested that work of forming Government on a leader elected by all communities. I will refuse to be a party to any National Government, the personnel of which has been selected by the Viceroy—I will entrust to the leader, selected by the

4 P.M. various parties who come together at the invitation of His Excellency the Viceroy, to form a National Government of men who command the confidence of that leader and of their own community. In that case that Government will represent the real National Government. I have tried to meet one other objection in my resolution, and it is this, that there is a good deal of suspicion between the Britishers and the Indians that if a National Government is allowed to be formed at the Centre and the direction of State affairs is handed over to Indians, Indians may not negotiate peace with Japan and the Axis powers and thus try to defeat the allied cause. For that I have provided in my formula that the first act of this National Government at the time of taking office would be to come to a definite understanding with the allied Governments that they will pursue the war effort to the best of their ability and that they will place all their material, men and money at the disposal of the allied forces to fight the Axis powers. This direct expression of opinion in a public manner will bind any Government, and thus will avoid a conflict which is at the background of both the people, Indian and British. Britishers today cannot bring themselves to believe that India will help and go the whole hog with them in their war

effort. I suggest to them the above method. I do not claim perfection for my scheme. I only wanted this to be a basis for discussion. Of course, we are not so bankrupt of statesmanship or ingenuity as not to be able to fit in the details in such a manner as to be acceptable to Britishers and Indians. Therefore, Sir, if you think, as I think, that the present bitterness in the country is so great that the fear is that it might burst out any moment, in that case it is the duty of the Britishers as well as the duty of the Indians to come together to some settlement in order to save the people from unnecessary bloodshed that may follow from this outburst. I hope, Sir, that the Government will consider this question and will not shelve it, as it seems that the Government has shelved it. Government's promise in many speeches and in many utterances has been that they are going to have a complete Indianization of the Executive Council. I do not call the complete Indianization of the Executive Council a National Government at the Centre, but it goes a bit further, a step further from what it is today. But today what do we find: that the first expansion followed by a second expansion was manipulated in such a manner as to stultify the first expansion. And what has happened today? After the resignation of three important Members from the Executive Council of the Government of India, the Government of India sit still and do not nominate anyone else. Not only that, this policy of expansion seems to be replaced by a policy of contraction. Not only this, but more. The extension granted to the Home Member for another year is a proof positive that the Government is going back further on the promise of complete Indianization of the Executive Council.

Nawabzada Muhammad Liaquat Ali Khan: When did they make that promise?

Sardar Sant Singh: Mr. Amery's speeches are quite ample proof of that. They have been raising this hope in the country, that short of a National Government there is in contemplation the complete Indianization of the Executive Council. But that Indianization has receded further. The Government seems to have adopted a policy of contraction today. May I ask the Government, Sir, (I am not a student of economics, nor can I talk finance as glibly as my friend, Mr. Jamnadas Mehta: I give only the layman's version and the layman's opinion) that when these millions of pounds of money of the Government of India are to be taken into consideration and account at the end of this war, do you think it is profitable (as I do not think it is profitable) to leave the matter entirely in the hands of two cousins to decide our fate—the British cousin living in India and the British cousin living in England? Human inclinations are there and they cannot give place to a sense of justice to that degree where the sense of justice prevails over racial feelings. Racial partiality may be unconscious, but it is there. Not only that, it has been amply proved to be there in the evacuation of Burma last summer. Therefore, Sir, I will ask the Government of India that instead of intensifying to a greater degree the feelings of frustration that has got hold of the country today, they must take steps to end this deadlock. The sooner they do it the greater service they will be rendering to the Allied cause as well as to India.

Next, Sir, I come to this booklet. The Government chose in their wisdom to publish this booklet, "Congress Responsibility for Disturbances" at a time when Mahatma Gandhi in the course of his fast was passing through a crisis. If we make a complaint that the publication was inopportune and ill-timed, we are fully justified in making it. However, that matter is gone. God in his wisdom has saved us all from a great catastrophe that might have befallen the country if Mahatma Gandhi had not survived the fast. However, leaving this question aside, I have tried to understand what the Government gains in the publication of this booklet. At page 7 of the booklet, after a great deal of discussion the Government comes to the conclusion that from the foregoing somewhat lengthy survey, two basic motives emerge as the foundation of Mr. Gandhi's proposal. The first is a desire to free India finally from British domination; the second is the desire to avoid at all costs India becoming a theatre

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but by an abuse of the power, the High Court should have jurisdiction to interfere and release the person concerned. This is not asking too much; this is not hampering the cause of the defence of India by making this request. I do not want to proceed further in this matter.

I want to state that I do not contemplate with peace of mind the presence of so many foreign troops in India, Americans, Australians, Chinamen, not to speak of Britishers as well. To me it appears that the manpower of India has not been fully tapped. If the manpower of India had been fully tapped, India could supply sufficient number of troops for the defence of India. I am not against defence of India, but if the motive power behind the importation of these troops into this country is something different, from the defence of India, then I take serious objection; every man in this country will take serious exception to this. If history repeats itself—and God forbid it should repeat itself again—the presence of so many troops of different nationalities in this country may lead to a clash among themselves resulting in crushing the civil population of the country. In history these things have happened before, and I warn the Government to be very vigilant in seeing that this does not happen again in the country. The lesser the number of foreign troops in the country the better it is for the best interests of the country.

Then I want to say something about the representation of my community in the higher services of the country. I have already drawn the attention of the Honourable the Home Member to the fact that there is no Sikh higher officer in the higher appointments of the Government of India. Among the I.C.S. officers there are several Sikh I.C.S. officers, in various parts of the country, but not a single one has been taken into the central services. Among the other superior gazetted posts there is a very small number, if at all. I do not want to go into details by giving statistics, that in this department there is none, in that department there is none, and so on. Most of the Sikhs we find among the non-gazetted ranks. I hope the Government of India will see that this deficiency is not allowed to remain. Percentages are quoted, in this department Sikhs are one per cent., in that department 1.2 per cent., and so on. But at what stage of the salary, at what rung of the ladder is not said. You count all the chaprasis, you count all the motor drivers, and say Sikhs are there. But when you look at the higher services. . . (Interruption.)

An Honourable Member: There is a Sikh Executive Council Member.

Sardar Sant Singh: I am not treading on the corns of the Muslim League Party and, therefore, you need not interrupt me. Therefore, I will say this. I drew the pointed attention of the Government of India last year to the lack of Sikh officers in the higher services of the Government of India. Our misfortune is, referring to one department—I am sorry no representative of that Department is here, I refer to the Education, Health and Lands Department, over which Sir Jogendra Singh presides to-day. There the Sikhs have got numerous complaints. On account of a particular Director of that Department the legitimate claims of the Sikhs to promotion have been ignored and if the Department wants instances, I am prepared to supply about half a dozen, to show how things have been manipulated. There I am in agreement with Mr. Abdul Ghani and some of the Muslim League Party Members, that in the matter of promotion and the matter of granting rights to minority communities there is some *gar-bar* in the whole affair, and I complain of that.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has already spoken for 45 minutes.

Sardar Sant Singh: I am trying to hurry on. I am avoiding all the instances and illustrations. I am trying to hurry on and I have got very few points left.

I again want to draw the pointed attention of the Honourable the Home Member and of the Government of India to the subject of communal award and

communal services award. The communal services award has been in operation now for the last nine years. Has not the time come to review its application and to review its working? Nine years is a long period. I drew the attention of Government last year to this, that the Sikhs have got a serious grievance in being included among the other minorities, and the word minority has come to mean Muslims and no other minority at all. I think the Honourable Dr. Ambedkar, the Labour Member, will agree with me; he feels as keenly on that subject as I do. (Interruption.) He is in a position to get his grievances redressed while I am not. I say that it will be but fair to other minorities to review this circular once more in the light of the experience that has been gained during the last nine years and come to some definite decision. In this connection I would like to point out that, instead of striking a percentage by numbers in each section and in each department,—will it not be more equitable for all communities, to strike percentages in the terms of emoluments drawn by each community?

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Division of money receipts.

Sardar Sant Singh: Not receipts, but expenditure. Receipts will be much better. You have reminded me of receipts. If the Honourable the Finance Member can undertake this task in the midst of the war to find out how much each community pays to the coffers of the State and distribute the emoluments accordingly, I think it would be most equitable. (Interruption.) It suits me; it will suit you too. Injustice is not good. Justice you want to be done, and this is the best way of doing justice.

I will just add my support to the comments made by the various Honourable Members against the levying of this high duty upon vanaspati ghee. The reasons have been given and I do not wish to repeat them. To-day, vanaspati ghee is the principal item of food in the case of the poor and middle classes. I will make my detailed speech when I come to discuss the Bill in its turn. At this stage I will only say that it is the unanimous desire of all the elected Members that this duty is too heavy and it should either be abolished or if it cannot be abolished, the duty should be merely a nominal one.

Last of all, I want to refer to my Honourable friend, Dr. Ambedkar. Today, while defending the use of the paper, he said that he was convinced that there was no acute complaint in the matter of paper. I take the Government at their word and say, if there is none, then why are you trying to stifle the vernacular press in this matter. The vernacular press is not in a position to keep a large stock of newsprint and they are living from hand to mouth. We know the vernacular newspaper proprietors and those who manage them. They are poor men. Unlike the financial backing which English newspapers have got, the vernacular press is not rich enough to keep a huge stock of newsprint. Government does not take this fact into consideration in fixing the quota. The quota fixed for the vernacular newspapers is so low that they cannot run the newspapers at all.

The second point is that they used to buy their quota from the market. Government has forbidden this. They are not getting their proper quota. They are not permitted to buy in the open market, or even in the black market sometimes. The vernacular newspaper people suspect and they have told me so that it is the policy of the Government to put an end to all the vernacular newspapers.

Then the third thing they object to is that recently the Government of India have made rules for raising by 50 per cent. the advertisement charges and the cost of the paper. In the case of the English press, they can act up to this rule but not the vernacular press. Therefore, I would draw the pointed attention of the Government to the fact that something should be done to relieve the distress of the vernacular press and this feeling that the Government wants to suppress the vernacular press entirely should not be allowed to grow.

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LEGISLATIVE ASSEMBLY

[16TH MARCH, 1948]

[Sardar Sant Singh.]

of active warfare. May I ask what is wrong with these two motives? Does not England—let me take an analogy—desire freedom of England from German invasion? Has not England undertaken this grim war in order to save England from Axis domination? Nothing wrong in that. Has not England during the last three years made gigantic efforts to prevent Great Britain becoming a theatre of active operations? What is wrong with that? There is nothing wrong in those two motives. Simply because it is published by Government and has been broadcast by Government at two annas a copy, therefore Government thinks that as soon as the people read it, they will receive the shock of their lives, and probably faint on seeing "Here are these two motives". What is wrong with these two motives, I ask. They are the motives of any patriot and well-wisher of the country. Who wants foreign domination in this country? Who does not want that India should not become the seat of active operations? There is nothing wrong in that. So far as I can see, England is doing the same thing and I am doing the same thing.

May I ask then what is it they wanted to justify by the publication of this booklet? Another thing which they tried to justify is to attribute another motive to the Congress—at page 10:

"It has been suggested that far from seeking to allay the bitterness left by the failure of the Cripps Mission, it was the aim of the Congress to seize upon the opportunity thus offered to regain her lost hold over the masses."

Here I join issue with the Government on this question of fact. The Congress never lost hold on the masses. I suggested, in the last Session which was convened for the discussion of this problem, that if the Government has the courage or if they are sincere in thinking that the Congress has lost hold over the masses, they should have a Gallup poll. I went so far as to suggest that let them take a secret Gallup poll of their own employees, and they will find that they are not only not in the majority but they will find themselves in a hopeless minority even there. You can say one thing, that the agitation following the arrest of Mahatma Gandhi and his co-workers could not be tolerated by any Government that wants to function. One can understand that. One can understand the workers being shut up in the palace of the Aga Khan at Poona and in Ahmednagar Fort; but one cannot understand this denial that the Congress do command influence in the country. If you are still minded to doubt this proposition, I will tell the House that as soon as Mahatma Gandhi undertook this fast, all over the country children ranging from the age of 6 to the age of 16 or 17 took one or two and sometimes six days' sympathetic fast in their own homes, in spite of their parents' protest to the contrary. I know of those who shine in the bureaucratic favour and whom my friends called the loyalists in this country—their sons at the delicate age of 7 and 8 fasted in sympathy with Mahatma Gandhi. Still you think in the terms of this book that Mahatma Gandhi has lost hold upon the masses. It is not correct. Do not try to delude yourself. Face the facts as they are. Some years back, we the Members on the Opposition Benches were always reminded by the Members on the Treasury Benches "You are not realistic; you do not face facts". Now, it is our turn to tell them that the Government never faces the facts as they are and that Gentlemen of Treasury Benches try to delude themselves in order to justify some of their excesses that they committed in putting down the disturbances. In this booklet it is said that the people have been guilty of many excesses. May I ask, if Government is convinced of the correctness of their position, why do they deny an impartial inquiry into the matter, an impartial inquiry by the tribunal which is to be appointed by them and, not by us? Why does the Government feel shy of it? On the contrary I can tell them this: when we referred to the case of the pensioned police officer the other day, who sent a letter to the Home Department, how his property had been looted and plundered he has been called and

his pension has been forfeited for writing that letter. How does Government justify that action? Government gives us a pledge on the floor of the House that definite instances of excesses will be inquired into. Relying upon that pledge, when we give definite instances, the attitude of the Government is to send for that man and forfeit his pension and send him into the wilderness because he had the courage to write to the Government that his house had been plundered. How can you, Sir, justify this? Here is a book written by Government—and we are promised another book by an independent writer, which we are anxiously waiting to see when it comes out, to find out who that independent writer is. Let us have both these books; but will you give me permission to go over the country and write a reply to this book? Will you permit me to publish a reply to this book? . . .

Nawabzada Muhammad Liaquat Ali Khan: There is scarcity of paper!

Sardar Sant Singh: I can wait till after the war. Have courage. Either do not issue it; or if you issue it and thus waste paper, as my friend the Honourable the Labour Member is laughing at this big waste of paper, then have the courage to see the other side of the picture too.

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

And let the people write a reply to it to show that there is the other side of the picture as well. I have done with this book.

I now come to the working of the Defence of India Rules and here I will give one or two instances how the Defence of India Rules are worked in this country. The best illustration of the unreasonableness of the working of the Defence of India Rules is furnished by an order passed upon a sitting Member of this House itself—I refer to Sardar Mangal Singh. Sardar Mangal Singh was interned in his village; he wrote to the Deputy Commissioner that he wanted to attend the Assembly. He was given permission to attend the Assembly. The order said he could not speak in an assembly or collection of five or more persons: so he wrote back asking whether he could speak in the Assembly; and the District Magistrate says "The Assembly is a collection of 5 or more persons and, therefore, under the strict wording of the rule you cannot speak in the Assembly". Today he is outside and he is not permitted to come here and speak.

Mr. Jamnadas M. Mehta: It is a question of privilege.

Sardar Sant Singh: That is exactly the correspondence that has passed between the District Magistrate and Sardar Mangal Singh.

Mr. Jamnadas M. Mehta: He can ignore the order and come here.

Sardar Sant Singh: But the Assembly will not come to his assistance when he is put behind the bars.

Mr. M. Ghiasuddin: Did he say "Central Legislative Assembly"?

Sardar Sant Singh: Yes. Now, Sir, I come to another aspect of the case. In the name of the Defence of India Act people have been arrested on account of some *malafides*—not that they did anything to hamper the war effort, or to create any breach of the peace or of tranquillity. They were arrested because they happened to be the opponents of those who were in a position and authority to arrest them. The case of Mahashe Krishna and his son, the Proprietor and Editor of 'Pratap' is a case in point. Not only that, but the Defence of India Act has gone further in some cases. The cases were referred to the Lahore High Court where the arrests were not *bona fide*? The High Court has given a ruling that even if the arrest was *malafide* there is no power given under the Defence of India Act to the High Court to review those cases where the arrest is proved to be *malafide*. The Honourable the Law Member is not here; I hope Sir George Spence will convey this to him. We want an amendment of the Defence of India Act to this extent—and it is a reasonable extent—that where the arrest is *malafide* and the High Court comes to the conclusion that the arrest has been ordered not by a proper use of the power

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Finally, I expect the Government not to sit tight because they have got great physical force behind them. There is such a thing as a moral force as well. Government must look to the moral forces and do something to solve the present deadlock in the country.

Mr. President (The Honourable Sir Abdur Rahim): Before I call upon any other Honourable Member to speak, I must remind Honourable Members again that as there is not much time left they should not make long speeches. **Mr. Nauman.**

Mr. Muhammad Nauman: Sir, one must be gifted with a happy mingling of two characteristics, one of self confidence in taking no refusals and other of shamelessness, to play his part year after year in the ceremony that is carried out in this Chamber towards the end of every March. It is more or less a meaningless ceremony when we find that we are left at the same place where we started a number of years ago. We have seen the flood gates of oration let loose for a number of days. Representatives in this House have tried to ventilate the grievances of their constituents at the bar of this House and at the end we will find that we are to remain in the same position where we began. This has been more or less a tragedy and I only want to impress on the Members of the Treasury Benches that they should at least have some more regard to the constitution than they have now and at least there should be some moral backing behind the proposals that they bring before us and at the same time they should try to see the viewpoint of the representatives of this House and meet them so far as they can. It has been the Parliamentary practice in all Houses of Legislatures, including the House of Commons, to treat all views with consideration. For instance, we had recently the case of Mr. Chamberlain who laid down the reins of Government, although he had the confidence of the House and had a majority. He learnt that there was an opinion inside and outside the House which did not agree with his war policy. That showed the real greatness of the man. Mr. Chamberlain at once gave opportunity to other people to manage the affairs in the manner which suited most. That should be the rule. Certainly I do feel the absence of the Congress Members on these Benches. It is really a criminal negligence of duty on their part. They are not even willing to resign and give opportunity to others to come in, and give Opposition group a chance to defeat the proposals of the Government, although I do not have much hope in that way also, that is even if we defeat the Government with our votes, there is going to be any change in the attitude of the Government; we have seen from 1935 to 1939, when the Congress Members were present in the House how the Opposition Victory was treated. However, I have not much time and I cannot narrate all the grievances that we have and I would like to be as brief as possible.

The grievances, qualitatively and quantitatively, are far more than I have time to deal with. There has been accumulations of new grievances in the last few years as well. There is not one single department of the Government, about which we have not got some grievance or other, particularly from the viewpoint of the unfortunate community which I have the misfortune or good fortune to represent in this House, namely, the Mussalmans. We have always had grievances and we have been ventilating them year after year on the question of the paucity of Mussalmans in the services on the question of their promotions, on the question of extensions and so on and so forth. But what we find to our own tragedy is that in the new departments which have been organised within the last three or four years—I mean the Broadcasting and the Supply Departments—our position is rather worse than what it has been under the older Departments like the Railways and the Posts and Telegraphs and others. What I have to say is this. How can I console myself to believe that the Government of India and the responsible Members have ever been really honest and sincere in trying to give us the rights that we claim are ours? I

have never tried to encroach upon the rights and privileges of others. I have never been one of those who claim a bigger share than what you thought Muslims rightfully deserved. All that I want is what you have apportioned under your Home Department Resolution of 1934, namely, a share of 25 per cent. And what do we find? It is being treated as a waste-paper; it is treated with no respect. All those promises which you had made have no meaning in practice. I was very glad that Mr. Mackeown the other day was trying to quote some figures about the Supply Department. We know how figures can be distorted. We know how figures are prepared which you give to the House. The misfortune is that I have got no access to your figures for verification. We have to depend more on agitating rumours or whatever little information we can get from here and there, whereas your Departments are a secret society from where we can have no up-to-date information. These remarks are particularly applicable to the Supply Department where we do not know what you are doing. The only thing we know is that in the category of high officers the number of Muslims is certainly very small. You know sometimes there are facts which cannot be explained away and Mr. Mackeown with his best efforts and eloquence could not explain away that fact. He had to confess that out of five Chairmen of the Selection Boards none happens to be a Muslim. Sir, I have no quarrel with the members of the other community, I mean the Hindus, but my quarrel is with the power who forms the Government or who is responsible for the distribution of these booties and for the distribution of loaves and fishes. Government as such is responsible for doing what it has done. Then, Sir, Government representatives say that qualified Mussalmans are not available. Well, Sir, that is the old story. You can call anybody qualified and everybody unqualified as it suits you. It only reminds me of a line in Urdu.

*"Tum Jise chaho charhao sar par
Varna Kab dosh per katal thaire."*

"You can make anybody to come to any eminence although it may be difficult to do so on actual merits."

If we were to make a real scrutiny about the qualifications and capacities of those who are already in responsible Government service, then I do not know how many of them who are holding responsible posts in the Government of India will be able to stand that test. That is the hopeless position in which we stand.

Now, Sir, I come to another grievance which is more or less on the general lines and it is the question of extensions. We have always tried to say that we do not approve the policy of extensions being granted to retiring persons. Somehow or other the Government of India has developed a taste for older class of people and wants to entrust responsible duties only to those who were good enough for retirement. Is not that an indictment of those officials who would have succeeded in due course and who are as capable and sometimes even more capable than these elderly persons in not allowing them to take up those positions? When I say that I particularly refer to the Honourable Sir Edward Benthall who is responsible for giving more extensions in his own department than any other department that I know of. Of course, as I have said, we have very limited scope of knowing the ways and methods of the Government of India, yet whatever little we know of we are referring to it. Now, in the matter of extensions, supposing it was a right policy from the point view of Government what do we find? We find that in the Posts and Telegraphs Department extensions are always given to non-Muslims. Col. Naidu, who is considered fit, has been given an extension. Then H. Sur is another person who has been given an extension. Mr. Augier is another person who has been granted an extension. But Khan Bahadur Sabihuddin and other Muslims were not considered fit for being given an extension. Khan Bahadur Aley Hasan retired P. M. G. was considered to be a fit person to be sent as a representa-

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tive of the Government of India to a foreign country for representing the Postal Department but when the question of his extension came before the Government of India, he was not considered fit for it. Sir, I hold no brief for Khan Bahadur Aley Hasan or anybody else but what I am trying to explain to the House is that that is the treatment which is being meted out to my nationals. Even when you initiate the policy of loving elders and giving them extensions you refuse to accept that policy for Muslims. That is the policy of prejudicial treatments to Muslims which you have been carrying on. I do not suppose you are yourselves honestly convinced that you are doing the right thing. You probably feel in your heart of hearts that you are doing something which is not correct. But for reasons better known to yourselves, you are following that policy. It is really so difficult for us to go on narrating grievances after grievances every year when it is to produce no results. As I said, I have got neither the time nor a robust heart of shamelessness to quote examples and repeat the old story again and again. Even if I go on talking for months I do not think I will be able to ventilate one-tenth of the grievances the Mussalmans have against the administration. That is what I want to point out.

Now, Sir, I wish to make a few short remarks about the financial position. I have already made my comments on the question of the financial settlement and Sterling Balances and I need not elucidate my arguments on those. The Finance Member expected us to congratulate him for having come back with the same settlement, that is to say, with no change in the actual terms of the financial settlement. But he forgets that although he came back with the settlement unchanged in terms he had nevertheless agreed to add enormously to our burdens. Now, the crux of the problem was not in the terms of the settlement or the fine words in which they were expressed but in the burden they imposed. These I say have multiplied enormously. The British Government got what they wanted: a transference of some of their financial burden to the Government of India. The dummy partner has to take the consequences of high stakes in which he had no bid to offer. That is the whole position. The Finance Member should have deserved our congratulations if he had seen to it that our burdens did not multiply; that, at any rate, they remained where they were before his trip to England. It is no consolation to us to know that the settlement has remained intact when by the very reason of its remaining intact further financial burdens are imposed on the Government of India. This is all that would have happened if the settlement had been revised. This is precisely what has happened without a revision. Where is the difference in effect?

Now, it is certainly true that it was open to the British Government to so revise the settlement that a still greater liability were assumed by the Government of India. This they desisted from doing but that is not to say that our share of the war expenses has not in effect been revised. On the political and technical side too the settlement is thoroughly unsatisfactory. It is undoubtedly clear that if the Indian Army were intended solely for Indian purposes it would be differently constituted from that whose purposes were other than Indian in numbers, training and equipment. Why should we accept to bear the cost of raising, training, equipping and maintaining at least for a time that part of it which was above the requirements of India. It was enough that India should have allowed the use of its men and materials to the Empire. Why should she also be saddled with the cost? While speaking on the general discussion of the Budget I quoted from the statement of Mr. Bonar Law, the Prime Minister in 1928 and dealt with that at length and I do not propose to repeat the same here. The whole question is of the machinery which actually deals with the cost. What constitutes joint war expenditure? Do we have a say in the determination thereof? Once this decision has been taken who sees to it that it is carried actually into effect correctly and properly. That is

the position. We will have no say in the joint war effort. We have nothing to do with it, but we will have to pay and they may spend the money in the good faith and with the best of intentions but certainly without our consent or participation.

Now, Sir, the War Secretary gave us proportions of the British Commissioned Officers and the Indian Commissioned Officers, as he thought that this information might be sufficient for the Members. We do not know the number of either the British or the Indian Commissioned Officers who are here. However, it is to his credit that he tried to give out at least the proportion. Even these proportions revealed show that within the last one year the number of British officers has increased to a large proportion as compared with that of the Indian officers. Whether it is due to the lack of confidence in the Indians or that they are not fit to safeguard or to carry on the defence of this country, is a matter which His Majesty's Government or the Government of India can alone know. What we feel is that even in matters like this and at a time when His Majesty's Government feel that they are in extreme difficulty they are not prepared to repose that confidence which we, Indians deserve. That is the only point which I wanted to make in this connection and do not want to say anything more and leave the Government Members to ponder over this situation.

Now, Sir, I wish to say a few words—I am sorry the Honourable Dr. Ambedkar is not in his seat—about paper scarcity. I do not want to take up more time of the House and, therefore, I will say only so much that I am glad to hear from the Honourable Member Dr. Ambedkar that he did not feel that scarcity of paper has reached such a stage where it should have caused anxiety. In spite of this ascertain what we find is that the note books which used to be supplied to Honourable Members of this House have been discontinued and in their place we have been supplied with a kind of scrap of rough paper on which we can not jot down our notes. Now, may I ask if the position with regard to paper is what the Honourable Member for Government stated, then why the Government have stopped to supply us note books. If the position is not serious at all I do not see any reason why the Government should have behaved in the manner in which they are behaving. There was some sense if Government had told us that Members will get ten or five copies in the whole Session instead of one every day, but there is no sense in supplying us with a scrap of rough paper on which it is really difficult to scribble. In spite of this the Government of India representative comes here in this House with a statement that he does not feel any scarcity of paper, there is no anxiety about that. Probably he wanted to defend the extravagant use of paper by departmental people of the Government of India, but he simply forgot how he was behaving with Members of the Indian Legislature in the use of paper.

Now, Sir, I only want to say one or two words about the position of Urdu newspapers. As my friend, Sardar Sant Singh, has already dealt with the subject I do not want to elucidate it further. I only want to say that the Government of India should find out ways and means to supply sufficient paper to vernacular papers as propaganda about their National War Front, also depends on this more than on anything else. It cannot prove useful unless this propaganda is made through vernacular newspapers, because as we know the percentage of English knowing persons is very limited hardly about 2 per cent. whereas the percentage of the persons who can read and write in one of the vernaculars is about 10 or 12 per cent. Looking at it from that point of view, I think, it is necessary that the Government should extend to these Urdu papers as much facilities as they can afford.

Now, Sir, I only want to touch upon one more subject and finish my speech. I will put only one question to the Honourable the Home Member in regard to the Congressmen's activities. The Home Member has taken a definite stand that this movement—political disturbance—which started in August amounted to a rebellion and similarly he has

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taken a definite stand that the Pir of Pagaru's affairs and the Hurs movement in Sind amounted to a rebellion. I have dealt with that aspect of the matter in my speech on Mr. Yusuf Haroon's resolution, so I do not want to reiterate my arguments. I only want to know from the Honourable the Home Member whether he can conscientiously say that the Hur organisation has created the same amount of havoc which the other organisation has created. If the Congressmen are really criminals and if you can make a good case why not try them in open court of law and condemn them. The other day, Sir, I found the resolution to make arrangement for Pir Pagaru's property was refused. I do not want to say anything more except to ask the Honourable the Home Member why this discriminatory treatment. If he treats both these organisations as rebels then he should apply the same law for leaders and members of both these parties. Sir, these are the only remarks which I wish to make and nothing more. I end my speech with this question. I do not want to take up any more time of the House.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 17th March, 1943.

LEGISLATIVE ASSEMBLY

Wednesday, 17th March, 1943.

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 FACILITIES, ETC., TO DETENUS UNDER THE DEFENCE OF INDIA RULES.

†322. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state whether the persons detained under the Defence of India Rules in the centrally administered areas are being allowed newspapers, interviews, and facilities for writing and receiving letters?

(b) What are the classes of the detenus and what are their allowances? Are they allowed annas 12 and annas 9 by the United Provinces Government?

(c) Are the prisoners allowed to supplement their allowances from their personal funds? If so, to what extent?

(d) In view of the status and position of many of the persons who are detained and the abnormal rise in prices of commodities, do Government propose to consider the advisability of increasing the allowance?

(e) If the prisoners are not allowed to supplement their allowances, since when has this prohibition been adopted and what is the reason therefor?

The Honourable Sir Reginald Maxwell: (a) Security Prisoners detained in Chief Commissioners' Provinces are allowed newspapers, interviews and facilities for writing and receiving letters, in accordance with the provisions of the Central Government Security Prisoners Order, 1942, a copy of which has been placed in the library of the House. Security prisoners detained in connection with the recent disturbances are, however, not allowed interviews and are permitted to write two and to receive four letters per week only. Letters are limited to purely personal matters and correspondence is permitted only with members of the security prisoner's family.

(b) There are two normal classes of security prisoners, while a third class—called 'Q' class—has been introduced for security prisoners detained in connection with the Congress movement. The following are the daily scales of diet prescribed by the Chief Commissioners concerned:

Delhi:—Rs. 1/8/- for class I, -/8/- for class II and -/9/- for class 'Q'.

Ajmer-Merwara:—/10/6 for 'Q' class. (There are no security prisoners of other classes in Ajmer-Merwara).

Baluchistan:—Rs. 1/- for class I and -/13/- for class II.

(c) Security prisoners are allowed to supplement their allowances from their personal funds. The limit fixed in respect of class I security prisoners is Rs. 20 a month, and in respect of class II Rs. 10 a month.

(d) Clause 4 of the Central Government Security Prisoners Order empowers Chief Commissioners to prescribe a suitable scale of allowance and Government are content to leave this matter to the discretion of Chief Commissioners.

(e) Does not arise.

ALLOWANCES AND FACILITIES, ETC., TO DETENUS UNDER THE DEFENCE OF INDIA RULES.

†323. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state whether or not with the coming into force of the Defence of India Rules, any model rules for the detenus and their maintenance were made by Government?

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

(b) Did or did not Provincial Governments seek the advice of the Central Government in the matter of framing rules for the detenus arrested and detained for political reasons?

(c) Is it or is it not a fact that the United Provinces Government have stopped all interviews, letters and newspapers to all classes of political prisoners and, prohibited the supplementing of allowances from the prisoners' personal funds?

(d) Is it or is it not a fact that prisoners who had been given 'A' class before the 9th of August, 1942, and were availing of the facilities given to that class, were deprived of them after the said date? If so, what is the reason for it?

(e) Is it or is it not a fact that the United Provinces Government have made a new class of detenus for *goondas* and many of the political prisoners are being relegated to that class?

(f) In view of great hardship to which political prisoners in different provinces are subjected regarding interviews, supply of newspapers, facilities for sending and receiving letters, low scale of maintenance allowance and restrictions on supplementing the allowance, do Government propose to consider the advisability of framing model rules in consultation with the Provincial Governments, and bringing about uniformity in their treatment?

The Honourable Sir Reginald Maxwell: (a) and (b). The Government of India have made an order regulating the conditions of detention of security prisoners in Chief Commissioners' Provinces. An up-to-date copy of this order which is called the Central Government Security Prisoners Order, 1942, has been placed in the Library of the House. A copy of the Central Government's Order was forwarded to Provincial Governments who generally adopted the same principles in framing their own rules.

(c), (d) and (e). These matters concern the Provincial Government.

(f) No.

TREATMENT METED OUT TO PROFESSOR CHANDRA BHAL JOHRI, UNDER DETENTION.

†324. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state if it is or it is not a fact that Professor Chandra Bhal Johri, M.L.A. (Central), was arrested and detained as a security prisoner under the Defence of India Rules on the 9th August, 1942, while he was ill and under Ayurvedic treatment at Benares?

(b) Is it or is it not a fact that in Benares Jail his condition deteriorated and so he was transferred to Lucknow Central Jail on the 17th January, 1943?

(c) Is it or is it not a fact that even at Lucknow he was not looked after in time and it was only when his temperature had risen to 104° that he was put in the General Ward, Balrampur Hospital, on the 27th January, 1943?

(d) Is it or is it not a fact that neither his brother nor his wife were informed of his serious condition, and when they came to know of it from hospital they were not allowed to see him till the 5th February, 1943, nor he was transferred to the Special Ward, in spite of their offer to bear the necessary expenses?

(e) Is it or is it not a fact that when the brother and wife of Professor Chandra Bhal Johri were allowed to see him on the 5th February, he was unconscious and in a precarious condition and was released in that condition in the night?

(f) Is it or is it not a fact that in spite of the medical help, he did not regain consciousness and passed away on the 10th February, 1943?

(g) If the answer to above be in the affirmative, do Government propose to consider the advisability of pressing upon the United Provinces Government the desirability of giving better treatment to prisoners under such circumstances?

The Honourable Sir Reginald Maxwell: (a) It is a fact that Professor Chandra Bhal Johri was arrested on August 9th, 1942. I have no information of his being ill or under treatment at the time of his arrest, but I understand that Professor Johri had suffered from a chronic disease of the heart for some twenty years.

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

(b) He was transferred to the Lucknow Jail owing to the superior facilities there for the diagnosis of heart diseases and for their treatment by X-ray and electro-cardiograph.

(c) His condition in the Lucknow Central Jail was satisfactory until, January 22nd, when he had an attack of fever, developing into influenza, which necessitated his transfer to the Balrampur hospital on January 27th.

(d) On the same day, January 27th, Professor Johri's brother saw the Civil Surgeon, and was informed of the patient's serious illness. He asked to be allowed to visit the patient and was directed to obtain a pass from the District Magistrate or the Superintendent of Police, but he made no attempt to do so. On February the 3rd, when Professor Johri's condition became critical, a telephone message to this effect was sent to his brother. No one made any attempt to visit the hospital, however, until February the 5th, when Professor Johri's wife and brother were permitted to see him. It is not true that the authorities refused to transfer him to the special ward; he was in fact admitted to the special ward from the date of his admission to the hospital.

(e) and (f). Professor Johri was not unconscious when visited by his wife and brother on February the 5th and in fact he spoke to them both. Professor Johri was released and discharged from hospital that same day, at the request of his wife, under special arrangements made by the United Provinces Government. During his stay in hospital, Professor Johri refused to allow any blood examination or any other examination involving pricking with a needle. He also refused medicine stating that he believed in homoeopathy. Professor Johri died on February the 10th. I have no information as to his condition during the intervening period.

(g) No. Government repudiate the insinuation that this prisoner did not receive proper treatment.

NEWS AGENCIES OF THE ALL-INDIA RADIO.

325. *Mr. H. A. Sathar H. Essak Salt: (a) Will the Honourable Member representing the Department of Information and Broadcasting be pleased to state the names of the news agencies which are supplying news items to the All-India Radio?

(b) Are all the news agencies recognised by the Government of India supplying news to the All-India Radio? If not, why not?

The Honourable Sir Sultan Ahmed: (a) Reuters, Associated Press of India and the United Press of India at present supply news to All-India Radio. The question of obtaining the service of Orient Press of India is under consideration.

(b) The Government of India have not formally recognised any News Agency. The question does not, therefore, arise.

Mr. H. A. Sathar H. Essak Salt: With reference to the second part of the answer to the part (a), will the Government see that the Orient Press gets the same subsidy as is given to the other News Agencies by the Department of Broadcasting?

The Honourable Sir Sultan Ahmed: I can make no promises, but the matter will be carefully considered.

PERSONS ARRESTED OR DETAINED UNDER THE DEFENCE OF INDIA RULES IN DELHI PROVINCE.

326. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state the total number of persons arrested or detained under rules 129 and 26 of the Defence of India Rules in the Delhi Province during the past six months?

(b) What is the total number of persons convicted of political offences during the past six months in the Province of Delhi?

(c) Is it a fact that such convicted prisoners are lodged in the various Punjab Jails, some of which are at a distance of about 700 miles from Delhi?

(d) Is it a fact that a large number of Delhi prisoners, both convicted and detained, are kept in the old Central Jail, Multan?

(e) Is it a fact that this jail has been selected for the Delhi prisoners at the instance of the Delhi Administration? If so, are the authorities aware of its unsuitability?

(f) Is it a fact that 70 per cent. of the Delhi prisoners have been suffering from malaria and other diseases in this jail? If so, have any protests of the prisoners been received? If so, what steps have been taken to remove them to a more healthy place?

The Honourable Sir Reginald Maxwell: (a) The figures for the period from the 1st September, 1942 to 28th February 1943 are as follows:

(i) arrested under Defence of India Rule 129 and thereafter detained under Rule 26—37.

(ii) arrested under Defence of India Rule 129 and released after periods of detention not exceeding two months.—69.

(iii) arrested under Defence of India Rule 129 and still detained, the period of detention not having exceeded two months.—17.

(b) In the absence of a definition of the term "political offences" I am unable to supply the desired information.

(c) The Delhi District Jail is operated in effect as a unit of the Punjab prison system; prisoners convicted in Delhi are at all times freely transferred to suitable jails in the Punjab and are distributed between those jails under orders issued by the Inspector General of Prisons, Punjab.

(d) I believe that some Delhi prisoners are in Multan but have no definite information.

(e) No.

(f) I have no reason to believe that the Honourable Member's allegation is correct. Certainly no protests to that effect have been received from the prisoners themselves.

Sardar Sant Singh: May I know if the facilities for lodging such a protest are provided to the detenus who are being detained in the Punjab jails?

The Honourable Sir Reginald Maxwell: They can make any complaint they like to the authorities in charge of them.

Sardar Sant Singh: Can they send their protest to the Home Department?

The Honourable Sir Reginald Maxwell: They should make their protests in the first instance to the jail authorities of the Punjab in whose charge they are.

Sardar Sant Singh: Will the Honourable Member enquire whether such protests were laid before the Superintendent of the jail in the Punjab that they were suffering from malaria?

The Honourable Sir Reginald Maxwell: No such complaint has reached me. If the complaints were addressed to me through the Punjab authorities, I have no doubt whatever that they would be forwarded to me.

Sardar Sant Singh: With reference to part (b), may I know since when he has been unable to understand the definition of the term "political offences", in view of the fact that the Honourable Member has too long been in service not to understand what the term meant?

The Honourable Sir Reginald Maxwell: If the Honourable Member will refer to my last speech on the subject he will appreciate the difficulties.

COMPLAINTS OF THE DELHI RED FORT DETENUS.

327. ***Sardar Sant Singh:** (a) Will the Honourable the Home Member please state if it is a fact that, as a result of the deliberations of a so-called Security Conference of Police Chiefs of the various provinces, the Home Department of the Government of India have delegated unlimited powers to the police and the C. I. D. under rule 129 of the Defence of India Rules in the Delhi Province?

(b) Is it not a fact that respectable and educated persons are kept in dirty police lock-ups for months and no amenities are provided for the detained persons while they are in police custody in the Delhi Province?

(c) Is it a fact that a number of persons are being detained and kept in the dark and underground cells of the Red Fort, Delhi? If so, is it a fact that

persons detained there have invariably to be admitted to the Irwin Hospital? If so, for what ailments?

(d) Have any records been kept of the injuries of such persons?

(e) Was any complaint received from such persons or their relatives that third degree methods have been employed?

(f) Is it a fact that Mr. Nand Lal Mehta, an insurance agent of New Delhi, and Professor Giraj of Delhi, had to resort to hunger strikes as a protest against the police ill-treatment?

(g) Are Government aware of the strong public feeling against the alleged police treatment which is being meted out to Mr. M. M. Shah, Dyeing Master of the Delhi Cloth Mills, a person of officer's rank, who is at present detained and confined in the Red Fort?

The Honourable Sir Reginald Maxwell: (a) and (b). No.

(c) The Honourable Member probably refers to certain detention cells constructed in an old baoli in the Red Fort, in which two prisoners are at present confined. It is not correct that prisoners detained in these cells have invariably or indeed generally to be sent to hospital subsequently for medical treatment. On the contrary, out of all the prisoners who have been detained in these cells since August last only one, who was suffering from dysentery had to be removed to the Irwin Hospital.

(d) Does not arise.

(e) No.

(f) The first of the two persons named by the Honourable Member refused to take food for five days from the 21st to the 26th December last. (He continued to take fruit juice during this period). This hunger strike was stated to be in protest against the arrest of the prisoner; there were no allegations of police ill-treatment. The second prisoner mentioned by the Honourable Member embarked on a hunger strike immediately after his arrest on the 22nd January, no reason being stated. He was transferred to the Delhi District Jail on the 26th January, 1943 and abandoned his hunger strike shortly afterwards.

(g) No.

Sardar Sant Singh: May I know if it is a fact that one of the detained persons was put on a block of ice in order to extort confession from him till he fainted and he had to be removed in that unconscious state?

The Honourable Sir Reginald Maxwell: The allegation is utterly false and fantastic.

Sardar Sant Singh: Is it a fact that some persons were detained in the cell next to the baoli and they wrote a protest to the Honourable the Home Member himself and it was at the Honourable Member's intervention that they were removed from that place?

The Honourable Sir Reginald Maxwell: I have no recollection of any such incident.

Sardar Sant Singh: Will the Honourable Member enquire from his office on this point?

The Honourable Sir Reginald Maxwell: If the Honourable Member wishes to draw my attention to it he should give me the particulars.

Sardar Sant Singh: May I know from the Honourable Member if it is a fact that baoli is the place where the female offenders used to be confined by the Moghul Kings of Delhi?

The Honourable Sir Reginald Maxwell: The cells in question were completed in November 1941.

HUNGER STRIKE IN DELHI JAIL BY MR. C. K. NAIR.

328. ***Sardar Sant Singh:** (a) Will the Honourable the Home Member please state if it is a fact that Mr. C. K. Nair, an inmate of the Gandhi Ashram, has been on hunger strike for the last three months in the Delhi Jail?

(b) What are the reasons for his hunger strike and is he being forcibly fed by the jail authorities?

(c) What is the total loss in his bodily weight during the past three months?
The Honourable Sir Reginald Maxwell: (a) The prisoner named was on hunger strike from the 18th November till the 3rd March, when the hunger strike was abandoned.

(b) I understand that the hunger strike was undertaken ostensibly as a protest against the arrest and imprisonment of Mr. Gandhi, but it seems likely that the prisoner was also actuated by the hope that if he went on hunger strike the authorities would not proceed with various cases against him. The prisoner was artificially fed throughout.

(c) Sixteen pounds.

Mr. Lalchand Navalrai: The Honourable Member said that the prisoner was on hunger strike with a view to see that the various cases against him were not proceeded against. May I know if these cases have been instituted against him now?

The Honourable Sir Reginald Maxwell: He has been convicted in two cases; others are pending.

UNSTARRED QUESTIONS AND ANSWERS.

TREATMENT TO KHAN ABDUL GHAFFAR KHAN, AND OTHER POLITICAL PRISONERS IN NORTH-WEST FRONTIER PROVINCE.

54. Sardar Sant Singh: Will the Honourable the Home Member be pleased to state:

(a) the number of persons detained and convicted in connection with the civil disobedience movement in the North-West Frontier Province since August 9th, 1942, upto January 31st, 1943;

(b) whether it is a fact that Khan Abdul Ghaffar Khan is also kept as a detenu in some jail in that Province; if so, the treatment given to him;

(c) whether he is allowed to correspond with and interview his relations and friends, and to get newspapers and books;

(d) whether it is a fact that almost all persons undergoing imprisonment in connection with the civil disobedience movement have been tried and convicted under sections 107 and 109 of the Indian Penal Code and are placed in "C" Class and treated as ordinary criminals; and

(e) whether they are transferred from one jail to another under handcuffs and bar-fetters?

The Honourable Sir Reginald Maxwell: (a) The number of persons detained up to the 25th January, 1943, the latest date for which figures are at present available, was 403. The number of persons convicted up to the 11th February, was 1,428.

(b) The Government of India believe that Khan Abdul Ghaffar Khan has been detained as a Security Prisoner by the Government of the N.-W. F. P.

(c), (d) and (e). The Government of India have no information regarding these matters which are the concern of the Provincial Government.

ARREST OF KHAN ABDUL GHAFFAR KHAN.

55. Sardar Sant Singh: Will the Honourable the Home Member be pleased to state:

(a) the circumstances relating to the arrest of Khan Abdul Ghaffar Khan;

(b) whether it is a fact that, as a result of the lathi charge made by the police at the time of his arrest, he was also hurt; if so, the details of the injuries received by him; and

(c) whether it is a fact that he had to be X-rayed owing to the injuries received by him; if so, what did the X-ray report show?

The Honourable Sir Reginald Maxwell: (a) The matter concerns only the Government of the North-West Frontier Province. I understand, however, that Khan Abdul Ghaffar Khan with about 50 followers attempted to enter the Mardan district in defiance of an order prohibiting him from doing so. He was arrested after a struggle with the police in which he personally took part.

(b) and (c). As I have already said the matter concerns the Provincial Government and I have no information.

RULES GOVERNING THE TREATMENT OF SECURITY PRISONERS UNDER THE DEFENCE OF INDIA RULES.

56. Sardar Sant Singh: Will the Honourable the Home Member be pleased to place on the table of the House copies of rules governing the treatment of the security prisoners arrested and detained under the Defence of India Rules before August 9th, 1942, and the detenus arrested and detained under the Defence of India Rules after August 9th, 1942?

The Honourable Sir Reginald Maxwell: A copy of the Central Government Security Prisoners Order, 1942, which governs the treatment of Central Government's security prisoners has been placed in the library of the house. A copy of the order passed under clause 21 of that order, in respect of Security Prisoners detained in connection with the present Congress Movement, is laid on the table.

Order issued under rule 21 of the Central Government Security Prisoners Order, 1942.

In pursuance of clause (21) of the Central Government Security Prisoners' Order, 1942, it is directed that the following modifications in the operation of the provisions of the said order shall be made in respect of security prisoners detained in connection with the present Congress movement:—

(1) all such security prisoners shall be housed, in so far as accommodation permits and arrangements can be made, entirely separate from other security prisoners;

(2) all such security prisoners shall be kept in one class, which may be called "Q Class", an appropriate scale of accommodation, furniture, clothing, diet and other necessities being prescribed for them by the Chief Commissioner on a scale approximately intermediate between the existing Classes I and II;

(3) the provisions of rule 11 shall not apply to such security prisoners;

(4) in modification of rule 13, such security prisoners shall be permitted to write two and to receive four letters per week, provided that these letters shall—

(a) be confined entirely to purely personal matters; and

(b) shall be addressed to and received from members of the security prisoner's family only.

[Home Deptt. letter No. 43/12/42-Poll. (I), dated the 5th September, 1942.]

TREATMENT TO DELHI SECURITY PRISONERS TRANSFERRED TO PUNJAB JAILS.

57. Sardar Sant Singh: Will the Honourable the Home Member be pleased to state:

(a) the number of persons arrested and detained in Delhi under the Defence of India Rules since August 9th, 1942, upto January 31st, 1943;

(b) the number of persons tried and convicted in connection with the civil disobedience movement and the disturbances that took place in the country after August 9th upto January 31st, 1943;

(c) the treatment that is being accorded to the detenus referred to in part (a);

(d) whether it is a fact that some of the detenus were classed by the Chief Commissioner, Delhi, as Class I security prisoners, and the rest as Class II security prisoners in accordance with the Government of India's circular of January, 1942, regarding security prisoners;

(e) whether it is a fact that so long as they remain in the District Jail, Delhi, they are given that treatment, but, after their transfer to the Punjab jails, they are not given that treatment; if so, the reasons for the same;

(f) if it is a fact that a batch of over fifteen of such detenus was transferred to the old Central Jail, Multan, in the first week of September, 1942;

(g) whether it is a fact that the jail authorities refused to give them the treatment they were entitled to as security prisoners and the matter was brought to the notice of the Chief Commissioner telegraphically; if so, the action taken by him; and

(h) if it is a fact that even now the Delhi detenus detained in the various Punjab jails are denied the treatment they are entitled to according to the classification made by the Delhi administration; if so, the steps which Government propose to take in the matter?

The Honourable Sir Reginald Maxwell: (a) Between 9th August, 1942 and 31st January, 1943, the following arrests were made:

(i) Arrested on original orders under Defence of India Rule 26 and thereafter detained—37 (One since released).

(ii) Arrested under Defence of India Rule 129 and thereafter detained under Rule 26—37 (Six since released).

(iii) Arrested under Defence of India Rule 129 and detained for varying periods not exceeding two months—70.

(b) 724 sent for trial. 543 convicted.

(c) The conditions of detention for prisoners detained in the Delhi Province under Defence of India Rule 26 are regulated by the Central Government Security Prisoners Order, 1942, as modified by an order passed under clause 21 of that order. As regards these, I would invite the attention of the Honourable Member to my reply to his question No. 56 today.

(d) Up to the 5th September, 1942, security prisoners were divided into two classes, I and II, in accordance with clause 3 of the Central Government Security Prisoners Order, 1942. After that date this classification was abolished for prisoners detained in connection with the Congress Movement, all of whom are now placed in the special 'Q' class referred to in the order passed under clause 21 of the Central Government Security Prisoners Order, 1942.

(e) and (h). By virtue of proviso (b) to sub-rule (5A) of rule 26 of the Defence of India Rules the authority to determine the conditions of detention for security prisoners transferred from Delhi to jails in the Punjab is vested in the Punjab Government but there is no reason to believe that the conditions of detentions in the Punjab are materially different from those in Delhi.

(f) Yes. 17 prisoners were so transferred.

(g) The prisoners referred to in reply to part (f) addressed a telegram to the Chief Commissioner on the 6th September, 1942. For the reasons indicated in the reply to part (e) no action was taken.

RULES FOR TREATMENT OF DELHI, SECURITY PRISONERS.

58. Sardar Sant Singh: Will the Honourable the Home Member be pleased to lay on the table of the House copies of the rules for the treatment of security prisoners of the Delhi Province arrested and detained after the 9th August, 1942, during their detention in the Delhi District Jail and in the Punjab jails?

The Honourable Sir Reginald Maxwell: As regards the rules prescribing the conditions of detention of security prisoners in Delhi, I would invite the attention of the Honourable Member to my reply to his unstarred question No. 56 today. Security prisoners detained in the Punjab by order of the Chief Commissioner, Delhi, are, under proviso (b) to sub-rule (5A) of rule 26 of the Defence of India Rules, subject to the Punjab Security Prisoners Rules. A copy of the latter cannot be laid on the table of the House.

TREATMENT TO DELHI SECURITY PRISONERS TRANSFERRED TO PUNJAB JAILS.

59. Sardar Sant Singh: (a) Will the Honourable the Home Member be pleased to state whether it is a fact that security prisoners arrested and detained after the 9th August, 1942, by the Delhi Government and now kept in the Punjab Jails, are denied the following privileges to which they are entitled according to the Security Prisoners' Rules observed in the Delhi Jail:

- (i) interviews with their relatives and friends,
- (ii) use of their own books or books of public libraries,
- (iii) use of writing material,
- (iv) outdoor games, e.g., volley ball and badminton,
- (v) supplementing of food at their own cost,
- (vi) use of furniture,
- (vii) Delhi newspapers,
- (viii) freedom of correspondence with their relatives and friends, and
- (ix) smoking?

(b) If the reply to part (a) be in the affirmative, what are the reasons for the same, and what steps do Government propose to take in the matter?

The Honourable Sir Reginald Maxwell: (a) I have no detailed information regarding the Punjab practice in respect of all the matters referred to by the Honourable Member. I have no hesitation, however, in saying that it is not a fact that security prisoners on their transfer to the Punjab are denied all these privileges. I would add that security prisoners are not allowed by any means all the privileges mentioned by the Honourable Member when detained in Delhi. Thus they are not allowed interviews; they have no access to books from public libraries—unless by this term the Honourable Member is referring to the jail library; they are only allowed to correspond with members of their family, not with friends, and on personal matters only; and they are not allowed to smoke.

(b) Does not arise.

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 Monday, the 15th March, 1943, the time fixed for receiving nominations for the Standing Finance Committee for Railways, thirteen nominations were received. Subsequently two candidates 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:

1. Mr. Muhammad Muazzam Sahib Bahadur.
2. Mr. Muhammad Nauman.
3. Nawab Siddique Ali Khan.
4. Sir Muhammad Yamin Khan.
5. Maulvi Syed Murtuza Sahib Bahadur.
6. Sir Abdul Halim Ghuznavi.
7. Sardar Sant Singh.
8. Rao Bahadur N. Siva Raj.
9. Sir F. E. James.
10. Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.
11. Pandit Lakshmi Kanta Maitra.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Monday, the 15th March, 1943, the time fixed for receiving nominations for the Standing Committee for Roads nine nominations were received. Subsequently three candidates 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. Major Nawab Sir Ahmad Nawaz Khan.
2. Major Thakur Singh.
3. Hajee Chowdhury Muhammad Ismail Khan.
4. Mr. Ananga Mohan Dam.
5. Mr. B. L. Gray.
6. Mr. Abdur Rasheed Choudhury.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE POSTS AND AIR DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Tuesday, the 16th March, 1943, the time fixed for receiving nominations for the Standing Committee for the Department of

[Mr. President.]

Posts and Air, three nominations were received. As there are only three vacancies I declare the following Members to be duly elected:

1. Mr. Ananga Mohan Dam.
2. Maulvi Muhammad Abdul Ghani.
3. Mr. C. C. Miller.

ELECTION OF MEMBERS TO THE DEFENCE CONSULTATIVE COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Tuesday, the 16th March, 1943, the time fixed for receiving nominations for the Defence Consultative Committee, eight nominations were received. Subsequently two candidates 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:

1. Sardar Bahadur Captain Dalpat Singh.
2. Mr. Jamnadas M. Mehta.
3. Mr. M. Ghasuddin.
4. Sir F. E. James.
5. Mr. Hooseinbhoy A. Lalljee.
6. Mr. Govind V. Deshmukh.

THE INDIAN TEA CONTROL (AMENDMENT) BILL.

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, I move for leave to introduce a Bill further to amend the Indian Tea Control Act, 1938.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Indian Tea Control Act, 1938."

The motion was adopted.

Mr. T. S. Pillay: Sir, I introduce the Bill.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Finance Bill.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this is the fourth War budget of the Government of India; but it is the seventh or eighth measure of taxation for the country. Taxation has taken various forms; the extent to which taxation has been resorted during the last three years and a half was discussed at some length by me in the course of the debate on the budget. I pointed out on that occasion that an enormous amount of taxation had been levied. I also pointed out the extent to which borrowing had been resorted to. I will not repeat what I said on that occasion, but I will confine myself to the remark that taxation has already gone beyond the capacity of the country to bear its burden and that borrowing also has exceeded the limit beyond which it should not go. If further taxation is levied it will hit very hard the people of India, particularly the poor sections of the community, and if further borrowing is resorted to that will impose an unduly heavy burden on posterity.

Sir, in addition to these two measures of finding money for the war, there is a third expedient to which resort has been sought to be made by the Government, and that is a resort to the printing press. This generally goes by the name of currency inflation. Now, currency inflation is regarded by many economists as equivalent to a forced loan without interest, and by other economists as equivalent to a regressive tax. Taking it in any way, it is not a desirable form of raising money. Now the question is: To what extent have the Government resorted to the printing press? It may be pointed out that the notes in circulation have increased enormously since the commencement of the war. In

August 1939 the notes in circulation were 179 crores; by the 19th February 1943 these increased to 611 crores. That there is a further tendency to increase is shown by the fact that on the 26th February (the latest date for which figures are available), the note circulation amounted to 614 crores. There is, therefore, a *prima facie* case in favour of those who argue that there has been an inflation of currency. But I do not myself consider it as definite evidence of the extent to which currency inflation has been pushed; because, as is well known, inflation does not depend only on the volume of currency, but it depends also on the rapidity of the circulation of currency. Now, to what extent the velocity of circulation has increased or decreased we do not know. Therefore, I am not prepared to accept the *prima facie* case as final proof of the measure of expansion. Then, also, it is pointed out by many critics that prices have increased. Whenever there is any currency inflation it is reflected in increase of prices. Now prices have very largely increased. If we take the index number of prices for the year 1914 as 100, the price level has risen from 108 in August 1939 to 254 in January 1943. This has been urged as another evidence of inflated currency. But here, again, I should like to point out that there may be other causes (as a matter of fact, there are other causes) for the increase in prices. There has been a considerable increase in the demand for many commodities and there has been a substantial reduction in the supply of these commodities. It is my opinion, therefore, that, although there has been some inflation, the amount of inflation is not as yet very serious. But we should not look upon this situation with any degree of complacency, because if this inflation is allowed to go on it may lead to very disastrous consequences. I should like to remind the Honourable the Finance Member of the fate which overtook the German mark during and after the last European war.

In my opinion the increase in prices has been due more to other factors than to inflation. And what are the factors? The first factor is that there has been a greater demand for goods. The second factor is that owing to the war, production has been centred round the articles which are required for use in war and the articles which are used for the ordinary consumption of the people have been supplied to a less extent. Take, for instance, articles of food. In this case we find that there has been an increase of demand on account of the advent of a large number of soldiers to this country, and the priority which the Government has claimed for the supply of food grains to the troops has further complicated the situation. There has been, at the same time, a decreased supply owing to the cutting off of some sources and owing to the machinery for production of food articles having been turned to war purposes. The same thing applies to cloth. Formerly, a large number of mills in the country were engaged in producing cloth for the civilian population. But, now a major part of the mills is utilized for producing goods for war needs. That is one of the main reasons for the present increase in prices.

In regard to the question of food supply we had a full-dress debate in this House lasting for two days, and I do not wish to repeat anything that was said on that occasion. A Department of Food has been established, and I welcome this decision; but the success of this department will depend upon the measure in which the department will be able to command the services of men who possess character, who possess devotion, and who possess enthusiasm for their work. It will not do for this department to encourage bribery, corruption and favouritism to any extent whatsoever. There is another thing which this Food Department should have always in view, namely, the interests of the consumers. I understand that several conferences and committees have met, but the interests of the consumers do not seem to have always been kept in view. In order that the interests of the consumers may be safeguarded, there should be a Committee of this House which will be in constant touch with the activities of Food Department and make its suggestions from time to time.

[Dr. P. N. Banerjee.]

With regard to cloth, we have been told that organizations have been completed for the production and distribution of standard cloth. I believe the 1st of April has been named as the day on which the standard cloth will be available. Let us hope we will not be fooled on that day!

Now, coming to fuel and drugs, I find that much attention has not been paid to this subject either by the Government or by the public. Fuel is one of the essential necessities of the people; drugs are even more important because they are needed by people who are sick. It is difficult to see why the production of drugs in this country has not received the attention of the Government to the extent that it ought to have received. The supply of quinine is so scanty that in some places it is almost unobtainable, and where it is obtainable it is obtainable at very high prices. Yesterday evening in order to get quinine for a relation of mine who has recently arrived from Bengal, I made a search of many places in New Delhi, but could not find a single ounce of quinine anywhere. I had to go to Old Delhi and there with the greatest difficulty I was able to procure six pills only at a price of Rs. 1-2-0. Now, you will see to what extent the price of quinine has been increased. The price of a pill of quinine was only one pice or even less in pre-war days. At present it is three annas, that is to say there has been a twelve-fold increase. And similarly the increase in other drugs has been ten-fold, twelve-fold, and sometimes twenty-fold. This is a thing which ought to be taken into consideration by the Government. As regards quinine, the deficiency has been due entirely to the lack of foresight. There is plenty of land available in India for the production of quinine, and it was from this House that it was urged again and again that India should be made self-sufficient with regard to the supply of quinine. But no heed was paid to our request, with the result that in India where Malaria is prevalent almost throughout the year we have such acute shortage in the supply of quinine.

This brings me to the question of increased production. Increased production is what is needed at the present moment, both with the object of decreasing the prices and with the object of supplying the prime necessities of life. Now, how can increased production be made? I made some suggestions the other day as to the increased production of food supplies and other necessary things, I urge now that proper steps be taken without any further delay. The increased production of drugs and other articles requires the supply of certain chemicals. This brings me to the question of the industrialization of the country. The time has come when we should make a determined effort to produce heavy chemicals in this country because on the production of these heavy chemicals depends entirely the drug industries of the country. Then, also other articles of manufacture should be taken in hand. We from this side of the House have again and again urged that the key industries should be developed in this country, that motor cars should be manufactured, that locomotive workshops should be established, that shipbuilding should be taken in hand and that aeroplane factories should be started. For a long time our protests went in vain; it was only last year that some beginnings were made in some of these directions, with what results we do not know as yet. But we do not find any great sign of production of all these commodities. They are required not only for the ordinary needs of the country but for war needs. If the Government had taken time by the forelock, there would have been much greater production for the war effort of the country. However, better late than never; let us hope that no further time will be lost in encouraging the rapid industrialisation of this country. Industrialisation may be fostered by the Government in various ways,—by helping large-scale industries to be established in the country, by the pioneering of new industries, by guaranteeing of minimum dividends on the capital of each industry, by supplying cheap power to the factories, by affording transport facilities, and, last but not the least, by the purchase of goods which are produced by the industrial concerns. Unfortunately, however, the Government have not

encouraged industrial development of the country to any very large extent by any of these methods. The only measure which the Government have so far taken to foster industries is tariff protection; but even tariff protection has been given in such a way that the industries of the people of India have to stand in unfair competition with industries established in this country by foreigners. This policy will have to be changed, if a better state of things is to be brought about in this country.

Industrialisation would produce another great advantage to the Government. It would bring more money into their coffers by way of increased proceeds of income-tax, super-tax and other taxes; and it will also augment the borrowing power of the Government. If, therefore, greater industrialisation had been in progress at the present moment, the Government would have been able to levy greater taxation in the country and to borrow to an extent much more than is possible at present.

Now, what is the compelling necessity for taxation and borrowing and for a resort to the printing press? This is war emergency. The cost of military expenditure has increased so much during the last three years and a half that the Government has almost come to their wits' end in order to find money for it. The cost of military expenditure has increased mainly because of certain measures which have been taken by the Government with regard to the financial settlement. The other day the question of financial settlement between India and Britain was discussed at length by some of us. I pointed out that, although the terms had not been varied, a different interpretation had been placed on the implications of the settlement, I pointed out also that "joint war measures" (which was a new term used in regard to the united efforts of Britain and India) had the effect of placing India on a worse footing with regard to the settlement than before. This point was further emphasised by some other speakers, particularly by Sir Cowasjee Jehangir. Sir Cowasjee Jehangir in this connection made a very useful suggestion. The Honourable the Finance Member had said that the "joint war measures" accounts were placed before the Public Accounts Committee for their scrutiny. But may I point out to him the function of the Public Accounts Committee? It is the function of that Committee to consider and examine the audit and appropriation reports of the various departments of the administration. It is not its duty to consider the policy with regard to the future. Its eyes are turned entirely on the past and it has nothing to do with the future. Therefore, to say that the matter was considered by the Public Accounts Committee and to imply that the Public Accounts Committee had a voice in considering the policy of the Government with regard to India's share in the war measures is to throw dust in the eyes of the public and of the Members of this Assembly. The suggestion made by my Honourable friend Sir Cowasjee Jehangir was that there should be an *ad hoc* committee to go into the question of these joint war measures. I fully support this suggestion. It should be its duty to examine very carefully what amount of expenditure ought to be placed on the shoulders of India and what amount of expenditure should be incurred by the British exchequer.

Before I proceed to the discussion of other important subjects, I will briefly say a few words on the sterling balances. On this question the reply of the Honourable the Finance Member given the other day was halting, hesitating and unsatisfactory. He was not able to enlighten us on what was the exact intention of the Government with regard to the safeguarding of these balances. It should be remembered in this connection that these balances have not originated from any generosity or magnanimity on the part of the British Government or the Government of India. They represent the sacrifices and the sufferings of the people of this country. Therefore, the people of this country want that their interests in this regard should be fully safeguarded. Unfortunately the Finance Member was unable to give a suitable reply. When I raised this question first in this Assembly, I asked who would be responsible for the

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decision with regard to the place where the capital goods would be purchased. No reply was given. And when Sir Cowasjee Jehangir repeatedly asked the same question, the answer given by the Honourable the Finance Member was of a very evasive character.

Sir, in this connection I should like to point out that proper steps should be taken by the Government in order that these balances are not squandered or frittered away or that their value should diminish. Readers of financial journals and of the daily newspapers are aware that many schemes are being discussed in Europe and America regarding the stability of currencies of the different countries. Economists like Lord Keynes and others are engaged in this discussion, and it would be the duty of the Government of India to keep itself in touch with these discussions and to keep the point of view of India always before them. For this purpose, I suggest that there should be a committee of this House which should be kept in close touch with the current thought in Europe and America, and with the decisions which are taken in those countries in order to safeguard the currencies of the different countries.

The Honourable the Finance Member has also failed to throw much light on the very complex question of Lease-Lend arrangements between India and America. Perhaps he is himself in doubt as to what should be done in this matter. He made a suggestion the other day in the course of his budget speech that the Government of India might enter into a direct agreement with America on this question. I welcome this suggestion; but this should be subject to two conditions. In the first place, India should not be made to pay anything beyond what is required for its home defence, and secondly, India's contribution to war effort should be confined within the limits of her capacity to pay. In this connection I should like to refer to the observation which was made by Mr. Roosevelt, President of the United States, who said that the contribution of every country towards the united effort of the United Nations should be in proportion to its ability to pay. That is a sound proposition which should always be kept in the forefront of the negotiations in this regard.

This brings me to India's contribution to war effort. India's contribution, as we have already seen, in money has not been inconsiderable, considering the poverty of this country. But India's contribution in respect of material has been immense and her contribution in respect of men for fighting the battles on different fronts has been very great. I hold in my hands a Government publication entitled "*India's Part in the Third Year of War*", which clearly points out what India has done and is doing. I will quote only one sentence from this book and that will serve my purpose.

"During the year troops from India fought brilliant actions on many of the war fronts. They have upheld from Hong Kong to the Middle East the best traditions of India's fighting men, and on many a battle-field the Axis powers have felt the full force of India's sturdy warriors."

Further, this pamphlet refers to the "glorious part played by Indian soldiers in the present great conflict".

India has made a great contribution, but India's contribution would have been much greater,—five times or ten times as great as the present contribution,—if India had been a free country instead of a subject race. But this freedom has been denied to India. Repeatedly have the people of this country demanded their freedom which is their birth-right, but the Government have always turned a deaf ear to these demands. Time went on, month after month elapsed, year after year rolled by, and still nothing was done. And this drove some people to a policy of desperation, and we find that on the 8th August, 1942 the Congress passed a resolution with regard to the starting of a civil disobedience movement. Opinions have differed with regard to the manner and the timeliness of this struggle, but there has been no difference of opinion as to the justice of the demand made by the Congress. Every party in this country is pledged to complete independence for India, but no steps have been taken

by Government to meet this desire in any degree. Not only has not this demand been conceded, but even demands of a very much smaller scope have been brushed aside. The Non-Party Leaders' Conference made several suggestions; various suggestions have also been made by other bodies. In this House I made a suggestion the other day that there should be a responsible Government established in the country and that the responsibility of the new Government should be to the present Assembly. No great changes would have been necessary if this demand had been met; but this demand was brushed aside. And what has been the action taken by the Government to meet the wishes of the people? The resolution of the Congress of the 8th August last was met by a stern policy of repression.

I and my Party have always condemned mob violence and acts of sabotage, and we have said that all legitimate steps should be taken to put down mob violence and sabotage. But the Government went much further and the violence of the Government with which the violence of the mob was met was of the most astounding character. This was a policy of vindictiveness and frightfulness, and the brunt of the policy fell not so much on the persons and guilty as on innocent persons. If you want to have evidence of what occurred in different parts of the country, go to Midnapore. That unfortunate district was harassed by Nature, and on the top of this the greatest harassment came from the servants of the Government. I hold in my hand a document describing the horrors which were perpetrated in that district:

"But in spite of our best efforts, indiscriminate arrests have been made, innocent persons assaulted and shot down and oppression has been carried on in some parts in a manner hardly creditable to any civilised Government."

And the most abominable part of it was

The Honourable Sir Reginald Maxwell (Home Member): May we know from what document the Honourable Member is reading?

Dr. P. N. Banerjea: I will tell you presently.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must tell the House now what he is reading from.

Dr. P. N. Banerjea: I am reading from certain letters which were written by no less a person than the ex-Finance Minister of the Province of Bengal.

Mr. President (The Honourable Sir Abdur Rahim): To whom was the letter addressed?

Dr. P. N. Banerjea: To the Governor of the province. The most abominable part of the whole story is to be found in the fact that there were many cases of outrage on women.

The Honourable Sir Reginald Maxwell: May I ask whether that document was published or not?

Dr. P. N. Banerjea: It was not. I hold in my hand statements of various persons

The Honourable Sir Reginald Maxwell: I submit that the Honourable Member should not read from unpublished documents.

Dr. P. N. Banerjea: I hold in my hand a large number of documents containing details of outrages on women and the evidence which is given here is in my opinion trustworthy.

Now, we have heard of the happenings at Chimur. It is well known to the Government officers that the honour of women is held in the highest regard in this country; if the present Government is unable to safeguard this honour, then the Government has no business to exist in this country. I firmly believe that the happenings in Midnapore and Chimur will stand for ever as a disgrace to the British administration in India.

Sir, the Government may or may not admit it, but in America and in England many of the newspapers and journals published accounts of these things and they said that the most stern oppression was visited on the people in trying to put down acts of violence and sabotage. And what has been the result? The result has been a great intensification of discontent in this country.

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Six months ago, I said in this House: "The administrator has played his part; let him now make room for the statesman". But, unfortunately, no statesman has been forthcoming during this period. The Government of India have gone on in their usual way. They have continued their policy of vindictiveness and frightfulness. And what has been the attitude of the authorities in England? I am glad to be able to say that the more enlightened section of the British people, including the British Press, has often urged sympathetic treatment towards the people of India. I am even more grateful to the politicians, the journalists, the professors and the authors of the United States of America for the great sympathy which they have evinced towards India's struggle for freedom. But, unfortunately, the authorities in England have not changed their previous attitude. What did Mr. Churchill say with regard to India's demand? His reply was: "There is at the present moment in India a large number of white soldiers,—larger than there ever has been before". In other words, India is to be held down by brute force. Then, again, what is his policy with regard to India? He says that he did not accept the position of the first officer of His Majesty, "in order to preside over the liquidation of the British Empire". He stands firm by the policy of imperialism, and his satellite and subordinate, the Colonial Secretary, sings the praise of the Colonial system. In my opinion, Mr. Churchill is closely following the policy which was followed by Lord North in regard to America, and I have no doubt the consequence will be the same in this country as it was in America 150 years ago.

There has so far been no change in the intention, programme and policy of Britain with regard to India. If this policy continues, what will be the consequence? Possibly, the present war will be won by the combined forces of the United Nations, but what will come after that? What sort of peace will be negotiated then? Will it be a true and lasting peace, or will it be merely an armistice which will be a preparation for the third world war?

Sir, on the ground of denial of freedom to India, on the ground of the continuance of the policy of oppression and repression, on the ground of the non-redressal of the grievances of the people, and on the ground of the extreme poverty of the country, I oppose the motion for the consideration of the Finance Bill.

Mr. Huseinbhai A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, in view of the fact that many Honourable Members have touched the financial aspect of the Budget specially our party members, Khan Bahadur

Shahban and Mr. Soni and my friend Sir Cowasjee, Sir Zia Uddin and Dr. Banerjee, I do not propose to go into details nor do I wish to go into matters which have been discussed with regard to the prevailing internal arrangements between the people and the Government about which I had spoken the other day on my out motion. But I must say that although we acknowledge that in the circumstances in which the Honourable the Finance Member is placed, he has submitted to us a budget which could be considered to be a budget on which we could rely to some extent and a budget which we have to accept owing to the circumstances in which we are placed at present. We are fighting this great war for the last four years. In fact, we are plunged in a total war and we all agree that the salvation of the people of this country to attain freedom and of many other nations depends on the success that we achieve in this war. The contribution that this country has made and is making is great. It is an acknowledged fact that during the first two years of the war it was the Indian soldier and the Indian supplies that to a very large extent kept up the war. It cannot be denied that even now we have nearly half a million soldiers fighting for the cause of freedom. It has been said many times and I regret it very much that our soldiers are mercenary soldiers. What do we pay them? Whatever may be the amount, I put it as a token payment and nothing more. It is the real sacrifice on the part of these people who have

gone out from their country to the various other parts of the world and even to those parts where, as ordinary citizens of the British Empire, they were not allowed to enter as free or equal men. They have gone to the shores of those countries the people of which always attempted to drag them down and to keep them at arms length. Let me tell those people through you, Sir, to realise what their condition would have been if these poor Indians had not gone to their help and yet they have no voice in the international affairs, they have no Colonies and no Empires, they have no export or import policy of their own. In fact, they have got nothing which other nations have got. We are entirely dependent upon the mandates that have been issued and which, under the Constitution, we are bound to follow. My friend Sir Cowasjee Jehangir has rightly drawn the attention of the Honourable the Finance Member to the most intricate position in which we are with regard to the finances. The allocation of the military expenditure is a great question. Our Finance Member was unable to describe to us as to how these joint war measures stand even after the four years of the war. We are still to learn from him—probably he is still learning from England—as to what is really our position. We are placed in this position. I have invariably acknowledged that the Finance Members of the Government of India and also many other important Members of the Treasury Benches have gone out to plead for the cause of India and they have done it honestly and sincerely for the country. But we all know that they have got to consider, they are bound to consider and they are bound to agree to what the higher authorities will inflict upon them. However, we find that in the adjustment that the Honourable the Finance Member has tried to bring about there were occasions when the highest authority, whose decision both he and we have got to follow, did ask for something more than what the Finance Member conceded. This is a most important question to consider that the authority which is to give the final decision did put in claims which our officers resisted. In this position, may I ask the Treasury Benches whether it would not be fair and equitable if they really wished to fight the case of India to have the backing of this House or of the people of this country? I know very well the difficulties that are inherent in that question. But surely when negotiations are to take place with authorities whose decision cannot be flouted, the Treasury Benches ought to welcome and ought to insist and desire the fullest co-operation of this House and of people at large. If that is the equitable position, I ask in all earnestness why the Treasury Benches do not appoint a Committee or more than one Committee of this House. You should talk to persons whom you believe to be the representatives of the people and whom you ought to believe as representatives of the people, discuss with them the problems of the country and then go on with your negotiations and say that these are the popular sentiments and popular views. I ask if this appeal of ours after four years of the war and after increasing our liabilities by crores of rupees is an unfair one? Should it not be conceded to us? If all fairness, I ask, what have you left to the people now? Salt has been taxed, sugar has been taxed, matches have been taxed, the vegetable ghee is now being taxed, tobacco is to be taxed, postal letters and postcards and telegrams have been taxed and what not. Furthermore, railway freights and fares have been taxed. My friend says, no. I am sure he does realise the comparison between the freight and fare rates prevailing in this country before he took over the charge and those which prevailed before the war. They have gone up by a large percentage and what is the justification for it? Just to make up the railway budget and to give more surplus to the general budget which you badly need. It is a fact that you have taxed every conceivable thing and it has also been acknowledged that this is one of the poorest countries in the world. The income of Indians stands in no comparison with that of the people in Europe, far less of England and America.

Now, Sir, what is going to be our condition after the war is a question on which I wish to say something more. All the resources have been taxed. We

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must carry on this war and we must find out resources and tax as much as possible, since we have been plunged into this war. In these circumstances, as my Honourable friend Dr. Banerjee suggested we have got to find out ways and means by which those who are more powerful and those who have got sources by which they can make up should consider the position of this country which has no resources, no Empire and no business outside this country, and how to make up. In such a state of affairs what has our Government been doing. We do not find anything being done. Let us hope that within the next six months this great war ends and we are successful. I ask my Honourable friends on the Treasury Benches how are you going to meet the huge debts that this country has to pay for this great war?—the debts I will point out very soon—all the taxes that you have put on people, the loans and the currency above all. These are all debts. The businessman has got to consider that. In fact we have to consider the position of this country and its people in 1937, as compared with what it will be after the war. And then to consider furthermore how are we going to make up all these huge taxes.

The Honourable Sir Jeremy Raisman (Finance Member): I understand my Honourable friend to imply that the moment the war ended India would be called upon to liquidate some debts, in the nature of war debts. Is that the meaning or has he got some more obscure meaning which I do not know?

Mr. Hooseinbhoy A. Lalljee: It may be obscure to you but very plain to the businessman. We have put so many taxes on the people and those taxes will have to be removed. We have to remove them after the war. Then there will be all these deficits. You have floated loans and you are borrowing money in treasury loans and in short term loans and the sterling balances are lying. We have got to consider all these plain questions. Furthermore, we have got to consider that we have no Empire and how to make up. Are we going to allow the country, to remain as it is or even worst than what it was in 1937. How much country demands, for education, health, sanitation and what not? It is no use shutting our eyes to these facts. I do not want to say more on this; many friends of mine know, even the world at large knows what is the condition of India and how much does she require for the welfare of her people. Sir, we find that nothing has been done with regard to what our position would be after the war. On the other hand, we find as reported on the 10th March, 1943, that Mr. Eden has made the following statement: He said, "no official invitation has been received from the U. S. Government to discuss post-war economic policy". The recent proposal of the U. S. Government he welcomes. Then he says, "for the last six months the British Government had discussed various post-war financial questions of common interest with the Dominions and India". Sir, we have heard nothing in this House. May we know something about what is going on? Are we not interested? Do not we contribute? Don't we contribute sufficiently? What about our prosperity and what about our future? We have heard not a word. I do not know whether these consultations will be continued or not. He says further that there are a number of international departments under the general guidance of Mr. Williams, Minister without Portfolio, who is studying this problem and preparing ground for negotiations between the United Nations. After this is declared in the British Parliament; what do we find, we find a conference is held at Washington and a Senate resolution is placed before President Roosevelt which had been sitting to discuss the United Nations war time collaborations and peace time aims. They reported that an agreement of a particular objective was reached. Mr. Eden did not attend the Conference. Observers thought that he was expected to take great interest in the proposal. Therefore, Sir, it is not only admitted in the House of Commons that for six months they have been considering these matters but that America is also considering and in fact proposals have been made up which, as reported, are an agreement of a particular objective. It is not

only here that I stop, but I will take you further. Sir, we find that only on the 14th March, Marshal Smuts of South Africa not only touches the Atlantic Charter but also the finances and financial position of the Allied Nations after the war including that of the German people. A question was directly put to him, which is very important for us, will the United Nations in your opinion be forced to undertake to guard world peace by sphere of influence or by some type of international police force? Now, the sphere of influence is a thing that we, who have travelled in connection with business outside India, fear the most. The whole world was divided among certain nations is a well known fact in the form of sphere of influence and that was nothing but pure and simple exploitation of weak nations by powerful nations. I do not hope and trust that any such monstrous scheme is now under contemplation with regard to this war. We have seen that the last great war broke out, as a result of the sphere of influence Germany was allowed, which included part of East Africa. There after Great Britain took over all that part of East Africa and South Africa was given certain mandates, Government of Rhodesia was created, Australians were given mandates, New Zealanders were given mandates and last but not least mandates were given to all the victors. What has been the result of it? The result has been that this great war has again come up. The Germans and Italians wanted more and more colonies and the real meaning of having colonies is to have an opportunity pure and simple for exploitation of the people of that colony, and this is so wellknown that no one can deny. In connection with the establishment of an Empire, the phrase "Exploitation" also carries the right of doing something for the people in the shape of administering such justice as to them may seem proper and also governing the poor people of the soil in the way they like. Now, that phrase has been recently turned into something else; they call themselves trustees. Hereafter, I do not know what term will be applied to this phrase. I do feel that now that Government fully know that the people of this country are looking into these matters, they will clear the position of this country as soon as possible so far as this important matter is concerned to all the Nations. I may point out that not only South Africa, but even New Zealand has made bold to say they want to keep India under their rule or influence. The other day Mr. Nash who happened to be for a long time the Prime Minister of New Zealand, and who is now stationed in America goes to the extent of saying, "we want to hold India for strategic purposes. We must have India for all time because from there, we can defend our Empire, our homes". Mr. Nash, a New Zealander—the smallest country—wants to hold my country for strategic reasons, he wants to hold this as the strategic ground, as a battle field for his protection. We have to feel this humiliation and keep quiet, because he is flying the Union Jack and Britishers have taken possession of my country and would not allow us to teach a lesson to New Zealand who claims a share therein. Dare anybody come forward and tell my people, 40 crores of people, who are fighting this war so badly if we were free people, let alone that New Zealand who wants to hold India for strategic purposes in order to save their own small country. Sir, this is the position of other dominions as well.

The next point which I want to put as a business man and to which I draw the attention of the Commerce Department, is this. Other people are already finding the prospective scramble for raw materials after the war. Even the question of division of raw materials after the war is being settled, as if, we are going to be left all along and for all time as an agricultural country. There is to be no industrialisation. I find a Reuter's message dated Washington, 28th February where the Vice-Chairman of the War Production Board in a statement issued said "the combined raw materials board on which Great Britain and United States of America are both represented may help to solve the world wide scramble for raw materials after the war". It is very tragic to see that even our raw materials, under the guise of spheres of influence, are to be taken

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away from us without our having any say therein, they are to be taken away probably by the threat of the presence of white soldiers whom Mr. Churchill has kindly sent us. What is the meaning of all these? What is going on? Can my Indian Government tell me what is going on? The other day when I moved a cut and we asked for more Assembly sessions to know what is going on, we were after a great fight told that we would have another session in August. My country's raw materials are being taken away, my country is going to be put under the control of New Zealanders and others for strategic reason and still our Government here do not know or keep mum. They do not want to place any such things before us or to consult the Assembly. Probably and with all due deference to the Treasury Benches I feel they themselves do not know what is going on and what is happening. Otherwise, they cannot honestly keep all these things away from our knowledge. What has been going on for the last six months in England, America and other places relating to our country is our concern. Many times we hear a lot about the intentions of Americans. Well, Sir, the Americans are good people. But it is a fact that they have come forward in their own interests in our country that is to defend their Empire, to defend China where they have large interest. We have nothing against the Americans personally. This is their opportunity to keep up their Empire and they are availing of it. When Americans do take advantage of our geographical position, I won't put it more than that and when Americans also wish to attain their objective through the co-operation and help of the all United Nations including India, they must understand that among the United Nations there is the Indian nation who has been fighting hard this war and that they should be consulted. Neither the Americans nor any one else can take away anything now from us and they cannot settle matters without our consent. I was not surprised to read the other day the suggestion that the new League of Nations that should be modelled should not be on the old type, but that the League of Nations should be armed to keep out the aggressors and to watch all strategic places in the world. Let us tell all of them at once that under no circumstance in the guise of watching the strategic places, India will come under the control of any such League of Nations. So that we may be watched and looked after and policed by England and Americans, let alone the little New Zealanders and others. Well, then I also ask have we any voice in any part of the world? It will be said that like ourselves every country is making huge sacrifices. I admit that every country is doing something and is incurring heavy debts, and some of them are making heavy sacrifices, I admit all these, but they have got one great consolation that they are defending their country and their Empire, that they are defending their riches, while we are defending our poor country and helping others also. At the end they will combine and make some money from outside their own respective countries. But what opportunities are provided for Indians? What would be our condition hereafter? That is what I ask the Honourable the Finance Member and the Treasury Benches to tell me as a business man. What is going to be our condition after the war? With all the sacrifices of men, moneys and materials, what is going to be our future? How are we going to help us to recoup all this as also the money lost, how are we going to maintain our position as an equal among the other nations of the world after having made so much sacrifices? Are we ever going to improve the condition of the masses in this country? When we referred to the sterling balances lying idle in England, we were told that we would get machinery after the war. But, Sir, what we need the most and urgently as soon as is possible is to provide something for our masses who are starving. We want improved agricultural facilities first. In how many villages do we find pure drinking water? It is well known to the world at large that India, mostly still an agricultural country, the great majority of people live only in unsanitary and small villages although they all happen to be human beings and that yet our Government have not been able to provide them with pure drinking water

and any sanitary arrangements. Leave aside schools or education let us have at every village pure drinking water first. In most parts of the country, there are not sufficient irrigation schemes even where large members of our masses are dependent on agricultural produce. I wish to submit that it is really high time that our Treasury Benches took steps to prevail upon the powers who are more powerful than the Government of this country and impress upon them that people of this country are determined to take part in all questions that are going to arise after the war to improve their condition. In fact the Government of India should come forward and tell the British Government that unless and until we can assure the people that something can be done for them, they will certainly be most discontented, after all the sacrifices they are making for war and for the United Nations. It is undoubtedly wrong, unfair and unjust on the part of the United Nations to leave out India and consider about reconstructions in regard to their own interests and their own countries. I really suspect whether India, really, comes into the picture at all when reconstruction is considered. The other day, I read about the arrangement made between America and Canada about the debts. The arrangement seems to be that because Canada and America have similar problems in this war, both were seeking to avoid the creation of uncollectable and trouble breeding war debts and the American Government believe that the initiative of a constructive plan was already overdue. So, I submit that whatever may happen to other countries, the finances and the position of India must be put right. So far as our commerce and industry are concerned, we ought to have opportunities for developing the same in the way we like. In fact I should say that Government ought to have two or three Committees to look after this reconstruction of India's including debt and commercial position as well as Industrial position. If you have no faith in the Members of this Assembly who are representatives of the people, by all means avoid them, but have men of your choice provided they are capable and honest and consult them, but you must do as all nations are doing we cannot allow the position to remain as it is existing now. But you must have, I repeat, separate committees appointed for the war expenses for future consideration of debts, and for liabilities which we may be asked to pay, and which we must not agree to unless fully considered as to whether they are fair and wise, and, above all, whether we shall be in a position to pay that considering the condition in which the people of this country have been and are at present. I must say that the prosperity which we see in our Budget figures at the present moment is due to the enormous amount of taxation—from income-tax, super-tax, surcharge, excess profits tax, and the Railway Budget. My Honourable friend, Sir Cowasjee Jehangir put down the figure income tax, etc., at 75 crores. I do not agree with him. In the first year of the war there was nothing of the kind; it may be that in this year and hereafter you may have something more but this is not going to be your income after the war. In the like manner, you are not going to have 30 crores surplus in the Railway Budget. We knew very well the pitiable condition of the railway finances just before the war when we had to put obstructions in the way of Road Transport development. So, if you really take into account the fact that as soon as the war ends you are going to lose nearly 70 crores on account of income-tax, super-tax, excess profits tax, etc., and 30 crores of railway surplus, where will you be and how are you going to make it up? It may be said that war expenses may be reduced. Quite right, they may be reduced. But, on the other hand, what will be the actual position? There are now two million of people serving in the Army. What are you going to do for them? Then, my Honourable friend Mr. Jamnadas Mehta, who is not here at present, said that there are about two million people working in workshops and munition factories on war work, and, if I may be permitted to say so, it is quite reasonable to assume that there are another one million absorbed in the various industries which are only maintained because of the war. What are you going to do with all these men?

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It is only fair when I speak about these men that I should ask the Government to give us an assurance that these workshops, munitions factories and other industries which are helping the Government in their war efforts will continue to work. Have the Government worked out any scheme under which these works will assume a permanent nature, or are they going to last only for the duration of the war? Many of the undertakings that have been started by the Supply Department are good, but I am doubtful, Sir, whether they are being established in a manner which will become permanent. I would not mind, Sir, if you grant more money so that these undertakings are made permanent and we may have some consultation that our people in the industrial circle will continue to be employed even after the war. We should not create Government or semi-Government agencies to compete with Industrial people and their working. I shudder to contemplate that as soon as the war ends so many millions of people who are employed on war work will go out of employment. Many of the industries which the Supply Department have organized and are establishing and the work which they are carrying on is, in my humble opinion, really very good, and, above all, I must admit that the financial check that has been applied in the Supply Department and in the Food Department is also very very good, but I will certainly say, Sir, that I do feel that there is not the same amount of check—nothing compared to check which is applied in the Supply, Food and other Departments—in the Q. M. G.'s Department. But I know, Sir, there we cannot do much, because they have got powers to make these purchases only in emergency and in such circumstances it is difficult to do it. What I really want to say here is that when the financial control is so very good why should not we try our best to see that whatever help we give at present for organizing industries should, as far as possible, be permanent and that small industries be put on permanent basis and people must be encouraged and allowed to keep them up.

Then, Sir, I have got to make some remarks as a businessman with regard to the Commerce Department. It has been the cry of the people that the Commerce Department of the Government of India have not been able to do what the Commerce Department of various other Governments have been able to do in the shape of appointing trade commissioners, in the shape of entering into treaties, in the shape of resorting to retaliation where it became necessary in view of the attitude of other countries towards it. I ask the Commerce Department whether they are going to allow into this country the free import of all the articles that you are now taking from them. In 1937 we were forced to have recourse to asking the Government to put some duty on the import of wheat. When this is the position of this country what is our Commerce Department doing? Sir, I have before me a copy of the *Illustrated Weekly of India* (1937). There are some photographs in it: I find Sir Homi Mody photographed when he was going to the International Conference; I find my Honourable friend, Mr. Pillai, going for British Trade Agreement, and, then, Sir, I also find that there is a dear friend of mine, Mr. Dawood Nosur Mowji, going to the Belgium Congo where pigmies reside. I wish the Honourable Members on the Treasury Benches would see these photographs so that they may have some idea as to what Indian people have done and are doing themselves. But how are they doing it? There is no Trade Commissioner for them, no Councillor for them, no Army, no Navy, no Bank, no Insurance Company, no Shipping Company, nothing whatsoever. I ask, is Commerce Member going to follow that policy. Or, are they planning any scheme as to the future demands and how they should proceed? I understand that Reconstruction schemes are being discussed and that will be under a special portfolio—I do not know who is going to be the member in charge. But I insist, Sir, that that should be under the Commerce Member, who should be responsible for commerce and industries and who

should see that the commerce and industries of this country shall maintain its position in the world at large equal to what people of other Nations have done. All countries are and have been fighting for their exports and we ought to do the same if we are to be of any real use to the people of this country. They must have in the Commerce and Industry Department a number of special officers studying the position of the Indians before the war, during the war and hereafter. And if all these things are not being done, I assure you, Sir, that we will not be able to pave our way in the civilized world over-laden with debts, and after having made all these sacrifices, and after millions of people having devoted themselves to the cause of the United Nations and the liberty of India. These things must be done. But what do we find over the last six or twelve months? Special attention is being given to all these things in other parts of the world. Great Britain, whose very Empire was at stake about 2 years ago, or at the beginning of the war, can afford during this great war to look into these questions. How can we justify ourselves in not being able to do anything or only appointing one or two officers? What has my Government done? I have not heard anything from the Treasury Benches of what is going to be our future. You may do what you like, but what is going to be our position. In the midst of this great war, not only is Great Britain doing something, not only is America doing something but we find that even the colonial people in East Africa and other places want to create monopolistic associations. Very recently, about four months back, they tried to form an association like the U. K. C. C. and they are planning how Indians can be removed from that colony under the pretext of the war control of goods, prices and above all distributions as if Indians already established there were not co-operating.

Sir, a deputation waited on the Commerce Department and also on the Overseas Department, and I am glad to say that it was felt that sympathetic consideration would be given. The care with which they heard our grievances made me believe that they would stand by the rights of the Indians, rights which they enjoyed for years. Not only that, but they are entitled to have equal rights as anybody else, if only on the score of this war that those who have sacrificed everything for this war shall have equal treatment.

Finally as I have little time left. I shall say a few words with regard to the position of Indian Seamen in our country. The other day I pointed out that there are 120,000 Indian seamen in recognized seamen associations. There has been legislation with regard to the protection of the rights of labour in our country and I congratulate my friend Mr. Jamnadas Mehta and others, who, in co-operation with the Honourable Member of the Government, have been able to get some redresses, some wrongs put right, and much needed dearness allowances. But, Sir, while on the one hand this is the position, I really expected my friend Mr. Jamnadas Mehta to be the champion also of the other class of labour. I mean the Indian workmen, the Indian seamen. I have very seldom heard him say a word about them. I have heard him speak eloquently with regard to the railway workmen, and I think he has succeeded in melting down my friend Sir Edward Benthall to give them something like free food supplies if possible.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): You induce him to give food and other necessities free and I shall be grateful!

Mr. Hooseinbhoy A. Lalljee: Sir, I should be only too glad. But what is the condition of our Indian seamen? May I ask our Government whether any Honourable Member is able to tell me what is the condition under which they are employed? No rules exist about them. Unfortunately, many of them happen to be Muslims. I am far from introducing the communal aspect, but 80—90 per cent. happen to be Muslims. The Captain of the ship can get hold

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of a man and register him. The only thing that is provided for is that he must be brought back to his country. There is no limit to the hours of work. Then if he becomes ill, or meets with an accident, the Honourable the Captain of the ship or the Master of the ship, can put him down at any port. The only responsibility is that the company will find him a passage when available, and it may be after six, eight or twelve months. These are the people about whom you often read. Very recently you have heard that in one of the convoys which was attacked by the enemy, thirty Indian seamen were on rafters for thirty days and reached one of the ports of America in a very very poor condition. This is the risk they are undergoing and what is my Government going to do about them, or what has it done? The other day when I asked a question, my friend, Mr. T. S. Pillay, gave some reply. I did not challenge him then but I do say that there are rules laid down that when they come into port they are supposed to get their pay within three or six days, but they do not get anything for three or six months. Yest, we have a Shipping Master, an Indian, very sympathetic to the seamen! Sir, many of my officers are very very sympathetic and honestly and sincerely they are. But what powers have they got? Have they any power to call upon the Shipping company to make good at once the payment? Have they the power to write to Government or the Royal Indian Navy to pay them? No. You will find hundreds of these people coming into port in this condition after being rescued without having got any wages for their honest work. The Commerce Department are not a bit concerned how many hours they have had to work, whether it was six, eight or twenty-four hours, and whether at day or night and under what conditions. Commerce Department is not concerned whether they work for ten or twelve or twenty hours a day. Commerce Department is not concerned whether they are thrown out at any port, sick, invalid or otherwise lying there without any pay. They are only concerned that the shipping master is a very sympathetic Indian gentleman—probably he is a Muslim also—I do not know—and that he certainly and sincerely desires to help; but he has no power whatever. The worst thing is this: that these people are making such sacrifices as our soldiers do: probably my friend, Sardar Sant Singh, may say that the soldiers are doing more and my friend, Mr. Jammadas Mehta, whom I do not see in his place now, may say without the workmen you cannot carry on the war; but I say that without the seamen you cannot go on with your navy. What dearness allowances and what hours of service do they get? Nothing whatever. No representation anywhere, not on the Labour conferences, not on the Government, nowhere whatever. And I am very sorry to say why this is so. Again, I am sorry my friend, the Leader of the European Group is not here—I do not want to make any insinuations but it is because they happen unfortunately to be connected with the mercantile marine which happens to be always and predominantly under the Europeans, including the British shipowners and the foreign shipowners including Italians and the Germans; so far as that avenue is concerned neither Mr. Jammadas Mehta nor my other friend who talks for labour will have any voice there. I may be excused for saying it, but it is the white man's sphere of influence. We can do nothing about it though they are Indians—they say they are their employees. But they are entitled to make themselves heard though they may happen to be connected with shipping companies. In 1935, when I went to the League of Nations, I went as an employers' delegate. I studied the question both of labour and of employers and I felt it very much that even in England an attempt was made under the presidency of no less a labour leader than Mr. Atlee to make a discrimination between the hours of working and pay and food rations between Indian seamen employed on the P. & O. ships and other ships going to the east, and the European crew. But fortunately at that time the other labour leaders joined me, though I was an employers' delegate, to make a representation in the House of Commons, and that old leader,

Mr. Lansbury, said "We shall not allow this discrimination among labour". A deputation was taken but I did not see the India Office anywhere nearabouts. Indian, seamen are not Indians to that office—they are *Khoda ka mal*—they are always God's people because they are on the seas—they are not living in India though their children are here; but the Government has never taken any interests in them and we have not heard a word about it. Whether it is commerce or industries, overseas, everybody outside India is the care of a certain department with which the people on the popular side have never cared much about—they are left to their own destinies. I have invariably seen that and it has been my unfortunate experience that so far as the commerce or industry or trade outside and the employment of Indians overseas is concerned, it has not been the care of my popular friends, except I must admit on one occasion when I was not a member of this House, when Mr. Jinnah, Leader of the Muslim League Party, did in 1934 speak very strongly over this question; and above all we had that great man whose loss we always regret, Sir Fazl-i-Hussain so long as he was Member for Indians Overseas.....

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): May I just remind the Honourable Member that in 1939 when a Bill was first introduced after this war started, it is the Muslim League Party who opposed it and wanted that that Bill should be circulated; but it was rushed through in spite of Muslim League Party's amendment; and if Honourable Member will care to look into the debates of 1939 well, he will know that this popular side did everything, but it was defeated on account of Government and certain elected Members as well as the European Group joining hands.

Mr. Hooseinbhoy A. Lalljee: I am very glad to hear that and I stand corrected and I congratulate my friends; and if I have said anything they do not deserve, I am sorry for it. But I appeal to them and to all Members and to the Government that they should take into consideration the position of Indians overseas all round and I assure the Government that these people of this country are also making sacrifices and are with them fully in their war efforts. We know it is now not only their war effort: it is our war effort. I always maintain that we cannot have freedom unless we fight for it and make sacrifices. And I am of opinion that after numbers of these people, who have made sacrifices, come back they will claim as their right and the Government will have to yield it as their right; and the sooner they agree the better. But even now if they are not going to agree, then I say it is very very wise that they do not make any pronouncement which would embitter the people's feelings. This feeling has existed for some time now that any pronouncements by responsible people in England go to our hearts much more than anything else; and if you really want to imbibe in the hearts of the people good will for all, specially for the Britishers who have been working with us for 150 years, we must tell them that in all their pronouncements they must in fairness consider Indians as equal part and parcel of themselves, and in any arrangements or pronouncements they make in regard to the dominions and colonies they should consider India as an equal partner. I do not want to create embitterment, but I would point out here that I have the *Illustrated Weekly of India* here in which I find the Coronation Day picture produced when His Majesty the King Emperor received the premiers of different dominions, including New Zealand and may I say, Rhodesia? I do not know where Rhodesia is except that it is in South Western Africa—these gentlemen have much more right than any of us here, although our sacrifices are far greater and perhaps we have been better friends to England.

I think the Honourable the Finance Member has done his level best to place before us the position in which we are situated; but I do hope that he will form at least two or three or even four committees for dealing with these different subjects—one for sterling, one for war expenses and so on. As regards sterling I do acknowledge that there are certain provisions to be made for the supplies

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that Great Britain does send to this country. But you have not made the allocation—it is not our fault. You have been buying many things from America for which you did not give us any price; and when I say that I am a creditor, you say that America is the creditor but you do not give us the lease-lend conditions or particulars of purchases and their prices. I say you give them to a small *ad hoc* committee of four or five persons, or if you prefer give it to some of your own Executive Councillors and let them make a pronouncement as Indians that they have satisfied themselves on these questions after going through all these things and that they will watch India's interest as the people of other countries are doing for themselves.

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, I have listened with very great interest to the various suggestions made and also the helpful criticism advanced in regard to the subjects that have fallen to the responsibility of the Commerce Department. If I make certain submissions to this House, I do not want to be understood that it is in any mood of self-complacency. It is only with a view to place certain aspects of the problems which naturally the Honourable Members would not have occasion to know; and it is also with a view to explain certain characteristics of the problems that are always before us; so that Honourable Members, when they want to place any sort of suggestions before us, may know the exact nature of those problems that are confronting us from day to day. My Honourable friend, Mr. Nairang,

1 P.M.

followed by Sardar Sant Singh and by Mr. Muhammad Nauman, made a plea that the Commerce Department, in its policy of allotting a quota of newsprint, should not suppress the vernacular papers. May I say that the policy of the Commerce Department has been, ever since the imports of newsprint became very short, to see by various methods that the smaller newspapers are given a chance to continue in circulation. Sir Muhammad Yamin Khan, who made a point about consulting non-officials and non-official opinion, will be interested to know that from the year 1940, the Commerce Department has held various consultations with the newspaper interests concerned, and it is only with their full consent, including the Indian Languages Newspaper Associations who represent a large number of vernacular papers, that the various measures to conserve the short supply of newsprint, so as to make them available to the largest number of newspapers have been taken. I think I am right in saying that almost every measure and every step that has been taken, has received the full concurrence of the newspaper interests concerned. Here at least, I hope, Sir Muhammad Yamin Khan will admit that we have taken proper advice which he has accused the Commerce Department of not taking in adopting the various control measures.

The three chief points which the speakers on this point made were that the policy of cutting the quotas to the barest minimum, the policy of raising the prices of newspapers and the policy of raising the advertisement rates are so calculated in their cumulative effect as to keep out the smaller vernacular newspapers. It is our contention that these three methods should serve in the long run to keep the vernacular papers in circulation rather than snuff them out. I may explain this in a few words. The first policy of cutting the quota of newsprint has been dictated, as has apparently been admitted by all Members of the House, by pure considerations of supply. The imports of newsprint have become less and less, and we have to see to it that the lesser quantities available are evenly distributed. The first policy adopted so far was that the newspapers should be allotted proportionately less and less quantities of newsprint than their actual consumption in a certain pre-war year. It has now been realised that if you go on proportionately cutting short the quota, a point may be reached at which the smaller newspapers may not have enough tonnage of newsprint to keep their papers in circulation. Therefore, I am in a position to state that a policy has been adopted under which the smaller newspapers will not bear the

same amount of cut as the larger newspapers will have, taking into account the stocks held by the various papers.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): In this connection, may I ask why Government have put a ban on the acquisition of newsprint from what is called the black market? Where is the necessity for it?

Mr. T. S. Pillay: I am coming to that point. I was on the point that a policy has been adopted under which these smaller newspapers, consistent with stocks held by them, will be allowed a certain minimum quota which we believe will keep them in circulation. Incidentally, I may answer the point which has been raised by my Honourable friend. He asked why Government by an order prohibited the buying of newsprint in the black market. I do not know whether any justification is needed for defending a policy which sought to prohibit purchases in the black market. But the point is this. When we are working the distribution through a system of quotas, unless we see that the man who receives the quota, which more or less corresponds to what one may call his ration, takes that amount of newsprint and that amount only, then I submit that no system of quota, no system of distribution will work properly if the man who receives the proper quota from the proper authority goes and buys, in addition to what he has got, something in the black market. It is for that reason that this sort of purchase was prohibited. There is another cogent reason. It is the intention of Government to see that the available supply is so rationed out as to keep as large a number of newspapers going as possible. In pursuance of this policy it may be necessary to take hold of the stocks in the hands of dealers or to regulate the distribution of those stocks in such manner as to conform to this policy. If purchases of the kind as my Honourable friend adverted to, are not prohibited, I submit this policy cannot be properly carried out.

The other point which was made was that the prices of newspapers have been raised and that will squeeze out some of the weaker papers. It has been pointed out to us that the competition from stronger papers will be very strong and that the stronger papers who hold large stocks can afford to squeeze out smaller papers by even selling their own papers at lower prices, and it is necessary to see that some sort of equalisation for smaller issues will have to be made by some sort of statutory order in order that smaller papers will not be in a position to go out of circulation. If owing to the shortage of newsprint a small paper can only have a daily issue of two pages, then a paper like the *Statesman* which is a stronger paper can issue four or six pages and charge one anna. I submit the smaller paper will soon go out of circulation. It is for that reason I think the Commerce Department is convinced that it is necessary to raise the price of newspapers. Then, again, take the case of advertisement charges. In these days, if the advertisement charges are not raised compulsorily, we believe that the stronger papers will be able to compete with the smaller papers at lower rates, and the smaller papers will be squeezed out. It is for that reason that it was said that the policy of increasing the advertisement rates will have to be followed more or less by all the newspapers in this country.

Mr. E. L. C. Gwilt (Bombay: European): If I may interrupt my Honourable friend for a while, I understand that the order which has been passed in respect of rates is a compulsory order, which to me is in the worst interests of the papers. I would ask him whether he would be prepared to amend that order and make it an enabling order and not a compulsory order.

Mr. T. S. Pillay: I have nothing more to say on that aspect of the case, I believe again it was adopted at the instance of all the associations that did make a point that unless the advertisement rates were raised uniformly by all newspapers, competition would work in such a manner as to bear more harshly on their weaker colleagues. It is for that reason, I believe, we have adopted the principle of compelling a raising of the advertisement rates after a certain period.

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I hope I have succeeded in showing how the methods adopted so far in dealing with the short supply of newsprint are calculated, in our opinion, to keep the smaller papers in circulation.

I now come on to the connected topic of import control. Mr. Gwilt made a very valuable contribution, if I might say so, in regard to the administration of import control, which according to him will save certain inevitable delays in the departments of administration in the Secretariat. I may say that I have passed on a copy of his speech to the Chief Controller of Imports and I am sure he will pay every consideration to the suggestions he has made. We have recently strengthened the Chief Controller's office. I understand that the Chief Controller of Imports is arranging to issue a pamphlet which will give information of the type which Mr. Gwilt wanted, stating the authority to whom a businessman has to apply for licences and stating the conditions under which generally, these licenses will be granted. I also understand that possibly very soon, a sort of Information Officer will be attached to the office of the Chief Controller of Imports who will be able to guide his customers to the various authorities concerned. We have also taken steps to strengthen the staff. I believe instructions have also been issued that all the receipts must, as far as possible, be handled at the earliest moment and at the highest level in the office. While speaking on import control, Mr. Gwilt also adverted to the question of the prices of the imported commodities. We do admit, Sir, that so far no regulated system of control of prices of imported commodities has been adopted. I understand that the D. G., I. M. S., who is interested in most of the essential medicines that are being now imported, has got a scheme under consideration, under which he proposes to make a list of the most essential medicines that are coming into this country and to try out a method by which he can regulate the supply not only to the most essential users but also to have it supplied at most reasonable prices. When that scheme comes into force, I am sure, many of the points made by Mr. Gwilt will be met and that his own scheme which, I believe, he has handed over to the Education, Health and Lands Department will receive Government's best consideration.

While on the question of prices, I may advert to one or two remarks made by other Honourable Members. I believe, Mr. Anthony made a very strong point that there are no regulations in this country which will punish profiteers to the most adequate extent. Mr. Jamnadas Mehta made the same point. There were others who made also similar points. I understand that a scheme is now under consideration, under which the penalty clauses of the Defence of India Rules will probably be made more severe in regard to profiteering and steps will also be taken to penalise adequately, profiteers and hoarders. When these measures come into operation, we hope that many of the complaints which are now being levelled at the Government of India, who are even being accused of conniving at the action of profiteers, will be removed.

I now come to a third point which is also connected with this, which was made by my friend, Mr. Deshmukh, who is not in his seat. He made a point that the Commerce Department never pays any attention to agricultural prices and that they are anxious to please the industrialists. I only wish to draw his attention to two facts that happened quite recently. As soon as the Government of India apprehended that the prices of short staple cotton are likely to fall, he will recall, that the Government took steps to establish a cotton fund whose primary object was to see that the short staple cotton prices do not slump. Again, as soon as the continental markets for groundnuts were lost, he is aware that various measures were taken by the Commerce Department to see that the groundnut prices do not unduly fall and to see that the prices paid by His Majesty's Government are fairly reasonable and also to build up a fund which was intended primarily to benefit the groundnut cultivator.

Now, Sir, I pass on to the problem of standard cloth which was briefly referred to by one or two Members. I gave a full account in regard to this matter on the motion which was moved by Honourable Mr. Sarker about the food situation. I have only to add that the point made by Mr. Jamnadas Mehta that steps should be taken to see that labour, especially industrial labour and that steps should be taken to see that labour, especially industrial labour and railway labour, are adequately provided for by making separate allotments, if necessary, for these homogeneous groups, has been accepted in principle; and very shortly, a scheme will be put into force under which the railways will be put in a position to supply standard cloth to their own labour.

While on the subject of standard cloth, I shall very briefly refer to the point made by Dr. Banerjee that in the constitution of committees by the Commerce Department consumers were not represented. I may state that the Central Standard Cloth Panel, whose primary function is to procure the manufacture of the requisite quantity of standard cloth, has on it four members who have been specifically nominated to represent the interests of the consumers. Two members of the panel are Honourable Members of this House. One is a distinguished member of an Indian State and the fourth is also a representative of the consumers. We have also advised the Provincial Governments that their Advisory Committees, which will be set up to advise them on problems affecting distribution, should have adequate representation of consumers.

I shall now say a few words about the export policy of the Commerce Department.

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.

Mr. T. S. Pillay: Mr. Deputy President, Sir, before the House adjourned for lunch I was referring to standard cloth. I mentioned in answer to Mr. Jamnadas Mehta that we have made arrangements wherever practicable for Railway employees to be supplied with standard cloth. I may refer briefly to the charge made in this connection by Dr. Sir Zia Uddin Ahmad that the cotton textile industry is primarily responsible for charging profiteering prices. Sir, in the problem of retail prices of cloth there are many factors that have to be taken into account. I am not here holding a brief for the cotton textile industry but I should like to say that in all our negotiations with the cotton textile industry for the manufacture of standard cloth for the poor, we have received more than ample co-operation by the representatives of the cotton textile industry who met us and they were most willing to meet us in solving the problems that faced us.

Before I leave this subject of cotton textile industry, I should like to refer briefly to the point made by Mr. Hooseinbhoj Lalljee in this connection. He said that the Commerce Department has not done anything at all by way of appointing Trade Commissioners and others in foreign countries to look after the interests of Indian traders. Even during the period of war, when circumstances and conditions are quite out of tune, the Commerce Department have appointed Trade Commissioners in Canada and in South America. It is not entirely correct to say that the Commerce Department have completely left the interests of Indian trade unlooked for in foreign countries.

I now turn to the policy of exports followed by the Commerce Department. As far as policy is concerned, I have explained briefly the policy of the Commerce Department on a non-official Resolution moved by my Honourable friend, Maulvi Abdul Ghani. I need not repeat it here. I can only say in answer to Dr. Sir Zia Uddin Ahmad who said that all sorts of licences were being granted by back-door methods, that there are no backdoors to the Commerce Department.

[Mr. T. S. Pillay:] ment. The Commerce Department is located in the North-Block and the doors are wide open to all concerned. There is nothing shady about our export policy. The policy is known to all and briefly it is that we try to allow the export of only those commodities which, we can spare in the present conditions and those commodities which we ought to share in the present war conditions with the United Nations.

I may now turn to my Honourable friend, Mr. Jamnadas Mehta who referred to the activities of the U. K. C. C. and my Honourable friend, Mr. Shahban also made some remarks about the activities of the U. K. C. C. I want to state categorically that there is no shrouded mystery about the activities of the U. K. C. C. The Government of India have made as late as the 6th August, 1942, a very detailed statement of the operations of the U. K. C. C. and also in answer to a short notice question by Mr. Jamnadas Mehta, they said that the Government of India are keeping themselves fully in touch with the activities of the Corporation and are satisfied that their activities have not so far been conducted in a manner from which a dislocation of the existing trade channels may be seriously apprehended. My Honourable friend, Mr. Jamnadas Mehta, asked me whether I have anything further to report in regard to the U. K. C. C. I have only to report that the Government of India are kept closely in touch with the operations of the U. K. C. C. and the policy briefly stated in answer to the short notice questions to which I have just referred is being maintained.

Sir, I now come to the question of Indian seamen which has attracted considerable attention during the debate on this Finance Bill. My friend, Sir Abdul Halim Ghuznavi, drew the attention of this House to the condition of Indian seamen at Calcutta. I must say in fairness to him that he did admit that there are several improvements made in the conditions of Indian seamen by the efforts of the Commerce Department. He drew attention to certain features, such as, the provision of a prayer room and certain other facilities for the Indian seamen. As far as I can recollect, in the new Shipping office there is a provision for a prayer room. It is probable that it is not adequate. I am having the matter looked into and if there are any further improvements that could be made they will be made.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): There is no prayer room.

Mr. T. S. Pillay: We have also noted down the various other suggestions made by Sir Abdul Halim Ghuznavi and we shall try to adopt them as far as practicable.

My Honourable friend, Mr. Hooseinbhoj Lalljee, who, I am sorry to find, is not here, referred at considerable length to the conditions of service and to the question of employment of Indian Seamen in foreign-going ships. As the problem is of some importance, I shall beg leave of the House to state in as brief terms as possible what are the things that the Commerce Department has done in this matter. First and foremost Mr. Hooseinbhoj Lalljee said that the shipping masters have no powers at all. I may remind him that they have certain powers under the Indian Merchant Shipping Act. I may also mention that the wages of Indian Seamen during the war time have been increased considerably and there are certain proposals now before the Commerce Department which are under consideration which relate to the conditions of their service in the foreign-going ships. There is also a provision in the Indian Merchant Shipping Act which does provide, for example, for certain space to be provided to seamen. As I told the House, we have got certain proposals before us which relate to the conditions of service at ships and it is the intention of the Commerce Department to have them very carefully examined and in so far as it lies in their power to improve their conditions wherever found necessary. Sir, I have done.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): May I ask what is the amount of the dearness allowance sanctioned for these seamen according to the present arrangement?

Nawabzada Munammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Deputy President, the Finance Bill has been under fire for five days. Some of the Honourable Members have described the debate on the Finance Bill as an annual ritual. Some of them have made it into an endurance test. But there is one thing which stands out most clearly and boldly from the speeches of all the Honourable Members who have taken part in the debate that the present Government of India is completely divorced from public opinion, that the present Government of India does not enjoy the confidence of the peoples of the country. Sir, every action and every policy that the Government have followed during the last year has been the subject of very severe criticism from every side of this Honourable House.

It is most unfortunate that at a time when every country which is involved in this war is going all out for winning this war, India should have the peoples of the country and the Government as two strangers in the land. This, to my mind, is the most unhappy and most unfortunate position. The Honourable the Finance Member, I sympathise with him, must be cursing fate that in spite of the fact that he has, according to him, done his best for India, he has not been able to carry any conviction to the Honourable Members of this House. I sympathise with him; and I can only say that the fault, Dear Raisman, is not with the stars, the fault lies within ourselves. It is but natural that if the Government of a country does not enjoy the confidence of the peoples of the country its actions are bound to be looked upon with suspicion and distrust, and, therefore, the Honourable the Finance Member should not consider that the criticism that has been levelled against the Finance Bill is only against himself as an individual; it is against the whole system of Government under which this country is being ruled today.

Sir, my Honourable friend, Sardar Sant Singh, lays great store by the Indianisation of the Central Government. I for one do not think much of Indianisation unless there is popularisation with it. Indianisation without popularisation would be like changing gramophone but playing the same records: and I hope the Honourable Members, Indian Members, who are in the Government of India today would not think that I am making any attack on them as individuals. They are all honourable men. I have no doubt that they, with the limitations and the handicaps from which they suffer, have tried to do their best, but their best is very poor. Therefore, this criticism of the present Government of India will continue whether all the members are Indians or whether all the members are Europeans as long as there are not real representatives of the peoples of the country inside that Government. Sir, it is an irony of fate that at this time when India needs mobilization of all the resources of the country to fight the aggressive powers there should be this estrangement between the Government and the people. The Muslim League at the very beginning of the war stated unequivocally that it stood for the mobilization of the resources of the country to fight this war against aggression. It stated that full mobilization of the resources of the country was neither possible nor feasible unless the peoples of the country had confidence in the Government and that could only be if the representatives of the people were taken into the Government. Sir, the Honourable Members who have been watching the proceedings of this docile Assembly would come to the conclusion that the present Government of India, barring a few float-sams and jetsains in this House, has no Indian opinion with it. You have only to take up the Division Lists of last few days and study some of them and you will find that practically on every division there were hardly two or three elected Indian Members who voted with the Government. Does it not show that the victories which you win in the division lobbies are moral defeats for you? You may be saying that the motion of the Honour-

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able Member on a certain matter has been rejected: you may get some consolation or some satisfaction from it. You may think that this might deceive some of the foreigners either in this country or abroad that the present Government of India is being carried on with the support of the Assembly where the representatives of the peoples of India sit. But I assure you the foreigners who are here are not so ignorant: they know that every division which you win is due to that defective rotten constitution under which we have to work. Sir, I was just saying about Indianisation and I was saying that I for one do not have much faith in that. By way of example I would refer the Honourable Members of this House to the debate that took place here only the other day. The Honourable Secretary for War is an Indian of great experience and great ability, but what was the reply that he gave on that motion which was moved by my Honourable friend, Mr. Yusuf Haroon, regarding the administration of Martial Law in Sind. I must say that his reply was most depressing and most unsympathetic. My Honourable friend from Sind had made certain very serious allegations against the administration of Martial Law in that Province, very serious allegations after having studied them first hand on the spot. He did not get his facts from a chance fellow passenger in a railway train, but he was coming direct from that Province. He knew how the administration of Martial Law was being carried out there. What was the reply of the Honourable Secretary? That he was sure, that he was convinced that there was no such thing. What was his logic? That if there had been any such complaints, they would have been brought to the notice of the House before that day. Instead of appreciating that no Honourable Member of this House came before the Assembly with facts unless he had made certain about them, instead of appreciating that, he makes that as an argument for the falsity of those allegations which were made by the Honourable Member from Sind.

Mr. O. M. Trivedi (Secretary, War Department): I also asked whether those allegations were ever brought to the notice of the Government.

Nawabzada Muhammad Liaquat Ali Khan: The Honourable Member says, I also said if they were brought to the notice of the Government. I do not know by that interjection how he improves his position. If they were not brought to the notice of the Government, if the Honourable Member did not know anything about them, then how can he say that there was no truth in those allegations? I can understand if similar allegations had been brought to the notice of the Government, and the Honourable Member had made enquiry about them, and then come forward and said that those allegations were not true. But to say that because those allegations have not been brought to the notice of the Government before therefore they are untrue is the kind of logic which failed to convince all except the two Honourable Members of this House, elected Members of this House, who added strength to the Government position in the Division Lobby. It is really not a change of complexion that we want in the administration. But it is the change of policy. Therefore, I submit that as far as expansion of the Council or Indianisation of the Government is concerned, it will not carry any weight with the peoples of the land. If you really want that the peoples of India should be behind you, and then it would not be a question of their being behind you, but they would be with you as equal partners, then the only possible way in which you can get that support is to get at least those parties, if you cannot get the whole lot of them with you, who are willing and who are ready, not today, but from the very beginning, to work with you as your equal partners in this great struggle which we are facing today. I shall have more to say about this a little later on.

As I said in the earlier portion of my speech, the Muslim League repeatedly stated in this House and outside that the Government should get the co-operation; should take into confidence such of the parties as were willing to

work with them for the successful prosecution of the war. In the beginning our position was that the major issues regarding the future Constitution of India were to be left for the future. This most reasonable position that the Muslim League had taken up was misrepresented by a section of the Indian people. They said that when the Muslim League wants to share power in the Government within the framework of the present Constitution, it wants to retain all those powers which are enjoyed by the Governor (General and the Secretary of State. We were accused of being unpatriotic. We were accused of not wanting the transfer of real power from the British into Indian hands. We reconsidered our position. In August, 1942, the Working Committee of the All India Muslim League passed a resolution stating that it was willing to form a provisional Government at the Centre in co-operation with such other parties as were prepared to shoulder the responsibility provided the demand for self-determination for the Muslims to establish completely independent states in those zones where they were in a majority was conceded and agreed to. It was made clear at that time that there was no limit to the powers which could be transferred to this provisional Government. All that we wanted was that the 100 millions of Muslims must have the right of self-determination to decide whether they would like to live under the majority rule of the Hindus or whether they would live in a State of their own. The condition was not that the Muslim League or the high command of the Muslim League was to decide this issue. But the matter was left to the plebiscite of the Muslim masses about whom no less a person than Pandit Jawahar Lal Nehru said in Bombay in August last that the Muslim masses were not reactionary and that they were with the Congress. So, in other words, the Muslim League left the decision of this question of self-determination to these very people about whom Pandit Jawahar Lal Nehru said that they were with the Congress. Now, what objection can our Hindu friends have to this proposition? We do not say that whatever Mr. Jinnah or the Working Committee of the Muslim League says you must accept because even today there are some blind people who cannot see that the Muslim League really means Muslim India and that Muslim India means the Muslim League. (Interruption.) I shall deal with all the points. I am not going to leave any point unanswered. I notice my Honourable friend, Mr. Jamnadas Mehta, is leaving the House as I am about to deal with some of the points raised by him.

Mr. Jamnadas M. Mehta: Because you were not present when I was speaking.

Nawabzada Muhammad Liaquat Ali Khan: I was stating, Sir, that we were not wanting this issue to be decided by a few selected people. But this issue is to be decided by the Muslim masses about whom as recently as I think two days ago, even my Honourable friend, Mr. Jamnadas Mehta, said that they were not interested in the demand of the Muslim League. If they are not interested in Pakistan, if they are not interested in wanting a separate State of their own, then why don't you accept it? But I know that my Honourable friends who criticise this demand of ours know in their heart of hearts that what the Muslim League states today is really the voice of Muslim India. They know that if they accept such a proposition, the verdict of Muslim masses would really be for Pakistan, and it would be an overwhelming majority, if not cent per cent of Muslims who would vote for the partition of India into Hindu India and Muslim India. My Honourable friend, Mr. Jamnadas Mehta, who I notice has already left the House,—as I was privileged to read his whole speech, he will, I hope, do me the honour of reading mine,—said the other day that this demand of ours was against democracy. He stands for democracy and this is really an age of democracy! And our wanting a separate state for the Mussalmans in this country was undemocratic. I fail to see, Mr. Deputy President, how democracy would suffer if there were more than one independent state in India. Democracy surely does not mean tyranny of a numerical majority over a numerical minority. It is not

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any constitution which has been framed by some divine power and is called "Democracy". Democracy is only a method of ascertaining the will of the peoples of one nation as to the system and administration of Government under which they would like and continue to live. That is what democracy is. How is democracy going to suffer if there are going to be more than one independent state in this country? Mr. Deputy President, Mr. Jamnadas Mehta was a member of the Nationalist Party. Over some question or other he did not agree with the majority view of that particular Party which, I suppose, works in a democratic manner. What did he do? He left those Benches and sat over there; in other words, he made a home for himself from where he could give utterances to his views more freely and independently; in other words, Mr. Deputy President, unwittingly Mr. Jamnadas Mehta supported our demand for Pakistan.

Sardar Sant Singh (West Punjab: Sikh): But he came back.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend Sardar Sant Singh says that he came back. It is so, and I must admire Mr. Jamnadas Mehta because there are few who can play the role of political weather-cocks with such ease and grace!

Sir, I was dealing with this question of democracy. What I was saying is that there is no question of democracy suffering. All that we want is that the Mussalmans of this country should have free existence in this country. Mr. Jamnadas Mehta accused us, not only accused us, but he said that we should be put in a museum. He accused us of living in the 14th Century and he stated that we were a religious state. I do not know from where he got this idea of a religious state. If by a religious state he means a state where our religion would be safe, a state where our culture will be safeguarded, a state where our language will be protected, a state where our ideals shall flourish, then I plead guilty to its being called "a religious state".

Sir, my Honourable friends very often are very angry with us that we claim to be a separate nation from the Hindus. Nobody has so far told us what is it that constitutes a nation. According to them, a nation is constituted only by the geographical unity of a country. India is not a country. It is a sub-continent. If you were to examine the position of the two major nationalities in this land, you will find that they differ from one another in every respect. Religion, which is the most unifying force, is different; language, which is another thing which makes a nation, is different, and in proof of that I would only refer the Honourable Members of this House to the speeches that were made the other day when we were discussing the Broadcasting Department. Is it denied by our Hindu friends that they think that Urdu is the language of the Mussalmans? Is it not a fact that one Member after another of this Honourable House from those Benches stood up and said that you want the language of the Mussalmans to be enforced in this country? But if we are all one nation, where is the question of the language of Mussalmans or the language of Hindus? Therefore, Sir, when they talk about all the nationalities in this country being a nation, they only use that term because it suits their purpose of wanting to dominate on account of their numerical strength over all the nationalities in this land.

Bhai Parma Nand (West Punjab Non-Muhammadan): But what did Sir Feroz Khan Noon say?

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): What did you say before?

Bhai Parma Nand: On language I simply expressed the view which was openly held by Sir Feroz.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend, Bhai Parma Nand, has just reminded me that there was something which he also stated in the course of his speech with which I would like to deal. He stated that well, if the Hindus and the Mussalmans do not agree, then it is for the British Government to give their decision. I am glad he accepts that, otherwise I should have to take the trouble of quoting his words. He said that

Bhai Parma Nand: Nothing of the kind.

Nawabzada Muhammad Liaquat Ali Khan: Sir, Bhai Parma Nand stated on page 392 of the proceedings of the Legislative Assembly of this Session:

"That if two parties cannot reconcile themselves on account of their differences, the only solution is that they should look at least to a third party to act as a referee and accept the views which that party hold on the question. I think the British Government in a way is the third party, as it is called in India, and. . . ." (Interruption).

If my Honourable friend will have a little patience, I think he will have to take back all that he has said. This is his opinion:

"... and they have a perfect right to guide us, as they have done in various other things, in the matter of framing a constitution for India."

Bhai Parma Nand: It is quite right; there is nothing wrong in it.

Nawabzada Muhammad Liaquat Ali Khan: Of course there is nothing wrong, but I was only going to point out that when my Honourable friend, Bhai Parma Nand, and some others of that type talk like this they really do not believe in all this. They only say this to fool the world at large. Because if this is what they believe in, then I do not remember to have read in the papers anywhere that Bhai Parma Nand had given his wholehearted support to the Cripps proposals which were brought out to India on behalf of the third party in this country. This is, Sir, exactly the point.

Bhai Parma Nand: From which speech is he reading?

Nawabzada Muhammad Liaquat Ali Khan: I assure my Honourable friend that I do not accuse him of consistency. I do not say that he supported those proposals. May be, that my language was rather involved for his understanding. All that I said was that if that is his view I do not seem to remember having seen his name in any of the papers that he had supported the Cripps proposals which were brought out to India by Sir Stafford Cripps on behalf of the British party to which he has referred in his speech the other day. My point in referring to it was this, Mr. Deputy President, that the fact of the matter is that my Hindu friends do not want anything short of one Central Government for the whole of India, where they would dominate and rule over everybody else. Why mince matters? It is a fact. This is exactly what they want. Why talk of nationalism and nationality and democracy and all this humbug? We know all this. Just as they want that they should rule over the whole of India, in the same way we say that we refuse to be ruled by the Hindu majority in this country. We refuse to be taken in by this talk of democracy and nationalism and all that sort of rubbish. We believe that India is a sub-continent where a number of nationalities live, the most important and largest of them are the Hindus and the Mussalmans. Both of them are entitled to have their homelands and both of them are entitled to develop themselves freely and independently according to their own ideals and their own culture. I want to know what is the injustice behind this claim of ours. We do not want the whole of India. We only want one-fourth of India, where we would feel free. We would give to our friends, if they so desire, three-fourths of India where they would be free. There is no injustice in this claim of ours. Whereas, if we were to accept the demand that is put forward by the various Hindu organizations under different names, then it would mean grossest injustice and annihilation of the 100 million of Mussalmans in this land. They want the whole of India when they are only entitled to three-fourth. That is, Mr. Deputy President, the real position.

At the beginning of my speech I stated that I would have to deal with this question regarding the taking into partnership the representatives of the various parties. Sir, as I stated in the beginning, the position of the Muslim League throughout has been that it would not be possible to mobilise the resources of this country fully and efficiently unless and until the peoples of India were made to feel that they were a part of the Government, that this war was a war of their own, that this war was not for the exploitation of the weak by the strong, that this war was really being fought for the sake of humanity and justice to every nationality. The position of the Government, Mr. Deputy President, has

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been—What can we do? The parties in India do not agree. As a matter of fact, I remember His Excellency the Viceroy in his speech at Calcutta last December stated that the trouble is not that we do not want to part with power, but the trouble is that we want to part with power, and therefore there is all this confusion and all this trouble in this country. Sir, if the Government were really sincere in their declarations to part with power then they should not make this condition as a condition precedent that every party in the country must agree on something definite. The Congress, Mr. Deputy President, is the only party in India which has not looked at any proposal that has come from the British Government with favour. All the other parties—I am speaking for the Muslim League—have always at every stage considered and showed their willingness to consider any proposal that may be made by the Government for the transference of power from British to Indian hands. Now, Sir, Congress is described as a party which has ceased to enjoy the privileges of citizenship. I hope the Honourable House, and you, Sir, will permit me to read out a few passages from the speech of the Honourable the Home Member which he made the other day on the floor of this House, when the motion for adjournment regarding Mr. Gandhi's fast was under discussion. He stated:

"When the Congress Party passed their resolution of August 8, Japanese attack on this country was thought of lightly. By demanding the withdrawal of British power from India, and by placing Congress in open opposition to it, the Congress Party could not be thought to have hoped for some advantage to themselves if the Japanese attack succeeded."

Then, Sir, later on he goes on to say:

"Mr. Gandhi is the leader of an open rebellion in which he denies the authority of the existing Government and seeks to overthrow it."

Then he says:

"Before that he was entitled to be heard by Government like any other subject was heard. But by declaring civil war, a method that repudiates the method of discussion, he forfeits that right so long as he remains an open rebel."

The Honourable the Home Member quoted from the Hindi speech that Mr. Gandhi delivered on the 8th August wherein he is reported to have said that:

"Every one of you should from this moment onwards consider yourself a free man or woman and act as if you are free and are no longer under the heel of this Imperialism. You may take it from me that I am not going to strike a bargain with the Viceroy for ministries or the like. I am not going to be satisfied with anything short of complete freedom. We shall do or die. We shall either free India or die in the attempt."

This, from the speech of Mr. Gandhi according to the Honourable the Home Member, is an open rebellion; and yet the British Government ask me to go and negotiate with a party whose members have forfeited the right to be considered as citizens of this country. They want me to go and come to terms with a party which according to the statements that have been made on the floor of this House and outside by the Government is the enemy of His Majesty the King. They say to the Muslim League that unless you come to terms with Mr. Gandhi and his followers, who according to the Government are rebels, they are afraid, they cannot transfer power to the hands of those Indians who are left outside the Congress fold. If you believe that the Congress is really a party and its leaders are men who have forfeited their right of citizenship, then you have no business to ask me to go and negotiate with them and come to terms with them. It only shows that the Government are neither sincere nor serious when they declare that they want to transfer power to Indian hands. They do not want to transfer power to Indian hands.

The fortunes of war, Mr. Deputy President, are in favour of the Allied Nations today; and while we are glad that the Allies are winning we are sorry for the attitude that the Government has taken up, feeling secure in their position on account of the Allied victories. During the last one year, their position, instead of becoming more sympathetic and more accommodating, has stiffened more. My Honourable friend, Sir F. E. James, the other day expressed a fervent hope, that he wanted to see India as the United States of India. May I tell him that before there are united states there must be independent states to unite. Would he help me in establishing first independent states in

India? When people talk of the United States of India, when they talk of Federation, when they talk of democracy, they have at the back of their minds always one thing that there shall be one Central Government which will rule over the whole country. The present Central Government, as far as I can see, will continue and consist of men like we have sitting on the opposite side, because to me it appears that it is impossible for this country to achieve full freedom unless there is a recognition of the right of Mussalmans to self-determination. Therefore, it is no use our talking of united states or federation or democracy; and I appeal to my Hindu friends that they must realise by now that it is impossible to ignore the hundred millions of Muslims. It is impossible to think of any system of government in this country which does not recognise the separate existence of hundred million Muslims in India; and, therefore, if they really want that India should be free, that India should enjoy the status of a free country, that the present Central Government should come to an end, then the only solution is the solution which the Muslim League has suggested; and I would appeal to them to consider this matter in a dispassionate manner.

A lot is made of the position which the people are enjoying in Provinces under the present constitution. It may satisfy some people that the power which is enjoyed in the provinces by these autonomous Governments is really the power they were looking forward to. To my mind, those Provincial Governments, as long as the Central Government is as it is, do not enjoy any power. It is no use the Central Government telling us every day that this is a matter for the Provincial Governments, and such and such a matter should be taken to such and such a Province. We have it on the authority of Chief Ministers of some of these Provincial Governments that they are not considered fit to be even consulted in matters of policy, which is dictated from above. Therefore, I was referring to this matter only to show that when it is claimed that a large portion of India is being governed by the representatives of the people it is all a moonshine. There is no real power with those representatives of the people and with those Legislatures; and this state of affairs will continue as long as the present composition and the present constitution of the Government of India continues; and the present composition and this constitution will continue as long as the British can help it.

There are some people who think that we have reached the end of this war. I submit that undue optimism is as fatal in a situation of this kind as undue pessimism. I do not for a moment believe that this war is going to end so soon or so easily. I do not believe, Mr. Deputy President, that all the resources of India have already been utilised for fighting this war successfully. Therefore, I would request the Government to consider again the folly of their policy which they have been following since the beginning of this war. If you want to bring to an end this manslaughter, this havoc that is going on throughout the world, if you want to save humanity, then it is the duty of the United Nations to mobilise all their resources completely and fully to bring this war to a speedy end. This can only be done if you have the peoples of the country with you. We know that the Honourable the Finance Member can go on doing his best and find money for fighting this war. But may I ask him one thing? Is he satisfied that, as far as his war bonds are concerned, he is receiving that much money from India for his war loans as India is capable of giving? Does he not know that those people who are making money out of the Government fight shy to give it back to the Government by investing it in war loans? Does he not know of this position? Do not Government know that, really speaking, although they may be patting themselves on the back for getting 50,000 recruits a month or so many millions of rupees a year in war loans—so far not even one-tenth of the resources of the country have been mobilised or utilised for the purpose of fighting this war? India is a vast sub-continent. Its resources are immense, its man power is unparalleled. And to have a country like that as an ally in this war and yet not to be able to mobilise all its resources is a fact which in reality is a tragedy.

[Nawabzada Muhammad Liaquat Ali Khan.]

I come back to the same thing. If you really want to bring this war to a speedy conclusion, then even now you must secure the support of the Indian peoples, of those parties that are willing and ready to give their utmost for the successful prosecution of the war. It is no use your feeling secure because you have won a few victories in this theatre of war or that theatre of war. It is a long, long way to Tipperary, and as they say in Persian, *Hinoz Delha Dur Ust*. We have to fight this war relentlessly. These aggressor nations that are responsible for creating this havoc in the world are not going to give in so easily. Therefore, I appeal to you, give up this policy of yours which you have been following. You are suffering from surfeit of self-complacency. Give up this policy. Take the hand of friendship of those who are willing and ready to give their everything for winning this war. Take all those parties into confidence, in association, who have always been offering their co-operation.

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

Don't make this excuse of agreement between the parties as an argument for not transferring power. Indians have ceased to be satisfied with such devices as the expansion of the Executive Council. Nothing will satisfy them unless there is transfer of real power, and nothing will be able to mobilise the resources of the country fully, unless there are real representatives of the people in that Government.

The Honourable Sir Jeremy Raisman: Sir, rising at the end of five days of discussion which has ranged from the more technical aspects of the finances of this country to the whole of the political problem as has been expounded by my Honourable friend who has just sat down, I am daunted by the prospect of attempting to furnish any but the most inadequate reply to the debate. Not only has the discussion lasted a long time, but the speeches have been somewhat lengthy. I suppose that I am not really entitled to complain because I started off by setting a standard myself

An Honourable Member: A bad example!

The Honourable Sir Jeremy Raisman: a bad example. But I would claim in justification that I had rather a large field to cover. I may say as a matter of interest to the House that it was not the longest Budget speech that has been delivered even in the last ten years. There was a much longer speech delivered in the time of the last Finance Member but one and that was not in time of war. Moreover, I had been so impressed by the continuous exhortations to me to take the House into confidence that I set out to give them as much information as I possibly could. I am afraid, that I deluded myself if I hoped that by placing more material before the House I would, to any extent, escape their criticism.

Mr. Jamnadas M. Mehta: You spoke much but said little.

The Honourable Sir Jeremy Raisman: On the contrary, it seems, the more one says, the more surface one exposes, the more one gets back by way of criticism. It is difficult to find out what might be said to be the common measure of agreement of this House about the financial or economic policy of the country in war time. I have observed negative reactions to almost every proposal. My Honourable friend who just sat down pointed a moral from that. He deduced that that was because the Government was not in touch with the country. I am afraid, I have to disagree with him. I believe if my Honourable friend were in my place, or if any other Honourable Member were in this place, we should have the same spectacle. I am afraid, criticism seems inevitably to follow a purely negative line. However, it is my duty, it is my misfortune, as the last speaker would say, to have to carry out my task in these conditions. The administration of the finances of this country must be carried out in war time, and indeed at all times, whether or not it is possible to secure a courageous expression of opinion on policies that should be followed. I use the word "courageous" because I should have liked to see an indication that critics were

prepared to support a policy which would have been more drastic or less popular, although it might have been what they in their heart of hearts believe was necessary at the present time. I found little indication.

With these general remarks, Sir, I will address myself to some of the specific questions which have been discussed in the course of the debate and I will at the outset attempt once more to explain my attitude and my position on the question of the defence expenditure. I was not so innocent or so foolish as to hope that in the task which I had to undertake of arguing this case with His Majesty's Government on behalf of the Government of India and on behalf of the country of India that I would receive any single word of approbation, whatever might be the outcome of my efforts. I have not been disappointed in that expectation. The forecast at the time when the discussions were taking place and the general criticism was that India was going to be involved in the cost of operations undertaken outside India. There is no doubt whatever in my mind, and it was quite clear from all the press discussions on the subject, that the main apprehension which faced the country was that another kind of joint war measure was being propounded and that India would be called upon to bear a share, at least of the cost of the war in territories so close to her boundaries that it could not be denied that the defence of India was intimately bound up with those operations. In that respect, the apprehensions turned out to be correct but when the result turned out to be favourable to India, a new line was adopted. It was now the expression—joint war measures. In some respects, I must admit it was a very unfortunate expression. The expression "joint war measures" was seized upon to prove that in spite of the fact that India was not called upon to bear any part of the cost of those operations outside India, nevertheless by some metaphysical process she was still bearing a part of the cost of those measures. Well, Sir, as I said, my hopes were not high and, therefore, I am not disappointed. But I would say this. I accept Mr. Nauman's remark. I accept the observation that the test of our efforts, in this respect, should be the result. The proof of the pudding is in the eating of it. Well, then, can it be argued that the charge which India has been asked to bear is unreasonable in relation to the magnitude of the cost of defending this country in the circumstances which arose during the last 12 months? Surely, Honourable Members have some conception of the cost of modern war and of the liabilities which other countries have had to assume in relation to it, and they are not all wealthy countries. I would ask Honourable Members to look at the defence budget of a country as small as New Zealand, which, I believe, has a population of only perhaps three million people or so. They will be surprised to find that the defence expenditure which is borne by a country of that size is not entirely incomparable with the defence budgets which India has had to shoulder hitherto. Now, there are certain people who would argue that this is not India's war in the sense in which it is a war that concerns other members of the Commonwealth or of the United Nations. I know that very few Honourable Members of this House would support that statement and that argument but there are a large number of people, there is a considerable body of Indian opinion which puts forward that view. Nevertheless, I am surprised to find that that same body of opinion considers that India should make a profit out of the war. They do not think that there is anything tainted or unhallowed in the profits which accrue to them from these same activities, no part of which in their view should be charged to the cost of India. Now, Sir, it is argued by Honourable Members, and I think it was argued by my friend, Mr. Jamnadas Mehta, that what is wrong with the financial settlement is that it lays upon India a burden which is beyond her capacity. On that point, I disagree with him. I have been at pains towards the end of my Budget speech to give an indication of the financial position of India not only in relation to the present moment but as it will stand as far as we can see. I summarised the position in relation to India's public debt. I claim that there are very few countries at present involved in this war who can look forward with so little apprehension.

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to their budgetary position as it will be after the war. I know that my Honourable friend, Mr. Jamnadas Méhta, thinks that the burdens of the war are not being laid on the classes where they should be laid, but that is not my point at this moment. I think he confuses two arguments. Even if he were right that the poor man in India at the present moment has suffered exceedingly and has gained nothing from the so-called economic prosperity of India, it would still be the case that there are a large number of wealthy and prosperous individuals in this country whose position has improved and that this country would be able to make a contribution to the cost of the war which should not be less than that which has been arrived at by the financial settlement. However, I will not prolong that argument. There is another aspect of the matter to which I feel I must direct attention and that is that the critics do not seem to realise the dilemma in which they place themselves. I am not here making a debating point, I am trying to get them to face the reality of the position. On the one hand, they complain of the amount of the total cost of the charges against India. On the other hand, those same critics go on to express considerable uneasiness about the size of the sterling balances which are mounting in India's credit. Now, surely they must realise that in so far as the cost of the operations in India is not borne by India herself, to that extent and precisely to that extent the sterling credits, the payments which she receives from His Majesty's Government must increase. So, their argument amounts to nothing less than this; the war is costing too much. Well, I agree with them. I should like the war to cost a good deal less. But at this stage is it possible for the country in war time to say that the defence of the country should not be carried on because it is too expensive? That is the kind of argument of which we heard a lot in peace time, a lot before the war, but I have hardly met anybody who is prepared to sustain that when his house was on fire and he himself, his family and his wife and children were in danger that it was too expensive to attempt to save himself, his family and his property. I would in all seriousness put the point before the Honourable Members that there is an intimate connection between the problem of Indian defence expenditure and the problem of the sterling balances because the cost of the war falls either in one or in the other category and you cannot logically complain at the same time that our defence expenditure is too high and also that the sterling balances which are accruing to us are too high.

Now, Sir, I would like to deal next with the question on which I have been charged with vagueness, and that is the question of lease-lend. In relation to the charge of vagueness, I find that if an action which the Government intends to take is put before the House in the form of a *fait accompli*, we are told that this House is given no opportunity to express its views and that the procedure is a farce, that the House ought to have been consulted in advance. If, on the other hand, the elements of a problem are exhibited before this House and the decision of the Government is not announced as a *fait accompli* but the way the Government's mind is working is indicated, then I find we are charged with vagueness. In other words, make up your minds so that we can tell you that you are wrong; do not come to us; do not attempt to load on us any part of the responsibility for arriving at the decision which we want to be able to criticise you for taking. That is no doubt a comfortable position for critics to adopt, but it is not very helpful when important problems have to be decided in the interests of the country. Well, now on the question of lease-lend. The complaint is that Government have given no information or very little information and it is suggested that information is available to the Government which they have not put before the country. That, Sir, is not the case and I would like to indicate some of the difficulties which arise in dealing with this particular question. Now, lease-lend goods which reach India may be for the account of China, His Majesty's Government or India herself. We have no information of the nature or amount of lease-lend goods received in India for the benefit of

China. They are not handled by any Government of India agency and the Government of India takes no account of them in any of its calculations. We are only concerned with lease-lend goods received on behalf of His Majesty's Government or India. Now, when such lease-lend goods reach India, there is no distinction possible at the time of receipt between those required for war measures for which under the financial settlement India has accepted liability and those required for measures which are the responsibility of His Majesty's Government. This fact introduces very great complications into any analysis of lease-lend in relation to India. For example, lease-lend steel imported into India may be used in making bridges for use in the Middle East or in making ships for India or in making docks for the Admiralty or in making shells for the general use of all theatres of war including shells required by India herself, or the steel may even be used in buildings provided on reciprocal lease-lend to the American forces in India. Now, it is impossible to determine in most cases for whose account the lease-lend goods currently arriving in India will finally be utilised. One can only make an appraisalment at the end of each year. One can then only make an appraisalment to the extent to which they have been actually utilised for the account of one Government or the other and even then absolute accuracy in such appraisalment is impossible. The methods which we shall have to adopt in making such an estimate are now being carefully considered. I would also point out that it is impossible to determine at the Indian

4 P.M. end what goods have been received on lease-lend and what goods have been paid for in dollars. We were until recently under the impression that certain tanks which we have been receiving were lease-lend. We have now been informed that a number of these were purchased in the U. S. for cash presumably under what are known as pre-lease-lend contracts, that is, under the operations of His Majesty's Government conducted in America before the lease-lend policy was embarked upon. Well, a tank is the same whether it is a lease-lend tank or a cash tank, though we cannot find out in which category it should go. During the year 1941-42 comparatively little material came forward from the United States on lease-lend. During the current year for the first time substantial quantities of lease-lend goods are reaching India and I would like to express our deep appreciation of the enormously valuable part played by these American supplies in our war effort and the enormous value which they are to us in our operations. In fact, it is impossible to conceive how this war could have been carried on if that great country—that great democracy—had not decided to come to the aid of the United Nations in all theatres of war. Whilst I am explaining these details and complications it must not be thought at any moment that we are lacking in appreciation of the magnificent part which America, her troops and her production are playing in this war. I was saying that during the year 1941-42 comparatively little came forward from the United States on lease-lend. During the current year for the first time substantial quantities of lease-lend goods have been reaching India. It will be realised that it takes three to four months for goods sent from America to reach India. Again some ships are lost by enemy action on the way. Furthermore, the documentation right from the source of procurement to the ultimate Indian user of the goods has proved an intricate task. Sometimes before receiving documents a ship arrives and sometimes a ship arrives and documents are not received; and sometimes documents are received and the ships do not arrive and sometimes documents arrive but goods do not. Sometimes the value of goods is given—more, frequently it is not. It will be appreciated from all that I have said that it is a matter of great difficulty to reconcile our records of what we have received with the records kept in America by our agencies of what has been despatched to India. We are in a process of effecting this reconciliation but it will take some time. We are also endeavouring to evolve a simpler system of documentation of shipments which, if feasible, should give us a more complete statistical record of what goods leaving America are lease-lend goods and how much of them reach India. Such a record will be a quantitative record only and will not be valued. Some rough valuation of it will have

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to be undertaken in India in order to determine the purely Indian share of those receipts which may be required for the purposes of settling accounts with His Majesty's Government. As I have previously mentioned the valuation of India's own share of these receipts can only be undertaken after the close of the year when the actual use to which the goods have been put during the year can be determined. It is, therefore, not possible as yet to give either the quantities or values of lease-lend goods received in India on India's own account. Some months will elapse before it will be possible to do so. India's own requirements and the requirements of His Majesty's Government in India are lumped together in our demands on the United States for goods on lease-lend. We have asked for and we are receiving medical stores, ordnance stores, motor vehicles and spares, steel, provisions, lubricants, machine tools, machinery, electrical equipment, A. R. P. stores, radio sets, oil pipe line and machinery, ferro alloys, railway locomotives, dock and harbour equipment, chemicals, scientific instruments and so on. How much of these demands will be accepted as eligible for lease-lend, how much of them, if accepted, will win a high enough priority to secure procurement, and how many of them, even then, will ever be shipped over any given time ahead in view of the acute shortage of shipping, and the constantly changing shipping programme is more than I can say. Some of the demands which we have placed on the U. K. have also been diverted by His Majesty's Government to America and may also come forward on lease-lend. We do not as yet know the extent of such transfers, but are endeavouring to find out from one source or another.

As far as reciprocal lease-lend is concerned the problem is comparatively simple. The expenditure is incurred in India and it is merely a question of how much detail it is worthwhile collecting. For example it would be an unjustifiable waste of time to collect the scores of thousands of individual railway bills relating to the American forces in India from all over the country and add them up. Similarly it would be virtually impossible to cost out all the repair jobs done in Government factories or workshops for American equipment. Similarly with individual issues of rations and clothing. We can, however, adopt well known *per capita* rates for such issues which will give us information concerning reciprocal lease-lend should we ever require it. The main goods and services which we have been supplying to the American forces in India are buildings (office and residential), airfields, rations, clothing, ordnance and medical stores, transportation, telecommunications, dock, port and harbour facilities, and ship repairs. Reciprocal lease-lend is confined to the direct needs of the American forces actually stationed in India. Well, Sir, I have taken some time in order to give as complete information as we can on the subject, because there has been some criticism and some charge of secretiveness on the part of Government in dealing with it.

I will now turn for a moment to another subject and that is the estimates of our taxation receipts. I will not at this moment deal with the criticisms of the taxation proposals because I assume that there will be some further discussion on those when we come to the clauses and the Bills which deal with them. But I feel that I must deal with the estimates which Sir Cowasjee Jehangir permitted himself to make of Excess Profits Tax outstanding and I think that was to some extent supported by another Honourable Member from Bombay. I can only say that we have gone into the matter with some care, we have compiled materials from our local reporting officers and although the matter is one of some difficulty, I am not prepared to accept Sir Cowasjee Jehangir's estimate.

Dr. P. N. Banerjee: Then how much will it amount to?

The Honourable Sir Jeremy Raisman: I have stated what our estimate is. I gave the estimate as 40 crores for Excess Profits Tax.

Dr. P. N. Banerjee: Will it not amount to 50 or 60 crores?

The Honourable Sir Jeremy Raisman: I am not prepared to say that it may not amount to 50 crores, or it may not amount to 80 crores. I can only

estimate these receipts on the best information available to us, but I can understand that much of what the Honourable Baronet from Bombay said is reconcilable with our view also. The position is that companies are aware from the progress of their own business what amounts they are likely to have to pay by way of Excess Profits Tax and they may even set aside a sum reserved for that purpose. But it may be many months before they are liable to be called upon even to make a return, it may be some weeks or even months before any assessment can be made of these profits. They may again avail themselves of the opportunities for appeal and the date when that tax will be collected may very well be 18 months or even two years after the time when they first became conscious in their own minds that it would be prudent to set aside a certain sum for Excess Profits Tax. However, that is not to say that we are not conscious of the necessity of making every effort to shorten the lag between the time when that tax revenue becomes available and the time when we should collect it. I also have in mind another suggestion, which we have previously considered, the suggestion which was put forward by my Honourable friend, Sir Vithal Chandavarkar, regarding tax reserve certificates. We have more than once considered that and in the circumstances of the time when we considered that device which has been adopted in many countries, we thought that, on the whole, the balance of advantage lay in not adopting it but I have always had an open mind on the question and I propose to consider it again because it is possible that in the present circumstance, the advantages will outweigh the disadvantages.

I now proceed to attempt to deal with some of the criticisms about our proposals on the subject of sterling balances. In the first instance, I would make a few observations regarding the pensions scheme. I expected there would be some criticisms of this from what I might call the political angle. It is unfortunate that a scheme which in my considered judgment is very greatly to the advantage of India should turn on a matter which has certain political aspects and has a certain history. I have repeated and I have said more than once that there is no question of seeking for any further safeguards for individual officers. There is no question of any mistrust of the future Government of India in this matter. I have no doubt that should the time arrive when it will be necessary to consider safeguards for individual officers in this respect, the matter will receive consideration at that time on its own merits. This stands on an entirely different footing. It is a measure of a purely financial character; it is designed to alleviate some of the disadvantages which are felt to arise from the existence of what are called surplus sterling balances. I may say that I have been regarded in some quarters as having made the mistake of treating the whole of our sterling balances as though they were free for that purpose and were not needed as a backing for the currency of India. I have not made that mistake and that was why I used the expression "surplus sterling balances" because I was referring only to such quantities of the sterling balances as would be found to be in excess of the requirements of what I may call the "currency reserve".

Now, Sir, my Honourable friend Sir Cowasjee Jehangir—and I regret that he is not here now—criticised the pensions scheme from the point of view of the method of raising the rupee finance. He said that it would result in a loss because the rate at which we would have to fund the obligations in India, the rate at which we should have to pay interest on the rupees raised, would be higher than the rate of interest which we could hope to receive from His Majesty's Government on this investment. I do not think that that criticism is valid. In the first place, I would point out that the scheme does not involve the issue of any additional rupees. The sterling balances which would be utilised have already formed the backing for the rupees which have been issued. Now, in the second place, I would point out that the scheme is essentially of a self-liquidating character and by that I mean this, that the Government of India and the Provincial Governments have every year to incur a certain amount of sterling expenditure on the payment of pensions, provident

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funds and so on. For that obligation, they make provision every year in their budgets. Therefore, ultimately the whole of the rupees necessary to liquidate this item will have been forthcoming from the annual budgets of the Central and the Provincial Governments so that the scheme is essentially self-liquidating and would after a period have completely served its purpose. I do not agree with Sir Cowasjee Jehangir that the problem of funding the rupee finance would involve us in a loss. It is true that in the first place we should probably have to carry this obligation by *ad hoc* treasury bills in the same way as is done with the repatriation of other sterling debts. But in course of time and as opportunity offers we should naturally convert it into funded debt, and I have no reason to think that we should be unable to complete the whole series of transactions on terms which would avoid any loss.

I turn now, Sir, to the second proposal which I put before the House regarding the use of these sterling balances and the House will observe that I deprived them here of the opportunity of charging us with having faced them with a *fait accompli*, because it is in the nature of a proposal and I did use language which showed that it was merely at the stage of being a scheme which was under consideration. Before I deal with the idea of a Reconstruction Fund, I have something to say on the general question of reconstruction in regard to which many Honourable Members have made enquiries and particularly my friend, Sir Frederick James, and my friend, Mr. Hooseinbhoj Lalljee, wished to know what Government contemplated in regard to reconstruction. The House, I think, is aware, or, at any rate, it has previously been brought to the notice of the House, that a Reconstruction Committee was set up—I think it was in the middle of 1941—under the chairmanship of Sir Ramaswami Mudaliar, the Commerce Member at that time. It was subsequently decided to set up a Central Co-ordination Committee and four other Committees to deal with special aspects of the problem all under his chairmanship, and a Consultative Committee of Economists was also appointed. Partly owing to the war situation and also to Sir Ramaswami Mudaliar's transfer to England and the absence of Sir Theodore Gregory, Economic Adviser, for a considerable period, the work of these Committees has not proceeded very far. Meanwhile, as Honourable Members have pointed out, the stage has been reached at which, in several countries the Government is having to turn its mind more and more to reconstruction and it has been recognized that even at this stage of the war it is essential to begin to lay the foundations of the system which will obtain in those countries after the war. The Government of India are acutely conscious that reconstruction has become an urgent matter, that it has to be dealt with now, and they have decided to take up the matter at the highest level. They have decided that reconstruction should be dealt with by a Committee of the Executive Council in the same way as the gearing up of the war effort was dealt with by the War Resources Committee of Council. His Excellency the Viceroy will be naturally the President of the Committee as he is of the War Resources Committee, but the Deputy President will be my Honourable colleague, Sir Jwala Prasad Srivastava, and he has been asked to undertake the responsibility of presiding at all ordinary meetings. I trust that he may later in the Session have an opportunity of giving further details about the proposed organization and I do not want to anticipate what he may have to say.

Dr. P. N. Banerjee: Is the Committee going to be reconstituted?

The Honourable Sir Jeremy Raisman: The intention is that non-official association with the question of reconstruction should be maintained as in the past and the Committee which my Honourable friend has in mind, I think, in making this question will continue on the same footing as at present. I would remind him of the constitution of that particular committee—its name was the Internal and International Trade Committee, and, I think, it was also originally to deal with agricultural policy. But subsequently it was decided to split the agricultural policy side as that was quite sufficient for a separate committee.

Mr. Jamnadas M. Mehta: The proposed Jwala Prasad Committee will be a new one?

The Honourable Sir Jeremy Raisman: The Committee over which my Honourable colleague, Sir Jwala Prasad Srivastava, would normally preside will be a Committee of the Executive Council comparable with the War Resources Committee, but there will be various sub-committees of that committee and these committees will be presided over by the Honourable Members in charge of the subjects most directly affected and in those committees the question of association with non-official representatives will naturally arise and one of those committees will be the same committee dealing with internal and international trade, regarding the meeting of which some observations were made in this House and about which I shall have a little more to say in a moment. All I wish to say at present is that reconstruction is essentially a work of the whole Government. It cannot be a question for a single department to be set up. You cannot set up a department and put in a Secretary or so on and say "go ahead, you are the Reconstruction Department". The work of reconstruction, like the war effort itself, can only be carried on by the whole Government, and, therefore, reconstruction activity is essentially an activity of co-ordination of all the existing Departments of Government. In that respect it is closely comparable to the War Resources Committee which also acted, and I may say has acted most successfully, as the machinery for co-ordinating the various departments of Government in gearing up and directing the war effort. Naturally as the end of the war approaches—we hope the approach will be early and victorious—the war activities of Government will tend to become less and the reconstruction activities of Government will tend to increase but the whole Government will have to direct its efforts in that line. The Committee of Council will have a permanent secretariat of the same type as the War Resources Committee, but Sir Theodore Gregory, Economic Adviser to the Government of India, will be an *ex-officio* Secretary to the Committee and will be closely associated with all aspects of the work. I would also remind the House that he, in turn, has got a Consultative Committee of Economists under the existing reconstruction scheme and that feature will continue in this new reconstruction set-up. I think I have made clear now what the nature of Government's intention is in this respect and the suggestions which have appeared in the press that it would be dealt with by a separate department are not correct.

Mr. Hooseinbhoj A. Lalljee: What would be the position of Indians in the negotiations going on in England and America with regard to this matter?

The Honourable Sir Jeremy Raisman: Well, I was going to come on to that point in a moment. I was dealing with reconstruction and not with the Reconstruction Fund. I come back to the second proposal concerned with the sterling balances.

Mr. Hooseinbhoj A. Lalljee: I am asking about the reconstruction scheme now being discussed between Great Britain, America and the other Allied Nations.

Mr. Jamnadas M. Mehta: Post-war reconstruction.

The Honourable Sir Jeremy Raisman: I will talk about that in connection with the Reconstruction Fund idea. My object in giving the lay-out in regard to reconstruction as the Government now sees it was to draw attention again to the particular committee which dealt with internal and international trade and to corroborate what was said by my Honourable friend, Sir Frederick James, that we actually did have a meeting of that committee recently.

There has been a good deal of misunderstanding about the suggestion thrown out in the Budget speech regarding a Reconstruction Fund, and I should like to bring two aspects of the matter to the attention of the House. In the first place, I must again draw the attention of the House to the fact, for it is a fact, that there will be an acute shortage of capital goods after the war. There will not be a single country in the world which will not be anxious to repair the ravages caused by the war; actual physical destruction on a large scale as in Russia, Poland, Germany, and Great Britain, wear and tear and obsolescence elsewhere and everywhere. The demands coming forward are likely to

[Sir Jeremy Raisman.]

be so great that some kind of control over the capital goods producing industries will be inevitable so as to avoid the wild scramble which would otherwise be unavoidable. In these circumstances, it seemed desirable to us that we should know well in advance what our capital requirements are likely to be, so that we could initiate discussion with other Governments, and not find ourselves forced to submit to delays in our own reconstruction effort, which might have serious consequences on employment and economic conditions generally. It was with these guiding ideas in our minds that the then Commerce Member and I decided to have a meeting of the Reconstruction Committee on international trade and agricultural policy, at which the Economic Adviser set forth the position which I have just outlined. As a consequence of the discussion which then took place, and in which several Members of the legislature participated, it was decided to set up certain technical sub-committees to study the probable requirements of industry more fully. I may add that it is our intention to call an early meeting of the Reconstruction Committee on Public Works with a view to preliminary discussion of the capital goods requirements in Provinces and States. It is quite true that at that committee no formal reference was made to the creation of Reconstruction Fund, but there was no doubt whatever in the minds of the Members that the necessary finance would, in accordance with some scheme, be forthcoming. Secondly, I must observe that the segregation of part of our sterling assets into a separate fund to be used for reconstruction purposes, whilst it would serve the useful purpose of making quite clear what Government's intentions are, and perhaps also make it less easy to divert funds to other purposes, is not an absolutely necessary feature of the scheme. The important point is that we should know what we want well in advance. Whether or not funds are segregated is a secondary matter altogether, so long as the funds are available; and I would not hesitate to abandon the idea of a segregated fund if that were to be misunderstood. I would like to repeat that. It was not necessarily my idea that a part of the sterling balances should be removed from the Issue Department of the Reserve Bank. It might be found to be equally effective to determine what was the amount of those balances which should be regarded as ear-marked or as required for post-war reconstruction.

A good deal has been said about the desirability of being able to purchase capital goods not only in Great Britain but also elsewhere, and I shall have more to say on this point in a moment. But I do wish to impress upon the House that the capital goods market will, in the post-war world, be a sellers' and not a buyers' market for a considerable period of time. I think it will be found when the matter is closely examined that factors such as priorities and the ability to deliver within a certain period of time will be more important than pure price considerations, just as they have been more important during the war activities which have resulted in the emergence of the sterling balances. However that may be, I am quite conscious of the anxiety which has been expressed in many quarters, both inside and outside this House, lest the position of sterling after the war may be such that it will not be readily available for purchases outside the United Kingdom itself. I am bound to point out that in any case those who express these fears overlook the circumstance that the sterling area is very much wider than the United Kingdom itself. But though it is quite true that there is a problem, I believe that Honourable Members are unduly apprehensive on the subject for reasons which I will now mention.

It will be clear to Honourable Members from recent messages from London which have appeared in the daily press that both the British and the American Governments have been pre-occupied with the future world monetary system. So far as the Government of India are aware, official conversations have not yet taken place between the two Governments and no agreement has, therefore, been reached, or even approached. Until the final stage is reached, it would hardly be possible for anyone to give positive and final assurances on the nature of the post-war British monetary position, or of the character of the world

monetary organization into which it will be fitted. But there are indications, of which the recent press reports give proof, that the aim of the two Governments is the creation of a monetary system which will permit of multi-lateral clearings and so will afford to holders of one currency the opportunity of free exchange into other currencies. In order to make the position quite clear and to avoid possible misunderstandings, I should inform the House that when I visited London last summer I became aware of the fact that the experts there were engaged in formulating certain tentative schemes of monetary policy which, although so far as I know, they had not received the imprimatur of His Majesty's Government, it was hoped to submit at some future date to the Government of the United States in order to see how far they would commend themselves to expert American opinion. Later in the autumn—and that is a point to which my friend, Mr. Hooseinbhoy Lalljee, referred when he was mentioning Mr. Eden's remarks on consultation—it was decided to call a meeting of expert representatives of the Dominions and India of a purely preliminary and exploratory nature; and for that reason the necessity for strict secrecy was enjoined on all the participants. India was represented by Sir Ramaswami Mudaliar and Sir Theodore Gregory. No decisions were asked for and no Government commitments of any kind were entered into either by the representatives of India or the Dominions. Indeed from that day to this, no request, formal or informal, has been made by His Majesty's Government in this regard, and the Government of India stand committed in no way whatever to any of the schemes which appear to be under discussion. I hope that that will give my friend, Mr. Hooseinbhoy Lalljee, the information which he desired.

Now, I have done what I could to dispel the suspicions which appear to have been aroused by the mention of a reconstruction fund, and I have even gone so far as to say that if you do not like it there need be no separate fund at all. All that I do suggest and hope Honourable Members will consider with an open mind is the desirability of attuning our minds to the necessities of post-war reconstruction.

Dr. P. N. Banerjee: There is no difference of opinion on that.

The Honourable Sir Jeremy Raisman: I am glad to see that that is a point on which there is no difference of opinion—and in the achievement of that purpose obviously some part of the sterling balances which India now holds will have to be employed.

I come now to the question of currency expansion and prices, and I hope that I shall not detain the House very long. I wish to make it quite clear that the Government of India do not entertain any complacency on the subject of currency expansion. I think that anybody who read my speech carefully would realise that I was under no illusions on that matter. I was, however, concerned to controvert the point of view which was not only held by certain professional economists, but which was being put forward in a manner which, in my opinion, was highly deleterious to the economic condition of the country. I can only use the phrase that in one part of the country people were "talking themselves into an inflation", and this was suiting the purposes of certain speculators extraordinarily well, and that psychology still prevails to some extent. I was so disturbed by what was happening that I felt it extremely important to try and present a balanced picture of the position; and here I would like to say, if I may, that my Honourable friend, Dr. Banerjee, seemed to me this morning, to strike exactly the right balance in relation to this difficult question. It is a matter on which one may easily be an alarmist and, by introducing undesirable psychological elements, may create trouble. On the other hand, it is a matter in regard to which there is no room for complacency, and which is under constant consideration by the Government. But there is one point regarding which I would like to question the remarks made by my Honourable friend, Mr. Jammadas Mehta; he argued that in spite of apparent prosperity, the poor man was getting nothing out of it; and he supported his thesis by the figures of withdrawal from post office savings banks and postal cash certificates. Now, that is a matter which we have studied with some care and the inferences which we have drawn from the behaviour of the postal savings bank accounts and

PAUCITY OF MUSLIMS IN THE DELHI TELEGRAPH ENGINEERING DIVISION.

331. *Syed Ghulam Bhik Nairang: (a) Will the Secretary of the Posts and Air Department be pleased to state whether it is a fact that the Divisional Engineer, the Sub-Divisional Officer, the Construction Officer, the Accountant and both the Head Clerks in the Delhi Telegraph Engineering Division are Hindus?

(b) Is it not a fact, that as a result of the present regime, the recruitment of Muslims is suffering as the proportion of Muslims recruited being hardly 20 per cent. although the proportion required for Delhi is 50 per cent.? If so, does the Honourable Member propose to consider the question of posting at least a Muslim Accountant and a Muslim Head Clerk there?

Sir Gurnath Bewoor: (a) Yes.

(b) The reply to the first part is in the negative. The latter part does not arise.

Syed Ghulam Bhik Nairang: With reference to the answer to part (b) of the question, may I know if there were as many as 500 applications from Muslims and this small percentage that I have complained of was selected in spite of more candidates being available and in spite of the fact that 50 per cent. was the minimum fixed for Delhi?

Sir Gurnath Bewoor: I am not aware to what particular class of recruits the Honourable Member is referring because the recruitment made is of clerks, mistries, line men and inferior servants. The recruitment of clerks and telephone operators is made by the Postmaster General and not by the Divisional Engineer who merely appoints them. The other inferior servants and line men are recruited locally. The number of Muslims recruited in the last three years for all appointments except those of lady telephone operators has been well above 20 per cent. of the total recruitment in each cadre and varies from 36 per cent. to 55 per cent.

UNACCOUNTED TWIN WIRE IN THE DELHI TELEGRAPH ENGINEERING DIVISION.

332. *Syed Ghulam Bhik Nairang: (a) Will the Secretary of the Posts and Air Department be pleased to state whether it is a fact that the present Divisional Engineer, Telegraphs, Delhi Division, could not give a proper account of 3,000 yards of twin wire in connection with the opening of the Avenue Exchange?

(b) Did a Deputy Postmaster-General, Lahore, after checking the store, also come to the conclusion that the above mentioned wire could not be accounted for by the present Divisional Engineer? If so, what action has been taken by the Department in the matter?

Sir Gurnath Bewoor: (a) and (b). The facts are not as stated. It is true that a full record could not be found of the manner in which certain wire had been utilised in the Delhi Division during 1942. The matter is still under detailed investigation of the Postmaster General and the Department will take adequate steps to ensure proper accounting in the future. There is no evidence of misappropriation.

REVERSION OF A MUSLIM MONITOR IN THE DELHI TELEGRAPH ENGINEERING DIVISION.

333. *Syed Ghulam Bhik Nairang: (a) Will the Secretary of the Posts and Air Department be pleased to state whether it is a fact that a Divisional Engineer, Telegraphs, is not empowered to sanction selection grade promotions or to revert selection grade officials?

(b) Was a Junior Selection Grade Monitor, a Muslim, reverted by the Divisional Engineer, Telegraphs, Delhi Division, and posted as an ordinary Operator in an Exchange where there is no Selection Grade post without issuing a charge-sheet and without taking the defence of the official concerned?

(c) If the answers to (a) and (b) be in the affirmative, what steps do Government propose to take to prevent the recurrence of such cases?

Sir Gurnath Bewoor: (a) A Divisional Engineer, Telegraphs, is not competent to make appointments to selection grade posts but he is empowered to revert selection grade officials.

(b) The facts are not as stated by the Honourable Member. As a result of an adverse report regarding his conduct, a Muslim lower selection grade Monitor was transferred by the Divisional Engineer, Telegraphs, Delhi Division, from the Exchange where he was working to another Exchange where there is no lower selection grade post, pending enquiry into the case. This official is continuing to draw pay in the lower selection grade until a decision has been reached on the charge-sheet which has already been served upon him.

(c) Does not arise in view of the replies to parts (a) and (b).

Syed Ghulam Bhik Nairang: Can the Honourable Member tell me whether it is a fact that it was on the 19th February that this particular man was reverted and it was not till the 1st March, ten days later, that a charge-sheet was sent to him for explanation?

Sardar Sant Singh: On a point of order, Sir. Is it permissible to ask questions about the individual members of the community on the floor of the House?

Mr. President (The Honourable Sir Abdur Rahim): Yes, if there is a question of principle involved or whether the communal proportions are observed or not.

Sir Gurnath Bewoor: This is not a question of communal proportion. This is a question of a particular Muslim Monitor in a telephone exchange who has been transferred to another exchange pending an inquiry into the charges against him. I am not aware of the exact

Mr. President (The Honourable Sir Abdur Rahim): The question has been allowed and the Honourable Member can reply.

Sir Gurnath Bewoor: I am replying to the Honourable Member. I am not aware of the correctness of the dates which the Honourable Member has mentioned; but if it has taken ten days to serve a charge-sheet, I do not think that time could in any way be considered as too long, because, when a charge-sheet is framed after a complaint has been received, a preliminary inquiry is made in order to see whether there is a *prima facie* case for framing a charge-sheet.

Syed Ghulam Bhik Nairang: Can the Honourable Member tell me as a fact that a preliminary inquiry was made before an order was passed on 19th February transferring this man to another exchange or he simply presumes from the procedure which he has in his mind that it must have taken place?

Sir Gurnath Bewoor: All I have got here is this that two lady operators made serious personal complaints to the Divisional Engineer, Telegraphs, regarding the behaviour and language of this particular lower selection grade Monitor. It was considered undesirable, in view of this complaint, to continue to keep the Monitor in that particular exchange where there are a large number of lady telephone operators and he was therefore immediately shifted to another exchange but he has not suffered in any way in pay. The inquiry was then completed and a charge-sheet has been framed.

Syed Ghulam Bhik Nairang: Is it not a fact that one of these particular ladies

Mr. President (The Honourable Sir Abdur Rahim): It seems to be a matter purely of administration. Next question.

DEARNESS ALLOWANCE FOR STAFF OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

334. *Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state whether the scales of dearness allowance sanctioned for the State-managed Railway employees, vide Railway Board's Communiqué dated the 8th August, 1942, apply to the staff of the Shahdara (Delhi) Saharanpur Light Railway? If not, why not?

(b) What are the scales of dearness allowance payable to the employees of this Railway, and did the Railway Board approve of their grant? If the rates are lower than those payable to the State-managed Railway employees, what are the reasons for the discrimination?

(c) What are the categories of staff separately on this Railway which are classed as superior and inferior for the purpose of the dearness allowance?

[Sir Jeremy Raisman.]

the cash certificates during the war is different from that of my Honourable friend. We have found that the periods of maximum withdrawal coincide, not as might have been expected, with periods of high prices or what you might call distress periods, but almost invariably with periods of loss of confidence owing to bad war news. There was a big withdrawal at the very beginning of the war; there was, as might be expected, a very heavy withdrawal after the collapse of France in 1940; there was again a heavy withdrawal after Japan came into the war and after the events of Malaya and Burma. On the other hand, we have found that even in periods when the cost of living was rising, provided the war news was good, the money came in. In the month of February for instance, there was a net deposit of 81 lakhs—I mean net after allowing for withdrawals, which is the best result we have had since the beginning of the war; and that shows that it is the progress of the war and confidence in victory which determines whether the small savings shall be larger or less.

Mr. Jamnadas M. Mehta: Why do you still provide for two crores of withdrawals this year? The prospects of war are certainly better, still you have provided for two crores less.

The Honourable Sir Jeremy Raisman: That may be. I mean at the period when we make the estimate we have to make a guess; but our estimate is not the point; the progress of actuals is a much more important thing. My guess is just as good or as bad as Mr. Jamnadas Mehta's. It depends on withdrawals during the year.

Mr. Jamnadas M. Mehta: Do you fear bad times hereafter? Why was it 40 crores last year and why have you provided in the Budget for two crores further reduction?

The Honourable Sir Jeremy Raisman: Two crores was a good result, compared with some of the results in previous years.

Mr. Jamnadas M. Mehta: Reduction still!

The Honourable Sir Jeremy Raisman: But our experience in this year, at any rate, so far has been favourable.

I am not going into details about the position of the agriculturist. We have made some examination of such indices as are available in regard to that but they are sufficient to satisfy us that the position of the agriculturist is definitely much better than it was before. There is no question but that a certain proportion of these high prices is making its way permanently to his advantage—I have no doubt whatever about that. It is true that a portion of his advantage is offset by the higher price of the manufactured goods, mainly cloth, which he has to buy. When you analyse his position, you will find that with the increase in the cost of what he sells, of his products, the lighter incidence of his fixed charges, namely, rent, land revenue, what he has to pay to the money-lender—the lighter incidence of his fixed charges on his increased income undoubtedly leaves him far better off than he was before.

I would like to say a few words about the subjects dealt with by my Honourable friend, Sir Vithal Chandavarkar. I am sorry that I shall not be able to deal in much detail with this matter as I do not wish to detain the House for more than a few minutes longer. But I welcomed many of the observations made by my Honourable friend because I saw that his mind was running on lines very similar to my own. But I find in his case as in the case of so many others—he said in regard to the question of bonuses, for instance, "I do not blame the employers, I do not blame labour, I blame Government." Why? Why, in relation to these extremely difficult questions when we can make so little progress without the assistance of everybody and every form of public opinion—why should everybody take the easy line themselves and turn round and curse the Government? This is a war, these are difficulties which must be faced on a very wide front; and unless every section makes its contribution, it is impossible for the Government sitting here to counter these pernicious tendencies. I might equally well say, I do not blame labour, I do not blame Government, I blame the millowners. Or again, it might be said, I do not blame

LEGISLATIVE ASSEMBLY

Thursday, 18th March, 1943.

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:

Maulvi Muhammad Hussain Choudhury, M.L.A. (Bakarganj cum Faridpur Muhammadan Rural):

Mr. Harry Greenfield, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

OFFICERS DISCHARGED FROM SERVICE OF THE FORMER BENGAL AND NORTH WESTERN RAILWAY.

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

(a) the number, separately, of high and subordinate officers of various grades and Departments discharged from the service of the former Bengal and North Western Railway when taken over by the Oudh and Tirhut Railway in 1943; and

(b) the number of Hindus, Muslims, Anglo-Indians, Christians and Sikhs discharged?

The Honourable Sir Edward Benthall: (a) and (b). Sixteen subordinate employees of the former Bengal and North Western and Rohilkund Railways were not re-employed when the State took over management. Of these, 13 were Hindus and three were Muslims.

HEAD CLERK OF ESTABLISHMENT BRANCH, DELHI TELEGRAPH ENGINEERING DIVISION.

330. *Syed Ghulam Bhik Nairang: (a) Will the Secretary of the Posts and Air Department be pleased to state whether the post of the Head Clerk, Establishment Branch, Telegraph Engineering Division, Delhi, has been held by the same incumbent for the last 6 years or more? If so, why was this man not shifted after three years according to rule?

(b) Is the same man getting extension after extension to the detriment of those whose promotion is blocked by his superannuated presence?

(c) Are Government prepared to allow him to retire and to allow others to be promoted or at least to shift him to some other place? If not why not?

Sir Gurnath Bewoor: (a) Yes. Appointments of Head Clerks of Engineering Divisions are not tenure posts. The question of prescribing a fixed period for tenure of such posts is, however, under consideration.

(b) and (c). Do not arise in view of the reply to part (a) of the question.

Syed Ghulam Bhik Nairang: May I know with reference to answer to part (a) of the question whether the present incumbent of the post of Head Clerk is a Delhi Kayast who throughout his service except for three years has been at Delhi?

Sir Gurnath Bewoor: I am afraid I must ask notice of that question.

Syed Ghulam Bhik Nairang: Is the Honourable Member further able to tell me whether the present Divisional Engineer is also a Kayast and is, therefore, favourably inclined towards this gentleman?

Sir Gurnath Bewoor: I know that he is a Hindu and he comes from the Central Provinces but I am not aware whether he is a Kayast or not and I have no reason to think that he is favourably inclined to anybody.

Syed Ghulam Bhik Nairang: Is he a Srivastava?

Sir Gurnath Bewoor: His name is Srivastava.

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

(b) Is it a fact that the Superintendent of this Railway reduced freights on the carriage of sugarcane and sugar to rates much below those prevailing over the adjoining railway, the North Western Railway? If so, what effective voice did the Railway Board exercise against such reductions in freights, and what is the Government's portion of loss on account of these reductions in freights?

(c) Is it a fact that the General Manager of this Railway, in his letter No. S.S./2910, dated the 16th September, 1941, to the Superintendent at Delhi, has warned the latter for the last time that he had no authority to issue rate circulars of any sort or description?

(d) What action do Government propose to take to safeguard their share of revenue which is affected by such unauthorized reductions in freights and fares? If none, why?

The Honourable Sir Edward Benthall: (a) The Shahdara (Delhi) Saharanpur Light Railway is empowered to make any alterations in rates and fares that they may consider necessary in the interests of their traffic within the maxima and minima prescribed by the Government of India.

(b) I understand there was a reduction in the rates. These rates are additional to the freight to be paid over the North Western Railway section for traffic via Saharanpur or Delhi Shahdara. The reduction therefore did not result in a loss of Government revenues.

(c) Government has no information.

(d) In view of the reply to the second portion of part (b), the question does not arise.

Mr. Lalchand Navalrai: May I know whether the Superintendent has got that power to reduce freights?

The Honourable Sir Edward Benthall: It is entirely a matter for the company, within the maxima and minima.

Mr. Lalchand Navalrai: My question is with reference to part (c), whether the Superintendent has got the power to reduce freights? If the Honourable Member has got no information he may make enquiries.

The Honourable Sir Edward Benthall: I have no information about this matter. It is purely a matter for the company.

EXTENSIONS OF SERVICE TO TRAIN EXAMINERS ON NORTH WESTERN RAILWAY.

337. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the General Manager, North Western Railway, Lahore, in his letter No. 912-E/31, dated the 6th June, 1942, explained the policy of giving extensions of service to the superannuated staff?

(b) Is it a fact that the General Manager definitely ruled that it was proposed to create supernumerary posts in higher grades to accommodate persons granted extensions of service?

(c) If the replies to (a) and (b) be in the affirmative, have these orders been applied to the Train Examiners on the North Western Railway? If not, why not?

(d) If the reply to (b) be in the affirmative, how many such supernumerary higher grade posts have been created in the North Western Railway, and for how long?

(e) How many Train Examiners have either given extensions of service upto the 28th February, 1943, or retired hands re-appointed, and in what grades?

The Honourable Sir Edward Benthall: (a) to (d). I regret my inability to disclose the contents of official letters not meant for publication.

(e) I would refer the Honourable Member to my reply to part (d) of his starred question No. 15 asked in this House on 10th February, 1943.

Mr. Lalchand Navalrai: Does the Honourable Member know whether the General Manager has passed orders to say that he would create supernumerary posts?

The Honourable Sir Edward Benthall: The Honourable Member is quoting from an official letter not meant for publication.

Mr. Lalchand Navalrai: I am asking whether it is a fact or not that the General Manager wanted that supernumerary posts should be created?

The Honourable Sir Edward Benthall: Sir, as the question arises out of the official letter which is of a confidential nature and as the Honourable Member has, I suspect, come into possession of it by unauthorised means. Sir, I do not propose to answer that question.

Mr. Lalchand Navalrai: I am asking a particular question apart from any letter or anything. I am asking did or did not the General Manager want that there should be supernumerary posts?

The Honourable Sir Edward Benthall: I have nothing to add.

UNSTARRED QUESTION AND ANSWER.

INCREASED RATES TO RAILWAY LABOUR CONTRACTORS.

60. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether any increase has been allowed over the tendered and accepted rates to railway labour contractors in goods sheds, locomotive sheds, etc., on the North Western Railway to compensate them for the increased cost of living? If so, what the percentage of such increase is?

(b) How does the increase allowed to railway contractors compare with the dearness allowance paid to railway workers?

(c) If the railwaymen are paid lesser compensation for the rise in the cost of living as compared with the compensation allowed to the railway contractors, is it proposed to give further relief to railway workers? If not, why not?

The Honourable Sir Edward Benthall: (a) Increases amounting to 50 per cent. over the rates in force prior to 1st January, 1942, have been granted to goods handling contractors on the North Western Railway. At certain locomotive sheds coal handling contractors have been granted increases ranging from 25 per cent. to 50 per cent.

(b) For the class of labour employed by contractors, the railway rates of Dearness Allowance in general compare favourably with the increases granted to contractors.

(c) Does not arise.

MOTION FOR ADJOURNMENT.

SITUATION CREATED BY THE APPOINTMENT OF THE BROOME COMMISSION IN DURBAN.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment from Mr. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, the situation created by the Broome Commission set up to investigate in the acquisition of sites owned by Indians in the so-called predominantly Europeans areas in the Municipal area of Durban. Has the Government Member anything to say?

Mr. A. V. Pal (Government of India: Nominated Official): Sir, I have received this notice just this morning. I submit that no useful purpose will be served by a debate on this motion now, because Government have no information to give on this matter except what they have seen in the newspapers this morning. The Honourable Member spoke to me about this matter yesterday and I have taken most urgent steps to obtain information. If the Honourable Member would put a short notice question I am prepared to accept it and give him the information as soon as I receive it. I submit, Sir, there is no sufficient reason to adjourn the business of the Assembly.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): May I request that this motion itself be treated as a short notice question and a statement may be made in reply thereto as early as possible. Last year, some lands were expropriated on the excuse that they were slums and this time, they are acquiring lands from the most sanitary and civilised area, where are the Indians to live?

The Honourable Sir Edward Benthall: (a) The answer to the first part is in the negative. As regards the second part, Government cannot sanction dearness allowance to servants of private companies.

(b) I lay a statement on the table of the House showing the dearness allowance sanctioned in 1941 to the staff in question. As far as information is available to Government, this has not since been increased. The rates of allowance were approved by the Railway Board at the time. As regards the third part, the rates vary both upwards and downwards, from the rates then prevailing on State-managed Railways. As regards the last part, there is no discrimination as the grant of allowances to the staff in question is a matter primarily for the Company.

(c) I have no information.

Statement showing Allowance to meet extra cost of living on the Shahdara (Delhi) Saharanpur Light Railway.
Delhi Head Office and Line Staff.

	Rs. Per mensem.
(i) Drawing up to Rs. 50 a month	3
(ii) Drawing between Rs. 51 to Rs. 73	2
(iii) Drawing Rs. 74 a month	1
<i>Menials or Inferior Staff.</i>	
Drawing Rs. 15 a month and above	2
Drawing below Rs. 15 a month	1

These rates will only apply to permanent monthly paid staff—the grade of allowance will be calculated by adding to the monthly salary the amount of House Allowance given or, if free quarters are provided, an amount of ten per cent. of the salary of each individual.

Mr. Lalchand Navalrai: I would like to know from the Honourable Member if he knows that this company makes difference between superior and inferior services?

The Honourable Sir Edward Benthall: That is entirely within the competence of the company.

Mr. Lalchand Navalrai: I would like to know whether it is a fact? My question is only this: whether he has got any superintending power over that company so far as this distinction between superior and inferior services is concerned in the matter of granting this allowance?

The Honourable Sir Edward Benthall: It is a matter primarily for the company.

Mr. Lalchand Navalrai: My information is that in giving this dearness allowance they make difference between inferior and superior staff, though there is no such distinction in other railways?

The Honourable Sir Edward Benthall: The rules governing the rates of dearness allowance on the State-managed Railways do not apply to private companies.

Mr. Lalchand Navalrai: That is true, but I understood the Honourable Member to say that these dearness allowances were approved by the Railway Board. Therefore I ask why this distinction is being made?

The Honourable Sir Edward Benthall: It was approved because it was included in the budget.

SUPERVISION OF SERVICE CONDITIONS ON SHAHDARA-SAHARANPUR LIGHT RAILWAY BY RAILWAY BOARD.

335. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the Railway Board appointed a Director on the Board of Directors of the Shahdara (Delhi) Saharanpur Light Railway? If so, who is the Railway Board's nominee on the Directorate and what relationship has he with the Railway Board?

(b) Is it a fact that the officers of the Shahdara (Delhi) Saharanpur Light Railway are appointed with the approval of the Railway Board?

(c) Is it a fact that the Budget of this Railway is approved by the Railway Board and any increase in the expenditure over the Budget allotment is subject to the approval of the Railway Board?

(d) What kind of supervision does the Railway Board exercise on the service conditions of the employees of this Railway, specially in the distribution of rations, in the dearness allowance scheme and in the application of the Control and Appeal Rules of the non-gazetted railway servants?

(e) Is it a fact that the Superintendent of this Railway who is also the President of the Railway Welfare Union, got a resolution passed by his Committee that foodstuffs would be supplied to members of his Union on production of a card issued by the Union on payment of the quarterly subscription of the Union? If so, why was discrimination made in case of members of the other Union, called the Shahdara-Saharanpur Light Railway Employees' Union, and such other members of the staff who did not belong to any of the Unions?

(f) What steps do Government propose to take to ensure that no discrimination is made for the supply of foodstuffs to railway employees on this Railway? If none, why?

The Honourable Sir Edward Benthall: (a) Government appoint a Government Director to the Board of the Company. The Government Inspector is the Director, and has no special relation to the Railway Board.

(b) The appointment of the Manager and other officers is made with the approval of the Railway Board.

(c) Yes.

(d) Beyond what is stated in reply to parts (b) and (c), the Railway Board exercise no control.

(e) I have no information.

(f) None; the matter is one which concerns a private company.

Mr. Lalchand Navalrai: Under the powers, whatever those powers are, which the Board have on this company will the Board look into the question of dearness allowance? The position is that there are two unions one of which is managed by the authorities of the Railway Board and the other is the union of employees. Will the Honourable Member ask the Board at least to look into the question of dearness allowance and see that equal rates are given to both the unions?

The Honourable Sir Edward Benthall: It is not within the competency of the Board: it is a matter for the Directors of a private company.

Mr. Lalchand Navalrai: Will the Honourable Member therefore send a copy of answers to these questions to that company or the Director who is appointed by the Railway Board, so that there may be equal distribution?

The Honourable Sir Edward Benthall: I have no objection to sending a copy of the question and answer to the Director; but I may once again point out that this is entirely within the competency of the company.

Mr. Lalchand Navalrai: Will the Honourable Member please say if it is not unfair?

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

Mr. Lalchand Navalrai: I am putting in the form of a question, the Chair should hear to the question.

Mr. President (The Honourable Sir Abdur Rahim): One can argue in the form of a question.

Mr. Lalchand Navalrai: When it is glaringly unfair will the

Mr. President (The Honourable Sir Abdur Rahim): Order, order, next question.

AUTHORITY FOR REDUCTION OF FREIGHTS AND FARES ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

336. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state which authority is empowered to increase or reduce freights and fares on the Shahdara (Delhi) Saharanpur Light Railway, and what control does the Railway Board exercise on changes in freights and fares?

[Mr. Jamnadas M. Mehta.]

remember that either the Percy Committee or the Niemeyer Report distinctly says that India is a country in which the rich man escapes taxation.

The Honourable Sir Jeremy Raisman (Finance Member): It is not so true now as it was then.

Mr. Jamnadas M. Mehta: It is as true, even more true, now. You cannot avoid that simply by *obiter dictum*. The fact is that the pockets of the rich are bulging with money. They do not know what to do with it.

Mr. Lalchand Navarai (Sind Non-Muhammadan Rural): Don't you remember dacoities?

Mr. Jamnadas M. Mehta: No, I don't. You must be right because your association is so close to the Hurs. I am a mere peaceful man and my neighbours are also more peaceful.

These Reports said that the taxation in this country is more on the poor than on the rich, and today it is even more because the large mass of people have suffered more by the rise in prices than benefited by any rise in their income. Therefore on net accounting the huge masses of people in this country are in a worse position, whatever the Finance Member might say. If arithmetic is any guide, they must be feeling much worse economically than they ever were. In view of the additional taxation which you are imposing on them and the fabulously heavy cost of living, which is now having its cumulative effect after three years, this amendment of my Honourable friend is the most opportune, the most humane and the most helpful for the well-being and contentment of the people. If this amendment is accepted, India will resound with the gratitude of the poor, towards the Government. Their troubles will virtually come to an end, and for the first time an indication will have been given that the Government of India, in the midst of this war, have not forgotten the poor. And why should they hesitate? There is no reason to hesitate either. There are not one or two but many more alternatives for the Government of India to fall back upon in order to accept the amendment of my Honourable friend, Pandit Nilakantha Das. The first is, as everybody has told them, you are just exercising your borrowing powers for meeting the deficits of the budget during war time. In fact, in the current year an appreciably large sum is being borrowed to meet a budget deficit; in the budget year also a large amount is being borrowed. But if you could borrow 94 crores in one year, what is this 9 crores which is the burden on the poor? Therefore, borrowing is the royal road during the war for him to bring some happiness, some little relief to the poor, and for getting over his budget deficits. If he does not want to resort to borrowing, there are other ways, and one is to tax the rich with E.P.T. to a larger extent than he has done. He knows, he ought to know, that all these huge incomes to which he refers to day after day, month after month, and week after week, in his great admonitions about the needs of sterilizing the purchasing power, he knows that the purchasing power is not being sterilized among the rich where it is increasing by leaps and bounds every day. The purchasing power is increasing not in the hands of those masses but in the hands of 5 per cent. of the population whom he very rightly stigmatized yesterday as anti-social. Go there. You will find not 7 crores, but 14 crores; not 14 crores but 21 crores. Therefore the second alternative, which my Honourable friend has, is to tax those whose pockets can bear it and whose incomes are to-day so steeply rising, and even if that tax is above 66 per cent. it will not be out of place. If he is not still content, I can ask him—of course I do say that not with confidence but still with a fair amount of justification—this. My Honourable friend knows that before 1935 when the Reserve Bank of India was constituted, there was a metallic reserve of nearly Rs. 100 crores in the.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really going into things which are not relevant to this motion.

Mr. Jamnadas M. Mehta: Will you kindly hear my view. I am going to show that there is something there. I will limit myself only to that portion.

Mr. President (The Honourable Sir Abdur Rahim): He had an opportunity to show that when the motion for consideration was discussed.

Mr. Jamnadas M. Mehta: I beg your pardon. This point was not touched on by anybody.

Mr. President (The Honourable Sir Abdur Rahim): On that occasion it would have been more relevant.

Mr. Jamnadas M. Mehta: This is an alternative source.

Mr. President (The Honourable Sir Abdur Rahim): There can be no end to alternative sources. You must confine yourself to this motion. The Honourable Member can say this salt tax is not justified. He cannot go into all sorts of other possible sources at this stage.

Mr. Jamnadas M. Mehta: If you bear with me, it won't last for two minutes, and it will be a most constructive suggestion. If after two minutes you find I am simply amplifying, I shall be the first to carry out your wishes with the greatest reverence. But I am saying something in favour of the poor.

Mr. President (The Honourable Sir Abdur Rahim): It is not relevant at this stage.

Mr. Jamnadas M. Mehta: But will you hear me?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member should accept the ruling. This is not the first time that it has been laid down that such discussions are not relevant at this stage.

Mr. Jamnadas M. Mehta: I am powerless in the face of your ruling.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not make any reflection on the ruling of the Chair.

Mr. Jamnadas M. Mehta: I will not go on.

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling.

Mr. Jamnadas M. Mehta: I was just saying that if, he will refer to page 87,

he will find that he has 100 clauses to investigate whether they are.

The Honourable Sir Jeremy Raisman: Page 87 of which?

Mr. Jamnadas M. Mehta: Of the Currency Report, 1935.

Mr. President (The Honourable Sir Abdur Rahim): Sir Jeremy Raisman.

The Honourable Sir Jeremy Raisman: Sir, in rising to oppose this amendment, there are one or two matters which I should like to emphasize. In the first place it will of course be obvious that the acceptance of this amendment would mean a reduction of something approximating Rs. 10 crores and would seriously increase our deficit.

Pandit Nilakantha Das: Rs. 8-34 crores net.

The Honourable Sir Jeremy Raisman: But I will not confine myself to that financial point although it is a very formidable matter. My argument would rather be this. Whatever may be said about the merits in normal times of a salt tax—and it has been argued with some force that it is the supreme example of a regressive tax, and one which therefore falls more heavily on the poor than on the rich—I would submit that during the difficulties of war-time finance, we must at least be prepared to accept the continuance of some disadvantages which already exist in normal times. I am not saying that in the conditions of India it would ever be possible to dispense with sources of revenue of this kind. My Honourable friend, Mr. Jamnadas Mehta, is well aware that India represents a pyramid which is very, very broad at the base and which has a very small apex; and however much you may go in for the pastime of soaking the rich or taxing the fat cigar.

Mr. Jamnadas M. Mehta: Is it a pastime to tax the rich too? I am very sorry to hear it.

The Honourable Sir Jeremy Raisman: I was referring somewhat lightly or semi-humourously to that activity, but my point is that however much you may base your system of taxation on levying heavy taxation upon those who are fortunate enough to be at the small apex of your large pyramid, you will never be able to found a system of finance on the basis that nobody else should make

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Why cannot the Honourable Member put down a short notice question? It is no use discussing a matter like this when the Government is not in possession of any information except what has appeared in the newspapers.

Mr. Govind V. Deshmukh: This motion itself may be treated as a short notice question.

Mr. President (The Honourable Sir Abdur Rahim): No, that cannot be done. The Honourable Member must put down a question in proper form.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now take up the Finance Bill, clause by clause. Clause 2.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I move: "That clause 2 of the Bill be omitted and consequential amendments be made in the Bill."

Sir, when I move this amendment to the Finance Bill it looks like one which was being moved year after year in the past. In those years when refusal of supplies failed and the Bill was considered clause by clause, this amendment generally came in, in a sense as a part of refusal of supplies. It was then refusal of supplies in another form. But this year, I will make it clear in the very beginning that there is no intention on my part of any refusal of supplies. I may give a little explanation on this particular point. I believe that when war is on and war efforts are to be supported there is no question of refusal of supplies. I do not belong to those who, in season and out of season, imitate certain traditional ways ineffectively and without any thought of adjustment to the present circumstances. There is also another way of looking at the thing and that may be generally described as the Muslim League way.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Why drag in the Muslim League?

Pandit Nilakantha Das: I am not dragging the Muslim League. I am not dragging any other body or section of people, but I simply want to make it clear that I put this amendment for the consideration of the Government for I feel surprised and rather sorry that at a time like this the Honourable the Finance Member could not visualise that a free salt would go a great way to help in war efforts. It is the time when besides the war in several fronts, the greatest calamity is the problem of food. If we successfully tide over this calamity of food shortage, practically we should have won more than half the war. If war continues and food shortage becomes acute, we do not know, even though we have large arms and victory is in all the fronts, things may collapse at home. So, at a time like this any money that may be secured by taxation should primarily come from direct taxation. We must tax people directly either by income-tax or excess profits tax or by enforced investment and such like. That is the proper way to tax people particularly at this time. Indirect tax is very bad at a time like this. The budget discloses a deficit of 60 crores, at the same time we are told that we do not mind these deficits. We can borrow, for we have large balances either here or elsewhere, whether in the form of gold or not and if the war is won, all those balances will be surely available. When they will be available in bad times like the present we may incur debts. Then again, there is a deficit of 60 crores. The Finance Member proposes to meet only about 10 to 15 crores by indirect taxation. Practically the rest of the money is to be borrowed. I do not think that there is any sense in not borrowing a few odd crores more and give this relief to the poor which has been eternally demanded for one reason or another. This free salt is the demand of Indian nationalists and in 1931, there was the Gandhi-Irwin pact regarding salt. Of course, unfortunately under the very shadow of the Gandhi-Irwin pact, the tax was increased by four annas first, then again by five annas surcharge. Now it is Rs 1-9-0, per maund, I believe. That is an unfortunate fact about the matter. That is only a way of doing things under an atmosphere created to

pacify the people. That is not good.

But whatever be the history of this tax, I am sure repeal of this tax at the present moment will go a long way to help in the food situation. I do not know if my Honourable friends know how poor people use only a pinch of salt with their staple dish. They do not sometimes get *dal* or any other supplementary dish for their rice, gram, *chattu* or *roti*. I have seen people mixing their rice with water and taking it with a pinch of salt and one or two red pepper. I do not know whether my Honourable friend the Finance Member can ever believe that such a life is ever lived anywhere in this world. But it is a fact in India. Day in and day out, throughout many months of the year our people use only a pinch of salt and red pepper with rice. People in other parts of India do the same thing with, what they call, *chattu*—fried gram or wheat made into powder. They mix *chattu* with water and take that with a pinch of salt and red pepper. I have also very often seen in this part of the country people by the road-side taking their *roti* with salt and pepper. In spite of your "Grow More Food" campaign, our people are not getting enough vegetables and *dal*. Government should somehow see to it that they are provided with rice or wheat, and then this pinch of salt will be very useful to them.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that several times; he need not go on repeating.

Pandit Nilakantha Das: Then, Sir, I come to another use to which this salt is put and at this time it is very essential. Salt is useful for cattle. The agriculturist wants it for milk as well as for ploughing the field. If they do not get enough salt to give to their cattle, the ploughing will practically be half done and milk will not be available in expected quantities. Again, it is used as manure for plants like cocoanut. The cocoanut plant does not bear fruit unless you give salt. You have some provision for supplying salt for commercial use in curing fish—I do not know whether people ever get it actually free—but I have not heard whether any provision of salt is made for manuring and for feeding cattle. If you want money by indirect taxation, I find you have imposed a tax on tobacco and on Vanaspati. Of course amendments will be moved but generally, I think, people who are using high class cigarettes and cigars should pay some tax. About Vanaspati, though I am not an expert

Mr. President (The Honourable Sir Abdur Rahim): That is not before the House at present. The Honourable Member's amendment relates to salt, not to Vanaspati.

Pandit Nilakantha Das: I am saying that if the Government want more money they should tax those who smoke high class cigarettes, and about Vanaspati

Mr. President (The Honourable Sir Abdur Rahim): We have not reached the question of Vanaspati yet.

Pandit Nilakantha Das: If that is the attitude of the Chair, I move.

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

"That clause 2 of the Bill be omitted and consequential amendments be made in the Bill."

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the motion moved by my Honourable friend on grounds of broad public policy and welfare of the masses, and I beg of the Treasury Benches to seriously consider the submissions that I am making. I am assuring them that my support is not being given simply for repeating a stereotyped amendment every year, but in the vital interest of those people whose welfare should be nearest to our heart today. My point is that in addition to the usual reasons which we are giving from year to year that salt tax is iniquitous because it is a taxation on an article of food, there are other reasons which have supervened in the course of the war and have become cumulatively more eloquent than they were. That the major portion of the taxation of the Government of India, directly or indirectly, is coming from the poor middle-class and the lower middle-class and my Honourable friend will

[Sir Jeremy Raisman.]

a contribution. That is the general position. I can quite understand that my Honourable friend might not agree with me, but it is the justification and probably the only justification for a tax of this kind; but in my opinion it is a powerful justification. But I would draw attention rather to the circumstances of the present time. In addition to the extreme importance of mobilising all our sources of revenue, there is the fact that at the present time the burden of a tax fixed in terms of money like this one, a tax which is not *ad valorem* but a fixed amount, is far less than it was in normal times. It has after all to be viewed in relation to current levels of, say, agricultural prices and also to current wage levels; and I claim that at the present moment the incidence of this tax on the poor and on the lower middle classes is less than it was before the war. For that reason, I think the amendment is peculiarly ill-timed. My Honourable friend, Mr. Jamnadas Mehta, put forward the argument that the burden of taxation during the war has been thrown more heavily on the poor than on the rich. I would draw his attention to the figures which are given on page 25 of the Explanatory Memorandum—analysis of the tax revenue of the Central Government. In the last year before the war, in 1939-40, indirect taxation, that is to say, customs and central excises and salt altogether provided something like 62 crores, out of a total tax revenue of about 8 crores of rupees; those were the indirect taxes which fall so largely, I admit on the poorer and lower middle classes. The direct taxation in that year only yielded something less than 17 crores of rupees. Now, in 1943-44, which is the year for which we are now making provision by this Finance Bill, the position is entirely different. Out of a total tax revenue there shown of about 15 crores, you will find that some 90 crores are direct taxation, and I am not sure whether that is before taking into account the additional direct taxation which we propose to levy. In other words, the rough position is that whereas previously only about a fifth of our total tax revenue was derived from direct taxes in the present scheme of things something like two-thirds is derived from direct taxation.

Pandit Nilakantha Das: What is it in England?

Mr. Jamnadas M. Mehta: May I submit that on this page the figures are not as you say? Show me the income-tax separately and the rest is all borne by the poor.

The Honourable Sir Jeremy Raisman: I am afraid I cannot go into detail on the matter. I am prepared to claim and to prove that direct taxation is essentially taxation of the rich and not of the poor. It may be that other causes are at work which make it difficult to avoid exploitation of the poor by the rich; but it still remains a fact that direct taxation is a tax of the rich and not of the poor.

Pandit Nilakantha Das: May I know the proportion in England today between direct and indirect taxes? Is it not more than 50 per cent. direct?

The Honourable Sir Jeremy Raisman: I cannot at this moment produce the exact figures; but I think that my Honourable friend will find that indirect taxation plays quite a large part even in the budget of the United Kingdom and that it probably accounts, I should say, for at least 30 or 40 per cent. of the total revenue even at the present time when direct taxation has been raised to such enormously high levels in the United Kingdom. The structure of our tax revenue at the present time is far more justifiable from the point of view which my Honourable friend, Mr. Jamnadas Mehta, represents than has ever been the case before, as far as I am aware, in our history. There never has been a time when taxation has been directed so predominantly to the classes who can bear it than at the present time, and that is due to the deliberate policy which has been pursued of placing the burden of war time taxation as far as possible on the shoulders of the classes which are able to bear it.

Mr. Jamnadas M. Mehta: Your intention is not carried out in fact.

The Honourable Sir Jeremy Raisman: There is only one other aspect of the matter on which I would say one or two words, and that is the difficulties of supply, to which I think the Mover of this amendment referred. Those difficulties do not concern the level of the tax. It is true that they have led at times to very unfortunate rises of prices; and the Government of India view that with concern and have given attention to the matter, and they have every intention of preventing as far as possible those difficulties from arising and of ensuring the maintenance of a supply of salt at reasonable prices as far as is in their power, but I do not think that the removal of this small tax, which is a very small tax in relation to present day conditions, would contribute anything appreciable to the solution of that problem; and I regret that I cannot agree that it could be hailed as a remarkable event. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 2 of the Bill be omitted and consequential amendments be made in the Bill."

The motion was negatived.

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.

Clauses 3 and 4 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 5.

Sir John Sheehy (Government of India: Nominated Official): Sir, I beg to move:

"That the proviso to sub-clause (5) of clause 5 of the Bill be omitted."

This proviso and the other one of which I am proposing the deletion were included in this Bill by inadvertence.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): So, Government officers are also sometimes inadvertent!

Mr. Jamnadas M. Mehta: More often and not sometimes.

Sir John Sheehy: In this House we have an opportunity of correcting any mistakes, and that is why I am taking advantage of the opportunity. The proviso is in last year's Finance Act, and the necessity for it there arose from two facts. First, the fact that the previous year's rates were applied to income from salaries, securities and dividends, and secondly, the fact that the previous year's rates of tax for incomes between Rs. 1,500 and 2,000 were nil. Consequently, when we introduced last year the tax and deposit scheme in respect of lower incomes we had to exclude incomes from these sources. Now, the position this year is entirely different because there was a tax on these lower incomes last year under the 1942 Finance Act. Therefore, the proviso should be deleted. Sir, I move.

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

"That the proviso to sub-clause (5) of clause 5 of the Bill be omitted."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I am glad that there is a confession on the part of the Government to-day that there is sometimes inadvertence on their part. If a Member of the Assembly gives notice, by some slip, of 18 questions instead of five questions, there can be no inadvertence.

Dr. P. N. Banerjee: Unpardonable!

Mr. Muhammad Azhar Ali: Yes, it is unpardonable. But the Government will take advantage of the inadvertence on the part of any Member of the House and raise a hue and cry; not only that, but the Leader of the House will come here with a very scathing criticism of the Members of this august Assembly. We have come to that position now. It is high time for Government to reconsider and at least admit that the mistake, if committed, was pardonable, and that it should not have been made so much fuss of as to deserve a scathing criticism.

Dr. P. N. Banerjee: To err is human.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not speaking to the amendment.

Mr. Muhammad Azhar Ali: There is this amendment. I do not want to oppose this amendment, but there is a sort of lacuna in the income-tax rules and the Act about the qualifications prescribed by the Central Board of Revenue for purposes of sub-clause (b) and sub-clause (c) of clause 4 of sub-section (2) of section 61 of the Indian Income-tax Act.

Sir John Sheehy: Sir, this is not relevant to the amendment.

Mr. President (The Honourable Sir Abdur Rahim): I could not follow the Honourable Member.

Mr. Muhammad Azhar Ali: It is only a sort of lacuna that I want to put before the House which will be to his interest and it is not in the interest of anybody else. It is to the interest of Government that I put this forward before the House.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): He will confess to another inadvertence!

Mr. Muhammad Azhar Ali: I think it may amount to inadvertence in future, if not to-day. Under the rules a degree in economics is recognised as evidence of adequate

Sir John Sheehy: Sir, the Honourable Member is talking about the qualifications of income-tax practitioners.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not deal with questions that do not arise.

Mr. Muhammad Azhar Ali: It is about qualifications of people under the Income-tax Act and Rules.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must speak on the amendment.

Mr. Muhammad Azhar Ali: If I am ruled out, I have no alternative but to sit down.

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

"That the proviso to sub-clause (5) of clause 5 of the Bill be omitted."

The motion was adopted.

Sir John Sheehy: Sir, I beg to move:

"That the proviso to sub-clause (5) of clause 5 of the Bill be omitted."

This proviso was also in last year's Finance Act and it was necessary there in order to deny to incomes from salaries, securities and dividends which were taxed at the lower rates of the previous year the benefit of the funding scheme which was meant for incomes taxed at the higher rates of 1942-43. The proviso should now be obviously deleted because incomes from the sources in question have been or will be taxed at the 1942-43 rates in respect of which the funding scheme was introduced. Sir, I move.

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

"That the proviso to sub-clause (5) of clause 5 of the Bill be omitted."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6 and 7 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Schedule I.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters' for the words 'One anna' the words 'Half an anna' be substituted."

Sir, I fully realise the unreality about this Finance Bill. We cannot alter one comma or semi-colon as it comes from the hands of the Finance Member's Department. We have to take it as it comes. All our pleading, all our advocacy for the poor can do nothing. We have been taxed in all matter and nothing can prevent the Honourable the Finance Member from taxing on from year to year. Still we have to discharge our duty towards our people, and as a consequence I again plead before him the case of the poorer people. The postal

department is a very progressive and income-producing department and it should not be allowed to go on making income further by taxing all letters but leave the matter as it was in the last year. We already pay $1\frac{1}{2}$ annas on letters of one tola and less. We had been paying one anna before, but now we are paying $1\frac{1}{2}$ annas. For every tola above one tola it was half an anna but now we are being asked to pay another half an anna extra. I do not see why this department should levy a tax on letters simply for the sake of getting something out of it. Government have got many items to be taxed yet, without taxing the poorer people and the middle class people. The middle class people at present are feeling the pinch of the high prices of food. They cannot make their both ends meet. At the same time, they cannot give up writing letters and using the Postal Department for their correspondence. The Honourable the Finance Member, if he pays any heed to public opinion, will see the advisability of not imposing this small tax. Although it seems very small, really it pinches mostly on the middle class people and the middle class people cannot afford to be taxed any further. I do not want to waste the time of the House by further dilating on this small matter, and I leave the whole thing entirely to the judgment of the Honourable the Finance Member and I appeal to him not to impose this tax.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters' for the words 'One anna' the words 'Half an anna' be substituted."

Mr. Lalchand Navalrai: Sir, the last speaker left it to the judgment of the Honourable the Finance Member but that judgment has been formed long ago and the only thing that now remains at this stage is to appeal to him to be open to conviction and revise his judgment. If he is not in that mood and is adamant, then of course there will be no use speaking at length on this motion but I will point out one or two reasons to him. He is raising the tax over one tola to one anna. That means six pies or half an anna more.

The Honourable Sir Jeremy Raisman: For the second tola.

Mr. Lalchand Navalrai: For the first tola it is the same and we are paying it even now. With regard to that, I see that he is causing more loss to the Government, because now people write on thick papers and when the weight goes over one tola.

The Honourable Sir Jeremy Raisman: We want them to use less paper.

Mr. Lalchand Navalrai: But what they will do now is to write on very thin paper. (An Honourable Member: "That will save paper.") That is true but they say they have got much paper. The other day the Honourable the Labour Member said that there was no question of shortage of paper. What does the Government do? They have been writing on thick papers and thick letters. There are two disadvantages. One is that people will begin to write on thin paper and they will put many letters in one envelope and that will mean loss to the Government, whereas Government themselves will use thick papers. They shall have to pay more. Who will suffer? Again the public. Therefore these two disadvantages should be considered by the Honourable the Finance Member. The Honourable the Finance Member wants pice from every corner and from every direction. That is not a good policy, especially in these days. He has got so much surplus in this department and why squeeze out this money from the people.

I therefore support this amendment.

Dr. P. N. Banerjee: In supporting this amendment, I should like to ask the Honourable the Finance Member whether he regards the Department of Posts and Telegraphs as a public utility department or as a commercial department. Their description of this department has not always been consistent. Whenever it suits their purpose to describe it as a public utility department, they do so, and whenever it suits their purpose to describe it as a commercial department, they describe it as such. Now, we want a definite answer from the Finance Department as to what the real description of this department should be. If we look at the question from the point of view of public utility, is it desirable

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that the department which is yielding so much revenue to Government should be further burdened? Is it desirable that the department which is intended to serve the public should instead of serving the public place a further burden on the public? If it is looked at as a commercial department, you find that this department has earned large dividends for the Government for several years past, and is it desirable to kill the goose that lays the golden eggs? Therefore, looked at from either point of view, I maintain that it is undesirable that further additions should be made to the postage rates under the provisions of the Finance Bill. I would ask the Honourable the Finance Member to revise his opinion with regard to taxation measures and as a very small amount of money will be obtained from this source, I would ask him to give it up.

Sir Gurunath Bewoor (Secretary, Posts and Air Department): Sir, I rise to oppose this amendment and in doing so I shall deal with the argument which was put forward by Dr. Banerjea. He referred to the previous announcement regarding the policy of the Government on the working of this department and he accused the Government of using the policy that suits them best at different times. Now, Sir, Government have stated in the past that the Indian Posts and Telegraphs Department is a commercial department. That is perfectly true but the circumstances that have changed are not those which are within the control of Government.

Dr. P. N. Banerjea: And the character of the department has also changed.

Sir Gurunath Bewoor: The question was very clearly dealt with by the Honourable the Finance Member when for the first time in December 1940, rates were raised and I think, Sir, it would be useful to state to the House what the Honourable Member said on that occasion: This is what the Finance Member said:

"The provisions relating to the increase in postal rates are of a simple and self-explanatory character. It is, of course, the case that in normal times our policy in regard to postage rates has been to produce a state of affairs over a sufficient period of time in which this public service results neither in a profit nor in a loss. And it is true that the present proposed increase is, in effect, a proposal to use the Posts and Telegraphs as a vehicle for an indirect tax. But I think that action of that kind is defensible in certain circumstances and that the present emergency is one which justifies the levy of an indirect tax of this character."

That is the reply to Dr. Banerjea. Nobody regrets more than Government that the war is going on and is costing more and more and therefore the Posts and Telegraphs Department is being utilised in order to earn more revenue to meet the war expenditure. Mr. Lalchand Navalrai says that the action of the Government would result in a loss and he therefore wanted this amendment to be accepted. Now, Sir, Government would not have brought forward this addition to the rate if they were not more or less confident that it would involve a substantial addition to revenue. Our own estimate is that the additional revenue would be of the order of 75 lakhs. Mr. Lalchand Navalrai thought that there would be a loss to Government because people would use thinner paper. The answer to this was already given. If people use less paper, it would be all to the good. Apart from that, our statistics show that 70 per cent. of the letters which are posted are within the first tola. Therefore, the increased rate is only going to affect 30 per cent. of the letters and they would be mostly from Government Departments, business houses and perhaps from lovers who write very heavy letters.

Dr. P. N. Banerjea: So, it is a tax on love!

Sir Gurunath Bewoor: The lovers will have to control in war time their exuberance. Mr. Lalchand Navalrai further stated that Government will have to pay more postage and therefore they will lose, but if the Honourable Member had referred to the announcement made by the Honourable the Finance Member in his Budget speech, he would have seen that in the year 1943-44 the whole of the surplus which is estimated at about 886 lakhs would go as a contribution

to general revenues. Therefore, Government, as a whole, is not losing by giving something to the Posts and Telegraphs Department.

Now, Sir, Mr. Chattopadhyaya referred to the Department as being very prosperous and therefore it should be left alone. All I can say is that the prosperity of the Posts and Telegraphs Department in war time is to a large extent, like that of the Railways, somewhat illusory and no one can possibly say that such prosperity is likely to continue after the war. The justification of the present increase in rate is that Government is in need of revenue and in proposing this increase Government have taken care to see that the poor man or the ordinary middle class man is not affected. The Honourable House will take note that the post-card rate has not been touched even though there have been four years of war. I oppose the amendment.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters' for the words 'One anna' the words 'Half an anna' be substituted."

The motion was negatived.

Mr. Lalchand Navalrai: Sir, I move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Parcels' for the words 'Six annas' the words 'Four annas' be substituted."

Sir, the present rate is four annas and it is going to be increased by two annas. I cannot understand why the Government does not say in a straightforward and honest manner that they want war tax to be levied. Instead of saying that they want money for the war, they go about in a round about manner and ask for an indirect tax which, they say, they will use for war purposes only. Now, Sir, the Posts and Telegraphs Department is already rich and prosperous and there is no reason for any increase in postal rates. That is one ground. The second ground is that the people will now send lesser number of parcels than they had been doing up till now. Therefore, the very purpose for which this tax is being increased will be frustrated. Furthermore, I submit that the Posts and Telegraphs Department has already increased the burden on the people because of the additional tax on telephones and telegrams and so forth. Therefore, there is no need that in small things like parcels also any impediments of this nature should be put in. Then, Sir, greater use of these parcels is made by the commercial community and I do not think the commercial community should be discouraged in any way from doing their business in times of war. From that point also I submit that there should be no insistence upon this tax on parcels.

Sir, I move.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Parcels' for the words 'Six annas' the words 'Four annas' be substituted."

Sir Gurunath Bewoor: Sir, the rate on parcels has been increased for the first unit of 40 tolas. The estimated additional revenue is of the order of 14 lakhs of rupees. The parcels traffic has been increasing and in the last year it increased by about a million parcels, from about 11 millions to 12 millions. The increase which we are proposing is unlikely to affect the parcel traffic materially. Secondly, the House having accepted the rate on letters, if the amendment now proposed by Mr. Lalchand Navalrai is accepted, there would be a further loss of 36 lakhs of rupees, because if the 4 anna rate is kept, it would be advantageous to a member of the public to post all letters weighing more than 3 tolas at the parcel rate. The total loss of revenue, if the amendment is accepted, would be of the order of 50 lakhs of rupees. Sir, it is obvious that Government cannot accept a loss of revenue of this magnitude which they have estimated for the next year. I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Parcels' for the words 'Six annas' the words 'Four annas' be substituted."

The motion was negatived.

Schedule I was added to the Bill.

Schedule II 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 Jeremy Raisman: Sir, I move that the Bill, as amended, be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill, as amended, be passed."

The motion was adopted.

THE TOBACCO (EXCISE DUTY) BILL.

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

"That the Bill to provide for the imposition and collection of excise duties on tobacco be taken into consideration."

Whatever divergence of opinion may exist as to the merits of tobacco as an article of human consumption, there must surely be general unanimity as to its suitability for taxation; and indeed this has long been recognised in almost every other civilised country in the world. India annually consumes a thousand million pounds of tobacco and British India's share of this gigantic total is 850 million pounds. As I explained in my Budget speech, the feasibility of drawing upon this obviously fruitful source of revenue has many times been investigated during the last eighty years; but the difficulties arising out of the wide dispersion of the cultivation and manufacture of tobacco in India and the fact that it was until recently a provincial revenue head have hitherto been found insuperable.

An argument in favour of a tobacco excise in India which has acquired increasing force during the last two decades is that the existence of a high import duty on tobacco, unbalanced by a countervailing excise, involves inequality in the taxation of the same article as between different classes. From the revenue aspect also, such a position is obviously unstable and therefore unsatisfactory and there are clear signs that the inevitable tendency for indigenous tax-free tobacco to replace revenue-bearing imports is active and increasing. The cultivation of better quality tobacco in India has steadily expanded in recent years and the improvement already achieved is evidenced by the fact that the export of unmanufactured tobacco, which in 1922-23 amounted to 21 millions lbs. had in 1940-41 risen to 54 million lbs. excluding 16 million lbs. sent to Burma. There has similarly been a notable increase in the use of Indian-grown tobacco in the manufacture of cigarettes made in India and it is manifest that the customs revenue from imported cigarettes and unmanufactured tobacco must in time undergo a substantial decline and may ultimately disappear. For these reasons, and because of the urgent need for new sources of revenue, and since, moreover, duties of excise on tobacco are now specifically included in the central legislative list and the Government of India has in recent years built up its own machinery for the collection of central excise duties, it was decided to examine the problem afresh. Much valuable information regarding the cultivation and distribution of tobacco was compiled during an agricultural marketing survey conducted a few years ago and in the light of this knowledge, supplemented by investigations thoroughly re-explored by the Central Board of Revenue during the past ten months.

The framing of an all-India tobacco excise system is extremely difficult, because, while there are certain areas of special concentration, tobacco is grown in innumerable scattered plots in every province and because the number of persons engaged in its distribution and sale and into its manufacture into the

several forms in which it is sold in this country is very large. Production and distribution are, moreover, wholly unorganised, and a further and considerable difficulty is that a great deal of the tobacco consumed in India is not manufactured at all but is very roughly cured by the grower and is sold in this semi-natural state. Various alternative methods of taxation have been examined in the past and all have been rejected as being, for one reason or another, impracticable or impolitic. Those chiefly discussed were:

- (1) the taxing of cultivation;
- (2) a Government monopoly of production and manufacture;
- (3) the levy of licence fees on sale; and
- (4) an excise on manufacture.

Each of these methods has certain superficial attractions but their advantages and disadvantages have been exhaustively discussed by a series of our ablest administrators and I need say no more here than that the objections which were held to disqualify them from adoption in the past are still valid and irresistible. Our task has been to devise a system to which these objections would not apply.

Now it is self-evident that the internal taxation of tobacco, if it is to be satisfactory, must be comprehensive, if only because consumption would otherwise be merely diverted from one form of tobacco to another, a consequence which would not only vex the consumer and disorganise the trade but would severely limit the level at which the duty could be pitched. Again, an impost which is essentially a consumer's tax ought clearly to be applied when the goods are about to pass into consumption, but so numerous and scattered are the units producing the various forms of tobacco consumed in this country that a comprehensive taxation at the stage of manufacture would be impracticable; and such taxation would in any case leave untouched the large quantity of tobacco which is retailed to the consumer in the form of cured leaf. It would be a simple matter to tax cigarettes at the factory and a fairly large section of the biri manufacture could similarly be brought under tax, but cigarettes and biri combined represent only a very small proportion of the total consumption of tobacco in India and it is from the consumption of the cruder products and raw material that revenue results at all commensurate with the population of India could be obtained. The total quantity of Indian leaf used in the manufacture of cigarettes, cigars, cheroots and biri is less than a quarter of that used for chewing, hookah-smoking and snuff; but probably the greater part of the biri and cheroots, and even some of the cigarettes, are made in small premises which would be very difficult to bring under effective excise control, and these agencies would undoubtedly multiply if factory production alone were taxed, so that it is doubtful whether a tax on this group of tobacco products would touch more than 10 per cent. of the total crop. As a matter of equity also, if tobacco is to be excised, all consumers and all forms of tobacco should as far as possible be made to share the burden. It follows, therefore, that if the excise is to be productive and equitable, it must be directed to the cured leaf and must be levied at the stage of wholesale purchase. An excise system on these lines has now been devised and has been incorporated in the Bill which is now before the House. The provisions of the Bill conform generally to the pattern of existing Central Excises Acts and need little explanation. All persons engaged in the production, sale, storage and manufacture of cured tobacco are required to be licensed, but no licence is needed for its cultivation. Where, as, for example, in Bombay and Madras, wholesale trade in tobacco is now taxed by Provincial Governments, we are negotiating for the withdrawal of the present taxation measures, subject to reasonable compensation.

The rules were published on the 1st March and are clear and self-explanatory and I need not therefore burden the House with more than a brief account of the system. The basic principle on which it proceeds is that the tax should be charged on the raw tobacco but that its levy and collection should be postponed until the tobacco is about to go into use and provision is accordingly made for

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official supervision and control of the commodity from the stage of its production until it is finally marketed. In framing the system regard has been paid to the practical conditions of the industry with a view to reducing the inconvenience to a minimum and to ensuring that official operations fit in with the requirements of the trade. If the curer or the purchaser so desires, the duty may be paid immediately the tobacco has been cured and made fit for sale, but for the general convenience of the trade and in particular to allow remission of duty to be claimed in respect of losses incurred during storage and of refuse, tobacco unsuitable for manufacture and in order also to postpone payment until the tax can be transmitted to the consumer with the least possible delay, the wholesale dealer is permitted to warehouse his goods under bond and to pay the duty when they are ultimately despatched to the manufacturer or retail dealer; and in order to facilitate the disposal of tobacco, the ultimate market for which is situated at a considerable distance from the original place of production, provision is made for transport under bond from one warehouse to another. Abatement of duty will be allowed in respect of evaporation during storage of waste due to handling within the warehouse, and of refuse such as butts and stems, provided that this is destroyed in the presence of an excise officer or that satisfactory proof is given that it is to be utilised for manure or some other agricultural purpose; and full refund of duty will be allowed in respect of all tobacco exported from India by sea. The rules relating to warehousing operations are generally akin to similar provisions in the Sea Customs Act which have operated satisfactorily over many years and should, therefore, present no difficulty to merchants.

Numerous difficulties will doubtless be encountered in the operation of the system and it may have, from time to time, and perhaps in particular areas, to be altered in certain details of its working; but while some of the difficulties may be formidable we do not regard them as insuperable; and we were satisfied that, given close supervision and careful governance, which we have arranged to provide, the system can be made an efficient fiscal instrument which will impose no check on production nor be burdensome to the trade.

On the other hand, it is clear that the operation of the excise cannot fail to have certain incidental consequences advantageous to the cultivator and that it can be accompanied by measures designed to bring substantial benefit to both the producer and the consumer. Thus the necessity for weighing the tobacco for excise purposes means that weighing will have to be made by standard weights instead of "the numerous and often incomprehensible system of weights" which were noticed during the marketing survey conducted a few years ago and which obviously "provide much scope for exploiting illiterate producers and stand in the way of the development of trade and market news service". Excise control over wholesale transactions will also tend to discourage other malpractices found during the survey and to reduce the market charges, which are described as being "scandalously high"; and even a small percentage of improvement in price returns owing to better marketing would clearly entail a considerable addition to the cash income of producers. The Agricultural Marketing Adviser emphasised that quality is "the most outstanding factor of importance in the marketing of tobacco" and expressed the opinion that "if the general level of quality is to be raised and maintained it can only be done by organised direction and control". The excise machinery now being set up will enable the Provincial Governments to secure more direct control over the quality of tobacco produced in their Provinces and to ensure that curing barns and redrying plants handle only leaf of approved types and of a quality suitable for the purpose for which it is intended; and steps can similarly be taken to put a stop to the grosser forms of adulteration to which hookah, chewing and snuff tobaccos are now subjected. By these means the quality of Indian tobacco and of various products made therefrom can be materially improved

and a wider market for Indian tobacco both in this country and abroad can thereby be ensured.

In order to distribute the burden as fairly as possible between the different classes of consumers and to recognise in some measure the greater element of luxury in the more expensive forms of smoking, the tax has been graded according to the purpose to which the leaf is to be applied; and for the sake of convenience a separate duty will be levied on certain manufactured products in addition to the tax on the leaf of which such products are made. The general effect will be to increase retail prices of all forms of tobacco by about 20 per cent which is in keeping with the general rate of tax on consumption goods and will not entail a serious handicap for the consumer; and the ordinary and medium qualities, which form the bulk of the consumption, will still be sufficiently cheap to place the luxury within reach of the poorer classes of the community.

Where the cultivation takes place over such a wide area and often in tiny plots, correct statistics of production are difficult to procure; and there is also a good deal of fluctuation from year to year. We have not, moreover, been able to ascertain precisely how much tobacco is retained by the cultivator for his own personal use or that of his dependents; and some variation is also to be expected in the quantities passing into the various forms of manufacture. Not merely are there changes in the area of tobacco cultivated each year, the yield varies also according to the neighbourhood, to the skill and assiduity of the individual farmer, and to the particular season; and there is similarly some variation in the quantities of tobacco which, because of unfavourable weather or flaws in curing, become unfit for consumption or which cannot for other reasons find a purchaser. It is impossible therefore to calculate with any degree of precision the total revenue likely to be derived from the excise duty, but taking all these factors into account, so far as we are able, we have estimated that the yield will amount to Rs. 10.5 crores.

In the course of our investigation of this problem we have been impressed by the possibilities of developing the cultivation of tobacco. India is even now one of the greatest producers of tobacco in the world and experience has shown that she can produce high quality cigarette tobacco. Other producing countries such as America, Southern Rhodesia, South Africa, Greece and Nyasaland have taken special measures to improve their cultivation and marketing, and similar measures in India should substantially benefit both the producer and the consumer. Thus the grower now obtains only a comparatively small share of the consumer's or manufacturer's price; and there is ample scope for extending both internal and external trade in high quality leaf. Better prices can be secured for the growers by economies in distribution, by the production of high quality tobacco, by establishing regulated and open markets in the main producing areas, by the reduction and regulation of market charges and by the adoption of uniform standard quality grades. Through the enterprise of a private company, considerable progress has been made in developing the cultivation of cigarette tobacco in certain areas and the acreage and yield of virginia leaf in and around the district of Guntur in the Province of Madras increased from 80 acres and 42,000 lbs. in 1928 to 126,000 acres and 55 million lbs. in 1941, while during the same period the number of flue-curing barns rose from 2 to nearly 8,000. This development has greatly benefited the local people and similar results might be achieved in other parts of the country. If, as would appear, good quality cigarette tobacco could be grown in Bengal, Bihar, the United Provinces, the Punjab and Bombay, India ought to be able to expand her exports of this variety, which, though they have undergone a remarkable increase in recent years, still amount to less than four per cent. of her total annual crop. Indian tobacco has latterly been assuming increasing importance in the English market and no less than two-fifths of the unmanufactured tobacco imported into Britain from Empire countries in 1941 was Indian. The internal market for this tobacco also seems likely to expand considerably. The

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Indian Taxation Enquiry Committee found in 1924 that there had even then been a considerable development of the manufacture of cheap cigarettes in India and they estimated the production at that time at between 4,000 and 4,500 million cigarettes a year. The present production amounts to over 10,000 millions and a further and still greater increase in the future is likely in view of the growing popularity of the cigarette, which is evident here as in other countries, and of the fact that India formerly supplied the major portion of Burma's demand for cigarettes and may expect to do so again before very long. An innovation which would greatly advantage the tobacco grower is a markets news service. Since much of India's tobacco is purchased on the growers' holdings, prices are bound to vary considerably from one area to the other and the grower on the whole is liable to get the worst of the bargain. Another beneficial reform would be the establishment of markets in the producing centres where growers could bring their tobacco for sale and be able to compare the prices offered for their produce with those paid for other lots. Such markets would also enable buyers to obtain their supplies quickly and would in themselves help to educate the grower in producing and curing his tobacco in the right way. The introduction of standard grades in the chief areas of production, would help to establish a market reputation for particular varieties of tobacco and thereby improve the demand and enhance selling prices; and the adoption of standards in regard to quality, moisture content and packing would also minimise the sorting and resorting which now takes place at almost every stage and is an outstanding feature of the trade. Finally, there is room for substantial improvement in the yield and quality of the tobacco used for biris, hookah, chewing and snuff; and much might be done to improve both these and other kinds of tobacco, by arranging a supply of reliable seeds. This is only a very brief outline of the improvements which might be brought about, given the co-operation of producers, merchants and manufacturers; but I can assure the House that much careful study has already been devoted to the subject by the Agricultural Marketing staff and, as I have already stated, we are allotting an annual grant of rupees ten lakhs from the proceeds of the excise duty for the purpose of financing measures designed to bring about such improvement. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill to provide for the imposition and collection of excise duties on tobacco be taken into consideration."

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, would it be in order to raise a point of order?

Mr. President (The Honourable Sir Abdur Rahim): What is the point of order?

Mr. T. T. Krishnamachari: I wish to raise a point of order that this motion before the House in connection with the levy of a tax on tobacco is *ultra vires*.

Mr. President (The Honourable Sir Abdur Rahim): I have already given considered ruling on a previous occasion that the question whether a legislative proposal is *ultra vires* or not cannot be decided by the Chair on a point of order.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, with your permission, I move that this Bill be referred to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): Is there an amendment to that effect?

Mr. Jamnadas M. Mehta: I have not put in an amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable member cannot move it.

Mr. Jamnadas M. Mehta: Then I wish to make my submissions.

Mr. President (The Honourable Sir Abdur Rahim): Of course, the Honourable Member can speak on the motion before the House.

Mr. Jamnadas M. Mehta: Sir, I do not want to oppose it because with the large part of it I am in agreement. The Honourable the Finance Member gave us a very illuminating statement and I am sure the abysmal ignorance of the public will to some extent be enlightened as a result thereof. But if he thinks that the public know all this or even one-hundredth part of all this, he is too optimistic. His exposition of the case is very commendable but is somewhat too late.

The Honourable Sir Jeremy Raisman: Purely descriptive.

Mr. Jamnadas M. Mehta: But so far as I am concerned, he is preaching the converted. With a large part of the measure I am in agreement. I remember, Sir, when about seven years ago I was in Europe, all Governments controlled the carrying of cigarettes and cigars, and the taxation measures taken by all the Governments on the Continent and in England were so severe that nothing corresponding to it exists in this country. An ordinary cigar for a poor man like me in England used to cost one shilling, and it was the poorest. Therefore, I am not saying that the tobacco for the cigarwalas and cigarettewalas in this country should not be taxed. Tax it as much as you like.

Mr. M. Ghiasuddin (Punjab: Landholders): Not 'as much as he likes'.

Mr. Jamnadas M. Mehta: As he is a sensible man he will not go beyond a certain limit. When you say "as much as he likes", he has to use his own discretion; he will only go to the point that is discreet. There I give him credit for a great deal of commonsense and high degree of judgment which you don't seem to share with him. When I say "tax the cigarwalas and cigarettewalas as much as you like", it means use your discretion and whatever you think the "traffic will bear". The prospects of great improvement in the quality of tobacco and expanding of the market and improvement of the seed and the benefit to India both internally and in the foreign market, while very inviting prospects they are, so far as the present Bill is concerned are not particularly relevant and finally, the promise of ten lakhs for the benefit of the tobacco grower is on a level with tactics similarly adopted in the past by Government when they wanted to force an obnoxious measure, i.e., to offer a small bribe. I do not say this is a bribe, but when they wanted to pass the ratio of 1:6 they bought the North-West Frontier Province vote by giving them 300 schools. They said, if you want 300 schools pass this measure, otherwise there is not a single school in the North-West Frontier Province and the Nawabs and other members of the family said "very well", but really speaking their pocket suffered a big hole as they afterwards found out. So I am not tempted by these ten lakhs unless on merits. You really satisfy the House that so far as the agriculturist and the consumer of the lower quality of tobacco and biriwalas are concerned, you are doing any good either to you, or to the agriculturist or to him, I can support the whole Bill.

First of all, I will point out three or four points of importance to the Honourable Member: He should avoid any extra burden on the grower of the tobacco or extra harassment to him as a result of the strict rules which I am sure the Government will promulgate and enforce. And remember, the agriculturist, who grows the tobacco, is still an illiterate man. The first thing that the Honourable the Finance Member should do is to leave alone the agriculturist. Therefore I suggest to him not to include the agriculturist in the word "curer".

He is not a curer in the true sense of the term, and it will create a great deal of harassment and the tyranny of petty officials. If this poor man, under the guise that he is a curer is subjected to all the rigours of the Act and its rules, it will be a very serious hardship for him. Therefore, subject to the price of the quality of the tobacco he grows, exempt the agriculturist from the definition of the word "curer". Then you will be doing a real justice to the men who need your sympathy and support. Therefore, I say that the "curer" definition should apply to the purchaser from the agriculturist and not to the

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agriculturist himself. The second thing which I wish to impress upon him is that the tax is in inverse ratio to the quality of the tobacco. One should have thought that the quality of the tobacco which is superior will cost more.

The Honourable Sir Jeremy Raisman: So it is.

Mr. Jamnadas M. Mehta: Last year the price of the lowest kind of tobacco was Rs. 4 and of the highest kind Rs. 24 according to my information. The people who have come in deputation to Delhi to enlighten the Members of the House on the pros and cons of the Bill have published a statement that the highest price of the lowest kind of tobacco last year was Rs. 4 and the highest price of the best kind of tobacco was Rs. 24. This year, according to them, it is Rs. 8 for the lowest kind and Rs. 50 for the highest kind of tobacco. And yet the Bill imposes on all tobacco a flat duty of six annas per pound, that means Rs. 30-12-0 per Bengali maund, the result being that the lowest kind of tobacco whose market price is Rs. 8 will be subject to a tax of Rs. 30-12-0. I think that is most unreasonable that the quality of tobacco at Rs. 50 will also be subject to Rs. 30-12-0. This, to my mind, is extremely unreasonable.

The Honourable Sir Jeremy Raisman: On the lowest quality of tobacco it is one anna in the schedule and not six.

Mr. Jamnadas M. Mehta: Even then, if my Honourable friend will compare the incidence of taxation on the lowest quality of the tobacco which ought to be treated far more softly, he will find that that is greater than the incidence of taxation on the highest quality.

The Honourable Sir Jeremy Raisman: You have to take the incidence on the cost of the product to the consumer.

Mr. Jamnadas M. Mehta: I am coming to that. The consumer is also the person who deserves yours and my sympathy.

Then there is a technical kind of tobacco, which is really not the genuine tobacco, but which grows within a few months after true tobacco has been already harvested. That is the stump, and it is mixed with the better kind of tobacco and used for marketing tobacco to the poor. If this stump tobacco, as I may call it, is taxed at the same level it will go out of the market and the position of the poorest will be worse affected. I, therefore, want that this should be carefully investigated, I understand that the people who are employed to pluck from these stumps—the remnant of the real tobacco, if there is any—are of the Harijan class, and the poorest of the poor who make a living out of it during the season, and if you tax this tobacco also at the same level this tobacco will go out of the market and these poor people will lose their employment.

There is one more point which I wish to make. It is true that under the present schedule the cigar tobacco is taxed at two annas a pound and the pipe tobacco taxed at six. Even if it is one anna, just see what a heavy incidence it is! These are what I understand the grievances of those to whom this Bill will directly apply. But once you impose the taxation, the consumers will also come within its orbit, and they are among the poorest of the poor. I do not want to cover the same ground covered on the general discussion of the Budget, but a few observations will not be out of place when this Bill is finally going through the Legislature. I may tell my Honourable friend that I have the experience of the jungle tribes in Thana and Colaba districts. They have for a house barely a thatched hovel. For furniture they have children. Cash they never see the colour of except when land revenue is to be paid. They cannot even use kerosene or matches. But these millions of people are accustomed to have the leaf from the trees which grow in the jungle for their buri, and out of their miserable income they buy some tobacco. Matches they don't use. There is a kind of stone called flint that they use. All they know how to light these buris from flint. I know these men by hundreds and thousands, because it was my duty for years to go and

work amongst them, and still I have not lost contact with them, and sometimes when I have not a match-box they have, lighted my cigars in the jungle of the Thana district. Therefore, I know them and I beg of you to exclude these consumers of the lowest kind of tobacco from your Bill. Your attempt to improve the quality of tobacco will remain unaffected: your right to tax the cigarettewallahs and the cigarwallahs will remain unaffected. I think the mass of the people of this country will have no objection. People who indulge in luxury must pay for it, particularly during the war. They have no right to indulge in luxury at the expense of the general citizen and taxpayer. Therefore, I beg of the Honourable Member to shape his Bill according to the following two points: the necessity of revenue and also the absolute need to tax luxury. But do distinguish between the two. I am your man for the purpose of taxing the rich man. Be my man for exempting the poor.

Mr. T. T. Krishnamachari: Mr. President, I oppose the Bill moved by my Honourable friend the Finance Member. There are two matters of principle connected with this.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member speak up?

Mr. T. T. Krishnamachari: There are two matters of principle connected with this Bill which I would like to place before the House. One is whether it is right for the Government of India to encroach on the limited finances of the Provincial Governments? The second is that the Bill, as it is framed at present, is going to impinge on the agricultural economy of the provinces in such a manner as to affect that economy seriously. I wanted to refer to the second point when I got up a few minutes ago. I am not convinced that, in the manner in which this tax is sought to be levied, it is going to be easy from the administrative point of view. I have experience of similar legislation in my own province, and I wish to tell this House that the people who have framed this type of tax legislation in the provinces or who have attempted to do it, have been doing it under a system of trial and error. I would like to impress upon the Government that the way in which it is sought to control the grower—Mr. Jamnadas Mehta mentioned that the grower need not be included in the definition of curer. I do not think it is quite exact—the only mention of the grower within the body of the Bill is in section 14, sub-clause (6), and in the rules that hang around that particular sub-clause. What I object to most in this Bill is the manner of interference contemplated with the liberties of the grower who will be subjected to severe restrictions; he will have to say what acreage he proposes to put under tobacco cultivation.

The Honourable Sir Jeremy Raisman: No.

Mr. Jamnadas M. Mehta: Because he will have to be his own curer.

Mr. T. T. Krishnamachari: That is merely a matter of difference in understanding the word—the grower is brought in under clause 14 (6)—and the relative rules hang around it. I foresee that the ordinary agriculturist without equipment and education will not come forward to grow tobacco under such conditions, at any rate, in the initial stages until he finds that it is profitable to grow tobacco, at any rate, not the small agriculturist. It is no going to help the growing of tobacco so far as the small agriculturist is concerned. The Central Government seeks to impose restrictions in a manner which will not be understandable to the small grower. I feel that the working of it from the point of view of the scheme of licensing the grower is all wrong. If the Government really want to impose this tax, the only way to do it is to administer it in much the same way as the salt tax. Let the Government come forward and purchase all the tobacco in the open market, take it over and warehouse it as soon as it is harvested. There is no use trying to impose restrictions on the agriculturist in order to avoid taking this step and that is where the real conflict comes in. Agriculture is the primary concern of the Provinces and the Central Government is coming in to interfere not merely in regard to this tax, but also perhaps on account of any

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subsequent excise duties they may impose—where then is the question of liberty of action in the field of agriculture so far as the Provinces are concerned? I have some experience of how Provinces are administered and how difficult it is for them to find revenues, how difficult it is for them to re-order their agricultural economy; and any interference at this stage, the formative stage, with the relationship between the Provinces and the Centre and with the liberties of the Provinces in a matter so vitally concerning their agricultural economy, is, I think, a very serious matter, and that is one of the principal reasons why I oppose the Bill.

So far as the rate of taxation is concerned, it is a matter which will have to be considered at the time when the clauses of the Bill are taken into consideration; my friend, Mr. Jamnadas Mehta, pointed out how the taxation does not fall exactly in the same manner on every type of tobacco; But before I go further I would ask, is there not a possibility of Government's revising their method of collecting this tax? I say that the Bill before us is a bald one: the rules that are going to be made will really indicate how the tax is to be collected, how much hardship it will impose on the people, how its repercussions are going to be felt; and the mere consideration of the Bill without consideration of the draft rules will not lead us anywhere. If the Government can give us an assurance that they would examine the question of how it affects the cultivator before actually embarking on taxation, then it may make the position better. But it does not do away with the vital objection to this Bill that it impinges on the provincial resources.

There is another matter that I would like to say here.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after lunch.

I ought to bring to the notice of the House that a number of amendments have been handed in by Mr. Jamnadas Mehta and some other Members after the House commenced this Bill today. Those amendments cannot be possibly moved because the office have not even had time to circulate them to the Members. The amendments, therefore, will not be in order.

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

The Assembly reassembled after Lunch at Half Past Two of the Clock. Mr. Jamnadas M. Mehta (one of the Panel of Chairmen) in the Chair.

Mr. T. T. Krishnamachari: Mr. Chairman, before the House adjourned for lunch, I mentioned two points which entitled this House to go deeper into the consideration of this Bill. The one thing is that this Bill seeks to impinge on the area of provincial taxation, the only source left to the Provinces of enlarging their income, and the second thing is that it seeks to affect the grower, the agriculturist, an interest which is primarily of provincial concern into which the Central Government is not called upon to enter.

Sir, there is another point which I wanted to raise, and it could not be raised in the form in which I wanted but I think this House is entitled to know that a legislation which has been brought before this House is perfect in all its contents. I do feel, Sir, that I am called upon to tell this House that there are certain provisions in this Bill that are not strictly legal. It is no doubt true that the position as to the legality or otherwise has got to be decided elsewhere, but it is a valid point that so far as the House is concerned, in giving its verdict, it has the right to know whether a particular legislation that is brought before it is perfectly valid in all its contents, especially with regard to the position of the grower who forms an important and integral part of the legislation before the House. I would like Honourable Members of this House not to be misguided by reason of the fact that this Bill in its present form hardly mentions the grower except in one place, that is, in section 14 (6). But the grower will appear to be a fairly important part in regard to the operation of

this tax if the rules are read. Sir, as this seems to have caused a tremendous amount of misgiving in certain minds, I submit this should have been investigated at length, and I would crave for the indulgence of the House and its permission to dilate on a point which, though not of immediate interest, is however, ultimately of paramount interest. It is not right for any Government to make its subjects resort to court of law in order to establish their rights, if it is possible for the Government to avoid it. I say, Sir, that the Government of India today have not investigated this position whether this Bill is perfectly legal in all its contents. Sir, I feel that it is not right for the Government of India to seek to regulate or in any manner interfere with the process of agriculture in this country since List I of Schedule VII of the Government of India Act expressly excludes agriculture from the purview of the Federal Government who are supposed to be the successors of this Government.

Mr. Chairman (Mr. Jamnadas M. Mehta): Does the Honourable Member challenge the ruling which the Chair gave this morning?

Mr. T. T. Krishnamachari: No, Sir. I bow to the ruling of the Chair. I am mentioning that the Government of India should have investigated this position.

The Honourable Sir Jeremy Raisman: I have done so.

Mr. Chairman (Mr. Jamnadas M. Mehta): That is concluded by the ruling of the Chair. The Honourable Member is precluded from raising the point again.

Mr. T. T. Krishnamachari: I bow to the ruling of the Chair, Sir. But the position of the agriculturist is sought to be interfered with by the rules. I am simply asking whether the Government of India have gone fully into this question, how it is going to affect the agriculturist, how it is going to make it impossible for him to grow tobacco under the conditions imposed by the rules, how it is impossible for the small grower to comply with the demands made by these rules. Bureaucratic omniscience is a well known phenomenon in this country, bureaucrats sitting in their room under electric fan can produce a blue print for every activity of human beings. But are these blue prints going to be as perfect when they are put into operation?

Sir, before the House rose for lunch, I mentioned that some Provinces have investigated this position of tobacco tax. With the experience I have of the investigations made in Madras, I am in a position to say that nobody seemed to know exactly what the incidence of this tax will be or the effect of this tax will be on the industry or for the matter of that what the income from it will be; how much it will affect people engaged in the task of growing tobacco. In fact, there is a similar Act in operation in Madras with regard to tobacco. But even there—I have been a participant in the passing of the Act—we found there was much difficulty felt in its operation and in spite of the fact that we had local knowledge we could not definitely say what was right and what was wrong. In fact, the rules framed under the Act had to be altered a number of times since the Act was passed.

Here are the rules framed under section 14. This calls for a complete blue print, absolutely perfect and if anybody sits in a room and reads it, he will say that the Government of India has a complete and correct grasp of the problem that the Government of India will be able to collect every pie due to it and that there would be no difficulty at all in the administration of the tax. But if the Government of India really investigated the position of the grower, they would have found that the grower will not be able to fill in all the prescribed forms. There are about 35 forms which are needed for the administration of this Act. Any man who grows tobacco has to fill about four or five forms, he has to declare how many acres of tobacco he is growing, any man who grows tobacco has to fill up another form under Rule 11—form T. E. B. 1, the first form is T. B. He has to keep a log book, where he has to enter how many acres he has sown, how many acres he has planted, what quantity

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an Act like that is placed on the Statute Book. I earnestly plead that the position of the grower under this Bill must be reconsidered by the Government.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): I cannot object to the duty being put on the use of tobacco in the shape of cigarettes or cigars. In fact, as you pointed out, in most of the countries there is a heavy duty put on the tobacco. Not only that, but our Provincial Governments and all local bodies have also taxed the use of tobacco. When conceding this principle you have also to consider very seriously the condition of the masses of poor people who use biris, and with regard to that, I say that conditions in this country are quite different from those existing outside India where this tax has been found to be a right tax to be levied. I remember very well what a huge campaign was directed against prohibition in my presidency. A large number of officials, a large number of enlightened people, even the sympathisers of labour, some of them, said that in the condition in which labour was in India, they should have something by which they could have a little enjoyable time or a time when they could forget their miseries. They said that therefore to stop a little drinking of toddy a light drink was cruelty to a great extent. Prohibition so far as labouring classes in Bombay are concerned does exist. I admit it has not been felt very much, but still I would say that in those areas where prohibition is prevalent, there is a lot of under-dealing, or what I may say, manufacturing liquor here and there.

The Honourable Sir Jeremy Raisman: Illicit distillation.

Mr. Hooseinbhoy A. Lalljee: I did not want to mention it purposely. It is going on, and Government has not been successful in stopping it because poor people even would like to have that drink. If liquor which is much more costly, which is much more injurious than biri cannot be stopped from the poor man, because of the peculiar circumstances I have stated, it is almost impossible to believe that a little biri or a hookah could be kept away from those poor people who are said to be—and rightly too—living on only one square meal a day. If that is the position, what a great burden would it be on those poor people, and would we be justified in taxing their little luxury or a little smoke which they indulge in to forget their miseries. Often when he is very much tired in the evening, it is a welcome thing, and we ought to consider that aspect of the case more seriously than we have done. We want money and I concede that so far as the use of tobacco is concerned many people are of opinion that it should be taxed. In fact, my Honourable friend, Sardar Sant Singh, has welcomed it, and probably his influence in the Cabinet or on the Treasury Benches may have had something to do with the taxation of tobacco. They do not want it; it is prohibited to them. But a large number of people do need it and need it very badly. My appeal to Government is, take their case into consideration very seriously. We must admit that we have not been able to do anything for improving the condition of the mass of people who are the users of biri. In this state of affairs I do not think it is fair that we should tax them.

I find a provision has been made with regard to tobacco that will be imported. That is quite right, but I would ask the Honourable the Finance Member not to treat excise duty as a tax which should be equivalent to import tax or import tax must be equivalent to excise tax. Imports into this country must be judged on their own merits. At present I do not think we have large imports, but when you are going to tax the poorest people, not in this country, but probably throughout the world, then the importation of good tobacco into this country and duty on manufactured imported tobacco must be much more.

The Honourable Sir Jeremy Raisman: It is.

Mr. Hooseinbhoy A. Lalljee: Because I do not find it here.

The Honourable Sir Jeremy Raisman: The customs duty on imported tobacco is very much higher than anything mentioned in this Bill.

Mr. Hooseinbhoy A. Lalljee: I am very glad. Another point which I should ask the Government to consider—and that has also been made by my friend from Madras—is this. I do not know how the grower can ever keep a record or any return. You have been telling us, everybody is crying hoarse that the poor agriculturist does not know even the amount of borrowing that he makes. The other day Sir Muhammad Yamin Khan said that people take his thumb impression and mark any amount. Huge numbers of these people do not know writing, they cannot afford to spend any cash. In fact, I have seen that they cannot afford to pay even a quarter of an anna to people who would write a postcard for them to be sent to their relatives. From that class of people, you want a return! Surely, Sir, I know that the Government, when their attention has been drawn to the subject, will exempt the growers from making any returns and when I make that appeal I also want to make one other appeal and that is this. It is high time that we should have marketing arrangements all over the country, if you really wish to do something for the agriculturists and here is a commodity from which you want to get a large sum. It is your first essential duty to get from the growers, either yourself or through an agent these quantities at a fair market price and then distribute it to others. It will remove all chance of the thing going underground at times. At the same time, it will also improve the condition of the agriculturist in that he will not have to put this *tambaku* under bondage for the advance that he receives from the banyas or, I may say, the Pathans or anybody else. I do not want to be communal in any respect. But you must do something of that kind if you really want to help the agriculturist and if you do not want that they should be harassed and if you do not want that he may pay the duty indirectly by having to pay somebody for preparing the returns. The amount that they will have to pay for this purpose would be as much as this duty. If it is to be provided by somebody else, then I have nothing to say, otherwise you will be taxing the growers. So far as my presidency is concerned, we have a very bad position in this respect. We are the worst in the whole of India in the matter of agricultural conditions. In Deccan, the condition of the agriculturist is the worst. So far as the fragmentation of land, to which my friend, Mr. Jamnadas Mehta referred is concerned, we have been fighting that matter for the last 30 years and we have not been able to do anything. These people were also growing *tambaku* and I ask in all fairness, now that you are going to have large revenues, will you not provide for taking over their *tambaku*. It is a commodity in which if the Government does invest it is not going to lose. They ought to have warehouses. They can even appoint agents, much more so because they are going to have this *tambaku* sold to those people who will cure it and give you a revenue out of it. It is a raw material which the curer must have, which you must preserve to get your excise duty, in like manner you have got the control of salt pans all over India. The removal of salt from the pan is under the Salt Revenue Collector. Nobody can remove a pound of salt from the salt works, even for sampling, without the permission of the Collector. Why all that restriction? That is because of the fact that you have to get 7 to 8 crores of rupees from the salt consumed by these people. If you are going to have *tambaku* in the same manner, have the same supervision. Give the same facilities as you give to the salt manufacturer. Take their salt. See that their salt is sold at a proper rate. See that their salt is not taken away when the prices are likely to go up. See that the salt is not taken away at a lower rate, when the market all over the country is high. I need not say much about salt to the Honourable Members of this House who are connected with the Central Board of Revenue and if they can manage so well with regard to the salt pans which are also cultivation pure and simple, why should not that facility be extended to the growers of *tambaku*. I know it is a fact that often when storms or other unforeseen circumstances happen and when the salt agricul-

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tourists are unable to produce the required quantity of salt, even grants are given to them. Government undertake to carry out some of their repair works. If you are going to do that in that manner, then there is no difficulty whatsoever but even with regard to the salt cultivation you have not put on those conditions as you are trying to put on with regard to the *tambaku*, that they should make returns. It is the *karkuns* that the Government have employed in a number of salt works who prepare these returns and not the agriculturists. So, if you are agreeable to that and remove the growers from here, it will be something fair and equitable.

Sir, I am very glad that a rebate of the duty paid will be allowed when it is exported. Finally, when I come to the Schedule, I once again ask the Government to seriously consider the rates. We find that six annas are provided for biris and two annas for cheroot. I am thankful to the Honourable Members who have explained to me that it is two annas to the cheroot, only because when it is manufactured there will be a heavy duty on the cheroot as much. Even then I contend that six annas is a very big sum. It ought to be reduced and in my opinion it would be much better if the rate is put at an average of three annas. It might be, as it is at present six annas in one case and two annas in another. It makes an average of four annas but I would suggest three annas. That will be very easy to work. So far as the *tambaku* that is used in biris is concerned, in some cases it is a better class of *tambaku*. In Madras I am told that poor people take to cheroots which are formed by a biri. However, whatever it may be, I do feel that a uniform rate of two annas or a maximum of three annas may be put if Government desire to do so. I do hope that the Honourable the Finance Member will carefully consider the position of the agriculturist and of the poor biri users.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadian Rural): Sir, I wonder how at this moment when people are suffering from want of food this Bill could have been drafted; introduced, discussed and passed in this House. The Bill affects the agriculturists most and the consumers to a large extent. It is a Bill meant for harassing the growers, the poor agriculturists, who are absolutely helpless, being illiterate, to understand the rules which have been framed under clause 14. Under this clause they are required to be cognizant of all the rules which they can hardly understand and which they have never followed. Not only that, this Bill has been very badly drafted. It requires a good deal of amendment and I am sorry that the amendments of which I have given notice cannot be discussed today because the Bill is erebefore under consideration. People in the Mufassil as well as in the towns are getting rather disgusted with the food situation and this tobacco has become a part and parcel of food. It does not give nourishment or nutriment but it has become a habit with people who can ill-afford to give up; they can give up their bread for a day but cannot give up this, their tobacco. This is their habit and habit is second nature.

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): It is a bad disease.

Mr. Amarendra Nath Chattopadhyaya: You have tolerated this disease for centuries and consequently you cannot do away with it. It is not a pernicious habit like that of wine or opium or *ganja*. Tobacco has become a natural stimulant. Every Indian home has become habituated to tobacco either as *stuff* or as biri or as cigar or as hookah. Consequently, when this Bill is going to tax tobacco, it is practically following the same principle which induced Government to tax salt. This Bill should have been sent out for eliciting public opinion but that we have failed to do. This Bill ought to have been examined by a Select Committee of the House. None of us has given any amendment to that effect. We are sorry that we have failed to do our duty. Almost every clause requires amendment in order to free the growers from the evil effects of this Bill. I have given notice of some amendments which I shall

have to deal with later on, but the whole Bill should have been opposed by this House and should be opposed even now but that is not possible. Opposition has no force in this House. Every Bill that the Honourable the Finance Member introduces here on behalf of Government will be passed even if we object to it. Consequently, my only appeal to him is to consider the whole situation. Had this Bill been drafted by an Indian, he would have been called a fifth columnist because he was creating disturbances and discontent throughout the whole agricultural population. In Bengal at the outset they had taken away all the boats from boatmen to create discontent in accordance with the "Denial policy". Similarly, Government are taking away tobacco from the agriculturists, who will be very much handicapped and who will feel the brunt of this tax. I am sure this Bill will create a good deal of disturbance in the villages and in the masses. Sir, I need not dilate upon the objections raised in this House by the previous speakers. My objection to this Bill is that the Honourable the Finance Member should give his best consideration to what we have said and also find out ways and means so that tobacco for biris, tobacco for snuff, tobacco for chewing and tobacco for hookah is not taxed. We appeal to him to give up these taxes and then have the Bill passed.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, if this Bill is passed and if this tax is levied, I am afraid of certain consequences which I want to bring to the notice of this House. Up to this time every edible object has been taxed and I do not want to repeat the names of those articles. Already the Government knows them. But this tobacco was a matter of recreation. Somehow, it has become a matter of habit for the people not only in India but all the world over. The villagers have not taken much notice of what was going on in this House. They were prepared and they have been prepared to pay tax on articles which were bringing them some profit. It has already been said in this House from the Government Benches that the prices of things have risen. Now, this ordinary tobacco is a thing which people in the villages enjoy as a recreation or on the occasion of their Panchayats or on the occasion of their marriage ceremonies. Even in your drawing rooms, even in your leisure hours and in your office, there is none, I think, who has not taken to this habit of smoking to concentrate himself on his work or for recreation.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): There are many exceptions.

Mr. Muhammad Azhar Ali: There are exceptions but even in the case of those exceptions I may say that they do take advantage of some other thing instead of tobacco.

Sir, tobacco was used in India by the poor cultivator to pay high rate of rent when the Zamindars used to exact from their tenants just as was the case with opium. A tenant paid his rent mostly from the yield and out of the income of opium. Tobacco is one of those articles from the income of which the poor tenant pays his rent more easily and quickly. We know that tobacco when it will be taxed like all other edible of the villages, the people in villages, towns and all over the country will know that it is also one of the measures to extract money out of the poor cultivator. This extraction of money, I submit, will not be a commendable object for the Government. Government have taxed salt and every one feels the pinch. If the Government is going to tax this article which was very great source of relieving the poor cultivator for the payment of his rent which is said to be very high in this country, I warn the Government, it will have a very deleterious effect on the minds of the villages of this country. When we know that you could get some money by borrowing or taxing the great mill-owners of this country, then where is the necessity of taxing an article from the yields of which the poor cultivator gets some relief in regard to the payment of his rent, etc. As I do not object to your levying tax as there is a great stringency for money, but is it a fact that you cannot do without this tax?

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of tobacco seedings he purchased from other growers. He has to maintain a record of the varieties of tobacco which he is planting, he has got to maintain a record of when he is going to harvest it, he has got to maintain a record of the actual weight of the produce harvested and so on and so forth. Well, Sir, all the people are not educated in this country. You know, Sir, that the agriculturist in this country is generally an uneducated person. How are the Government of India going to implement all these rules? Are they going to undertake a process of educating the agriculturist? Surely, Sir, any person who stays in Delhi, in the South Block or the North Block of the Imperial Secretariat, can easily produce a blue print. But who is going to actually work it out? Sir, I say that these rules reveal a colossal ignorance on the part of the framers of the Bill of the agricultural economy of the country, it betrays total ignorance of the competency or otherwise of the agriculturist and still the bureaucrats may rush in where angels fear to tread. But if you exclude the grower from the purview of this Act, you are on fairly safe ground. But whether you are able to collect the tax or not, whether trade suffers or not from one point of view or other, are all different questions. But why go to the primary producer. That is my main objection. But I do say Sir, that this process of getting at the producer and make him fill up various forms, 1, 2, 3, 4 and so on is simply un-understandable. The agriculturist has got to fill up a form where he is transporting tobacco after harvest, whether before or after selling it and all these various forms to be filled are a source of harassment in the life of the ordinary villager. Even if a man has one acre or half an acre of tobacco, he has to conform to many of these rules. My primary objection to this Bill is the restrictions contemplated under the rules so far as the grower is concerned. I do say that it would be impossible for the grower to fulfill any of the expectations that the framers of the Bill have in their mind that he should fulfill.

Sir, I should like to ask if before this Act was brought before the Legislature, any of the Provincial Governments were consulted. Of course, the position of the Provincial Governments, at any rate as regards a majority of them, is not what it used to be. If popular Governments were in functioning in all the Provinces, I am sure there would have been a howl of protest. Even as it is today, if the Government of India had consulted the Provincial Governments, they would have got some picture about how the people will be affected. Did any of the Provincial Governments say that the grower can be brought within the framework of this Bill. That is an information which is vital to enable this House to come to a correct decision and give its approval or disapproval of this Bill. So far as Madras is concerned, I, as a taxpayer of that Province should like to know how the Government of India are going to work this Act along with the Madras Act. What is the nature of the compensation that is going to be given to Madras in the event of the Madras Act being repealed? It is fortunate or unfortunate as the case may be according to the parties affected that those who bring forward this Bill have not got to seek the franchise of the people. If any person in power has to face an election after passing this Bill, I doubt very much whether he would get a single vote from the agricultural population in tobacco growing areas. I am sure the bureaucracy is not hampered by any such idea, and they will proceed with the Bill. From my experience in Madras with regard to an innocuous Bill as compared to this which does not contemplate as much harassment as this Bill, it produced repercussions in Madras which would have had its own story to tell, if there had been elections in Madras after the passing of the tobacco Act. The Government fully know that the people can never enforce their opinion on them because the Government do not have to seek the franchise of the people. The need for examining a Bill like this which vitally affects the primary producer and which affects the welfare of the producer is, therefore, all the greater. I should like to ask the Government if within their experience there had been another

excise Bill which had sought to interfere with the agriculturist in such a way as this Bill will interfere with the agriculturist. Looking at the various excise Bills passed by this House and by its predecessors, I cannot see any Bill which has had such a wide scope so far as it affects the internal economy of the people of the country as this Bill.

Sir, I do feel that apart from the question of rate of taxation which in itself as was mentioned by you, Sir, when you were speaking from the floor of the House, the Bill itself needs drastic revision. The rate of taxation is not fair. It is unfair to those people who manufacture biris. That is a matter which has to be gone into. There are two amendments tabled relating to this question and I think the rate of taxation can be gone into at that time.

What I should like to say at this stage is this, whether by alteration of the definition of the word 'curer' or by elimination that particular clause in section 14 the grower should be eliminated from the scope of this Bill. It is not my duty to suggest amendments for the efficient working of this Bill. It is for the Government to find out suitable amendments. I do say that if the grower is eliminated, you can buy all the tobacco that he grows by all means. You can have a system of private or public warehouses. I do not feel called upon to make any suggestions for improvement so far as a money Bill is concerned. I am not a participant in the power which the Government of India exercises. I do not feel that in this House I shall be called upon to make any suggestion how more monies can be collected by the Government. I would simply protest against your including this particular types of people, the growers and subject him to all the harassment contemplated under the draft rules. They cannot fill up all the forms. Whoever happens to be the author of this Bill I challenge him to fill up these forms intelligibly at the first attempt. What is the use of your multiplying all these forms. What the Honourable Member in charge of the Labour Department said the other day with regard to the question of economising stationery has an important bearing on this question. He made some pertinent remarks. Is this question of filling up 35 forms an attempt at economising stationery? Are you going to undertake a process of educating the agriculturists to fill these forms? It is absolutely fantastic, that is the mildest word that I can imagine for characterising this attempt on the part of the Government to make the grower fill up all these forms and subject him to such harassment in the bargain, the whole thing resulting in acute suffering to the grower. The people of the country are totally alien to this organisation which is sought to be set up by the Government. The Government of India themselves do not know what their requirements are. This Bill is going to inaugurate a species of harassment which will ultimately drive out the small grower from this field of activity. As a man who comes from a Province where the Act to tax tobacco is already in operation, I say that the Government should first of all eliminate the grower. They would lose nothing by it. There must be various other ways by which the Government can get money from tobacco. They can purchase and store tobacco, Government can enter the trade if they like, but whether trading interests will object or not, that is a different matter. I plead for the agriculturist. I plead for the man that grows tobacco. He may grow it on one land this year, grow the same on another land next year. There are places in southern India where this thing happens, where tobacco is grown on one land in one year and on another land in another year and he grows vegetable or cereals on the land on which he had previously grown tobacco. To ask him to fill up these forms is a harassment to him and is highly objectionable. I would urge upon the Government that so far as this particular portion of the Act is concerned, it should be amended. There was a motion for circulation. Call it circulation, call it postponement, call it amendment, let it be by any means, I plead for the elimination of the grower from the operation of this Act. I do not think that the Act can be worked as it is, and none of us can go back to our Provinces and justify our conduct to our constituencies if

[Mr. Muhammad Azhar Ali.]

I know you can do without it. You can tax some other articles. You can tax more the mill-owners who are profiteering in cloth at a very high rate. Why tax an article which is very necessary for the poor cultivator. Sir, I warn the Government simply of the most deleterious effects that will be produced by this tax.

Mr. H. Greenfield (Government of India: Nominated Official): Sir, frequent reference has been made by Honourable Members to the difficulty which confronts us in the operation of this excise. The difficulties which beset an excise of this nature are obvious and we have them constantly in mind. I submit, Sir, that this fact is indeed evident from the care and deliberation taken over the preparation of this measure which, as the Honourable the Finance Member has told the House, has occupied ten months. He made particular reference to these difficulties and described them in his speech as being formidable but not insuperable. On this point, I cannot, I think, do better than to quote the words of a former Finance Member, Sir James Wilson, who, speaking on this very subject, in 1860, said:

"Sir, when a Minister in England complains of the difficulty of a task he is not unfrequently told that he occupies his high office for the purpose of overcoming difficulties. Let us accept the same obligation."

Reference has also been made to the dangers which would ensue from interference with the cultivation. We are fully alive to these dangers. It is clearly to our interest to protect the tobacco cultivator from any kind of discouragement and we have every intention of doing this. We have no intention of allowing our goose to be killed. The rules may, at a cursory glance, appear to be complicated, but closer study will reveal that their impact on the individual cultivator will be slight. Control will in fact be exercised mainly at the warehouse and most of the growers will come into contact with excise officials, probably only once or twice a year. The ordinary cultivator is not required to submit returns; he has only to state orally the amount of tobacco he has grown during the previous year and the amount he intends to grow in the following year and these amounts will be taken down by the officer who visits him for that purpose. It has been urged that we should exempt the primary producer from participation in the new system. Our sole purpose in going to the cultivator is to obtain a complete tally of the crop and it is only from the primary producer that we can get such a tally. It has been suggested that instead of the proposed excise system tobacco should be made a Government monopoly. I do not know whether the Honourable Members who suggested this course appreciate that the existence of a monopoly implies complete prohibition of the cultivation of tobacco except in the controlled areas. The Honourable the Finance Member explained in his speech that the feasibility of this and other alternative methods has been considered several times in the course of the last eighty years and that the objections then taken to it are still valid and irresistible.

The suggestion has been made that individual cultivators may be harassed by subordinate excise personnel. We shall take every precaution to guard against this risk and in drawing up the establishment for the administration of the excise we have provided a generous proportion of superior personnel.

The rates of tax have been discussed in relation to the wholesale prices of tobacco but as the Honourable the Finance Member pointed out this is a consumer's tax and the rates must therefore be considered in relation to the retail prices. Special mention has been made of the case of biris and we were informed that biris are sold at from thirteen annas to three rupees a thousand. It is in relation to such prices that the rates of tax must be considered. We have now definite evidence as to what the effect of the tax will be on retail prices. Enquiries which have been made shew that out of eighteen varieties which are sold in the neighbourhood of this city the retail prices of six have not moved at all since the tax was announced; only two have advanced by as much

as 20 per cent.; and, for the rest, the increases in prices vary between eight and 16 per cent. *

The suggestion was also made that we should exempt ratoon leaf. I understand that the harvesting of such tobacco is bad farming because ratoon leaves perpetuate diseases of the tobacco plant. It may be, however, that the particular hard case which the Honourable Member had in mind will be sufficiently covered by the fact that only tobacco which is marketed will come under assessment. Moreover, exemption can if necessary be granted in particular cases under sub-clause (xii) of clause 14, under which the Central Government is empowered to exempt any tobacco from the whole or any part of the duty imposed by the Act; and exemption has, in fact, already been granted in respect of tobacco grown for the consumption of the cultivator or members of his household.

As to the rates of duty which have been prescribed in the Schedule, I may point out that a schedule of this nature has to be very carefully balanced and that in framing it a number of varied factors have to be taken into account; and any disturbance of the balance which has been struck may cause dislocation to the trade. As has been pointed out by the Honourable the Finance Member, it has been carefully calculated that these rates of duty will cause an increase in retail prices of not more than 20 per cent.

We were also reminded of the existence of provincial taxation on tobacco in certain parts of India. Negotiations have been opened with Provincial Governments and we hope that these local taxation measures will be withdrawn.

Finally, I should like to assure the House that the rules will be operated with the greatest sympathy and discretion and that the operation of the excise will be subjected to constant supervision which will be of a practical nature and will not be conducted from the seclusion of a fan-cooled office.

Mr. Ananga Mohan Dam (Surma Valley *cum* Shillong: Non-Muhammadan): Mr. Chairman, Sir, I want to draw the attention of the Honourable the Finance Member to the difficulties of agriculturists and request him to exempt them from this taxation. Sir, if you think of the difficulties of the agriculturist, you will find that salt was taxed long ago and the taxation is continuing, matches were taxed and it is continuing, postage was taxed and it is continuing, kerosene was taxed and it is continuing. In fact, we have not been able to give any relief to the poor agriculturist. Not only that, different measures have been introduced to decrease the rate of interest but what has been done for the poor agriculturist? Nothing at all. The result is he does not get money; his financial problem is acute. The Government has not brought forward any measure under which the agriculturist could derive some benefit and which will bring him some money. I also want to draw the attention of Government to jute crop in Bengal and Assam. There the poor agriculturist is getting nothing. Now tobacco is going to be taxed. At present the tobacco used for hookah is selling at Rs. 8 per maund and if the proposed tax of one anna per pound is imposed, the price of hookah tobacco will increase to 14 or 15 rupees, i.e., about 40 per cent. increase. We have not been able to help the agriculturist in any way and now we are trying to take away the little that they get from their sale of tobacco.

Sir, there are so many clauses in this Bill that it is very difficult to understand it properly. Agriculturists, as you know, Sir, are mostly illiterate and do not know anything about this, and, therefore, this Bill will involve them into more and more complications. I, therefore, earnestly request the Finance Member to exempt these poor people and not impose this taxation on them. When there are so many other sources open to the Finance Member of collecting money by taxing other people, I hope this little luxury of the poor people will not be taxed.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, for a long time I was thinking why tobacco is not taxed. Salt is taxed, postcard is

[Pandit Nilakantha Das.]

taxed, kerosene is taxed, matches are taxed, and yet tobacco is not taxed. After all, its turn has come. Sir, I consider tobacco-smoking to be not only a vice but rather an emblem of the conquest by the uncivilized West of the civilized East. When I think of tobacco I curse the day, when Columbus discovered America or when Sir Walter Ralley entered that continent. I do not know who first brought this tobacco to India. I cannot say if the Portuguese ever brought it from South America to India. I do not know if Akbar's long Aihata and Hookah contained tobacco. But I am always put in mind of the day when Sir Thomas Roe entered the Court of Jehangir with the present of a dainty leaf of tobacco.

The Honourable Sir Jeremy Raisman: I did not know that he was as old as that.

Pandit Nilakantha Das: Sir, I could have no objection when a thing which in my own way I have always considered to be a vice of humanity and not a material food is taxed. I do not think use of tobacco is a luxury. It eats into the very vitals of a person. I know our people chew it like the people of the South America chewing coca leaves with *chuna* (lime) only to kill their hunger. It is not a good thing and so I wanted that it should be taxed, and when this Bill actually came I considered it a very innocent Bill. But there is a clause (No. 14) under which all sorts of rules are to be framed. I did not know the rules had been framed already.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): A copy has been sent to us.

Pandit Nilakantha Das: I got it. But what do I find there? Is it contemplated that this year and next year some crores should be collected as penalty from cultivators and then our people would be prevented from cultivating a crop which means vice. If that is the intention, this Bill is all right. It is said that there is no intention of molesting the agriculturist, but what do we find here? My Honourable friend, Mr. Krishnamachari, took up this question, but he did not read these provisions to the House. They are so very appalling for it is so very cruel to the grower. Sir, rule 5 on page 2 of Tobacco (Excise Duty) Rules, 1943, reads as follows:

"Every grower shall in each year before making use of any land for growing tobacco make a true declaration in Form T. E. 1. in respect of all land upon which the tobacco is to be grown, giving the particulars specified in the Form and stating whether he intends to cure the whole or part of the tobacco when cut and gathered. He shall sign the declaration and deliver it to the proper officer:

Provided that where the grower intends to cultivate less than ten acres of tobacco he may furnish these particulars orally to the officer who visits him for this purpose.

6. Every curer shall in the month of November, each year, when applying for a licence to cure tobacco in the following year, make a true declaration in Form T. A. 1 in respect of every building or place to be used by him for the curing, sorting, grading or storing of tobacco giving the particulars specified in the Form and specifying the purpose for which each such building or place is to be used. He shall sign the declaration and deliver it to the proper officer."

Then, there is provision for inspection. The agriculturist has to tell the man who goes out for inspection whether tobacco is to be grown in less than ten acres, or more. If it is more than ten acres then there is another form.

The Honourable Sir Jeremy Raisman: Does the Honourable Member realize that if it is less than ten acres he does not fill up any form at all?

Pandit Nilakantha Das: Rule 5 says if it is more than 10 acres. Does it not mean less than 10 acres?

Mr. H. Greenfield: Where the grower intends to cultivate less than 10 acres, he may furnish these particulars orally to the officer.

Pandit Nilakantha Das: But the form should be filled up all the same.

The Honourable Sir Jeremy Raisman: No, no.

Pandit Nilakantha Das: He shall enter separately, when it is more than 10 acres, on the day of sowing any tobacco seed or planting any tobacco, the day of the sowing and the variety of the tobacco planted, and if more than one

variety is sown or planted, the area of the land sown or planted with each variety. Then there is a penalty either of Rs. 2,000 or Rs. 1,000 which is provided later on. I have not discriminatingly read it or studied it. When he takes it from one house to another the number of plants of each variety should be recorded, and he shall at least 48 hours before commencing of cutting the tobacco enter the date on which it is intended to commence the operation, and the place or places to which it is intended to remove the tobacco for drying. These are all for agriculturists! I leave the part which relates to the

Mr. H. Greenfield: This provision relates only to those who cultivate more than 10 acres of tobacco, which is a considerable area. Such persons are required to enter these particulars in a book which they retain. No return has to be submitted. The book always remains with the cultivator.

Pandit Nilakantha Das: I see that it is for more than 10 acres, but many of our cultivators of this money crop cultivate more than 10 acres, and especially in the province of my friend, Mr. Krishnamachari. I know it, for it is contiguous to my province. Then "he shall not cancel, obliterate or alter any entry in the book". Those that know our cultivators must realise how difficult all this is. Then comes the question of transport. There are more stringent provisions here. Then there is the penalty if all these provisions are not complied with—either Rs. 1,000 or Rs. 2,000 as has been provided for in the Act itself. So in the course of a year or two you will for all practical purposes make the cultivation of tobacco just like the cultivation of *ganja* or opium. There will be no cultivator without a license. It will then come to this that cultivators will be completely ignored, and licenses will be given only to bigger men, men like those sitting in the Treasury Benches, if not bigger.

Dr. P. N. Banerjea: Do you insinuate that they smoke *ganja*?

Pandit Nilakantha Das: They get a contract for cultivation from Government. I do not object to smoking.

Dr. P. N. Banerjea: Smoking *ganja*?

Pandit Nilakantha Das: Yes. It may ultimately mean relief to the taxpayer. But it will be in effect a licensed cultivation just as in the case of *ganja* and also in the case of opium. Perhaps it has been stopped in the case of opium, for we now purchase only Malwa opium and provision opium has been stopped. So, I do not think this tobacco cultivation will remain the common money crop in the country.

I draw the attention of the Government to this aspect of the question. If they want to make money, it is for their interest I say that they should not put restrictions like these on our ordinary cultivator. They should not throttle this staple money crop all over the country. Jute is not grown in all parts of the country. Cotton is not grown everywhere. But tobacco, if you call it a money crop—for it is not a food crop—is grown everywhere in the country. So, if you do not want to stop it ultimately only after realising for a year or two during the war time your money only by penalties, then please for India's sake revise your rules. I have intrinsically no objection to a tax on high class tobacco, and perhaps none of my friends will have any objection for high class tobacco, and you may by compromise go some distance to meet the case of low class tobacco and its consumers. Personally, I do not consider it a food. It is a useless luxury and a vice. When that will come to be considered in course of moving amendments, I shall say what I have got to say about various items which have been perhaps taxed unequally.

Last of all as my friend has already remarked, the bureaucratic officers sit in their rooms under *punkhas* and study everything from the reports from below and provide for our people whom they do not know, whom they have not seen. But I believe there are now in highest places of administration, Indian Members, even Members like my Honourable friend, Dr. Ambedkar, who know our people, the very poor class of people, very well, for the doctor represents the poorest class of our population, and he may be asked whether what I say is true. Therefore, it is very doubtful whether these rules will operate properly to serve

[Pandit Nilakantha Das.]

the purpose for which this Bill has been placed before the House. With these words, Sir, and this warning, I resume my seat.

(At this stage, Maulana Zafar Ali Khan and Dr. Banerjea stood up simultaneously.)

Dr. P. N. Banerjea: I give way to my Honourable friend, Maulana Zafar Ali Khan, as I wish to speak last.

Mr. Chairman (Mr. Jamnadas M. Mehta): In the meantime I have called upon you, Dr. Banerjea, to address the House. Unless you do so now, you may lose your right to speak later on.

Dr. P. N. Banerjea: All right. Sir, I am the most dispassionate and disinterested opponent of this motion. I am not a smoker and this Bill will not affect me in the slightest degree. As a matter of fact I find it exceedingly difficult to stay in a room where people are smoking, and I become very uncomfortable when persons smoke at a distance of a few yards from me. Why then do I oppose this measure? When I say that I am dispassionate, I mean that so far as my personal feelings are concerned, they are not affected; but I am not altogether dispassionate. I feel for the poor; I have a soft corner in my heart for the poor people of this country as well as of other countries; and it is because I feel that this measure will adversely affect the poor cultivator, the poor field labourer, the poor artisan and the poor factory labourer that I oppose this measure.

Now, as I suggested the other day, tobacco is good for manual labourers, men who work with their hands; but it is bad for brain workers, men who are engaged in intellectual pursuits. It is very unwholesome for brainworkers,—it is a sort of poison for them,—and I would advise all my friends in this Assembly to eschew tobacco altogether. But when I find that for the poor labourers it is a sort of conventional necessity, that it gives them some relief after toil, it produces a soothing effect on their nerves after hard work, I cannot but feel sympathy for them. I have seen with my own eyes the work done by the cultivators in the fields; and I have seen with my own eyes the work that is carried on by the industrial labourers in factories. I believe that this measure will adversely affect the health and comfort of the poorer sections of the community.

The Honourable the Finance Member told us the other day that the Taxation Enquiry Committee suggested the adoption of this tax in the tax system of the country. That is true, but at the same time the Taxation Enquiry Committee pointed out the difficulties which would have to be encountered in imposing a tax upon the production of tobacco. They suggested that there should be a sales tax and a licence tax. They do not wish that the tax should be extended to the production of tobacco.

Now, what are the difficulties which have to be encountered in pushing taxation to the extent that is desired by the Honourable the Finance Member. The previous speakers pointed out that in India the cultivation of tobacco takes place on very small plots, that the cultivators are generally illiterate and that they are exceedingly poor. When the tax-gatherer goes to these people, there will be a great deal of harassment and oppression. In order to avoid this harassment and oppression I would advise the Honourable the Finance Member to confine his attention to the levy of the tax only on the manufacture and sale of tobacco in factories, large or small, but not on the manufacture by the individual cultivator who produces the tobacco for his own use or for sale in the village. That would be a much simpler method of obtaining the revenue from these sources.

Then I should also like to point out that the Government will have to appoint a very large number of officers to go to the villages and to the fields, and the expenses that will be involved in this process will be very great. A large portion of the revenue which will be derived will be eaten up by the expenditure which will have to be incurred in collecting the tax. For these reasons I hope

the Finance Member will see his way to confine the taxation within reasonable limits. The Honourable the Finance Member pointed out the other day that tobacco is taxed in almost every country in Europe

The Honourable Sir Jeremy Raisman: In the world.

Dr. P. N. Banerjea: . . . but the conditions of India are very different from the conditions in many other countries. India is a land of small cultivation and India is a land of poor people. So, in view of these differences, I hope he will revise his opinion and will not embark on any policy which will create very great discontent among the poorer sections of the community.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, everybody knows that there is no taxation without representation. My Honourable friend, Sir Jeremy Raisman, ought to know it because this principle was propounded by the mother of parliaments—Britain

Sardar Sant Singh (West Punjab: Sikh): He does not know it.

Maulana Zafar Ali Khan: Constituted as this House is, with a very comfortable majority for the Government, they can carry out any measure they like with these Benches empty, with us only having the power of raising our voice, however high-pitched that voice may be—we may have stentorian lungs but nobody listens to us; so I am sure that in spite of our opposition you will be able to carry this measure through. But we must have our say. My Honourable friend, Pandit Nilakantha Das, referred to Sir Walter Raleigh. Sir Walter Raleigh in the fifteenth century returned from America and introduced tobacco to England. From England it spread to Europe, from Europe it spread to Asia, till not a single spot on this whole broad earth was left, in which tobacco was not grown and tobacco was not smoked. Since that time tobacco has become a luxury with some and a necessity with most. Necessity for some, as in the case of Mr. Churchill who cannot sign his Atlantic Charter without having a cigar in his mouth. I am an inveterate smoker myself, and some of my Honourable friends give me credit for composing poetry, when I have a hookah in front of me, without it I cannot write even one line. So, with the help of hookah I composed two lines yesterday and asked my Honourable friend, Mr. Nauman, to repeat them to the House, but he forgot to do so because he does not smoke. So I will repeat those lines myself.

*"Dua do Raisman ko Maxwell ko aur Benthall ko
Hakumat chal rahi hai aikal in teen ke sar par,"*

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

In plain English, it means, Long live Raisman, long live Maxwell, long live Benthall. for this Holy Trinity is piloting the barge of State.

Mr. President (The Honourable Sir Abdur Rahim): I am afraid that has nothing to do with the motion under consideration.

Maulana Zafar Ali Khan: Sir, I am one of those who think that if the deficit in the Indian Budget has to be met at all, it should be met by borrowing and not by taxation. I do not know the principles, acting upon which the Government made up its mind to tax up to Rs. 40 crores and borrow the rest of 20 crores. Why not borrow those 20 crores also as they could very well have done? But what they want is to tax, and tax, and tax.

Mr. President (The Honourable Sir Abdur Rahim): All that has been urged repeatedly.

Maulana Zafar Ali Khan: It has been said. But, I have to cover the ground.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on repeating the same argument.

Maulana Zafar Ali Khan: With due respect to the Chair, we are on the tobacco question to-day. As I have told you, this measure will be carried, but the rules framed under it are so bewildering and so harassing to the poor agriculturist that they need to be revised in consultation with a committee of this House; and it is for the benefit of the Government that I make this suggestion. I

[Maiana Zafar Ali Khan.]

admit that if the war is to be won, money is to be found. But money is not to be realised in this way, in the way in which they propose to realise it under this tobacco scheme.

There are many ways in which tobacco is consumed; cigarettes, high class cigarettes, cigars, Havana cigars, then there is hookah, there is biri, and then there are pipes and so on. The high class tobacco might be taxed, but the lower class which is the only luxury left to the poor agriculturist in this country should not be taxed at all. They say that luxuries ought to be taxed. Certainly, but the poor agriculturist who cannot keep his body and soul together—has only one luxury which is the soothing leaf called tobacco. You must look to him and to his requirements. He ought to have some solace. He does not get soup, he does not get fish, or omelettes, he does not get eggs, or butter or all those other luxuries. The only luxury that he has is tobacco. Why deprive him of that? You say you have made arrangements under this measure to exempt the agriculturist to the extent of meeting his requirements. But the rules that you have made in this connection will be causing great harassment to the poor agriculturist and you will find it very difficult to carry out this measure. Once again I remind you of your own interest. As a last resort I appeal to you to give up this tax altogether. But if you are bent upon carrying it, if you do carry it, then with the help of a committee of Members of this Assembly and in consultation with them, revise those rules, modify those rules and make them workable.

With these words, I oppose the motion.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): Sir, I do not wish to go into the ethics of smoking, or whether it is a right to be exercised by men or by women, or the history of the plant going from one country to another—but I want to put a few matter of fact questions and I want the Honourable Member to realise the difficulties of the tobacco grower in a village. The rules framed will show that the whole responsibility of filling up the Form is thrown on the grower himself. The grower in the village is illiterate, uneducated—and for this illiteracy this Government is responsible—and how can you expect the illiterate grower in a village to write all these details which you put down in rule 11 (a), (b), (c), (d), 1, 2, 3, and 4? When the seed is sown, when the plant is grown, when it is cut, when it is removed from one place to another place—if these are not properly entered, you are going to levy a penalty. Another thing is this. You say that the grower must inform 48 hours before he cuts the crop. Have you realised that after intimation, the weather conditions may not be favourable for cutting the crop, or manual labour may not be available? Is this poor man to suffer—for I do not say the folly of the framers of the rules, —but the weather conditions which prevent him from carrying out what he has written? I think it would be better if the responsibility of whatever you want filled up by the grower—the responsibility of that is thrown on the officer himself. Why do you wish to save the officer the trouble of filling in these details? Why do you wish the poor illiterate man to fill up all these minute details? I hope you will see the reasonableness of my suggestion. Again, so far as cutting part is concerned, when you say that the man must inform 48 hours before cutting the crop, there may be all the difficulties, such as, getting labour, or weather conditions. I hope that these two points which I have made are such as would meet with your consideration. After all, you have made an exception in the case of a man who cultivates 10 acres. You have to fix some limit and you have put down 10 acres. Do you not think that the man who grows 11 acres or 12 acres would have a similar difficulty? I can understand if the man who cultivates the tobacco crop is in a position to reap out of the crop as much money as will enable him to keep a clerk to fill up all these details. But how much according to your calculations is this grower of 11 or 12 acres likely to make as a profit? Moreover, the man has to fill up all these forms. It

may be that the crop may be spoiled. You want all these columns filled up. It may be that for some reason or other I do not get the crop in my hands, but I have to go through all this trouble unnecessarily. All these points are, of course, likely to strike a cultivator better and I would like to suggest, if it is not very late, that you should take into consultation some cultivators or men who are agriculturists in this House before you pass these rules.

The Honourable Sir Jeremy Raisman: Sir, I will only deal with one or two broad aspects of this matter, because the Honourable

4 P.M. Member who spoke from these Benches a little earlier in the debate has explained the points of detail

which had been criticised up to that time, I would like to say by way of explanation that the idea of introducing this tax in this Budget occurred to me about the time of the last Budget. In fact, my first idea was to introduce it during the time of the last Budget. The more I studied the matter, the more I realised that it was a matter of very great complexity and that even in war time when the general necessity for additional revenue was widely accepted it would be difficult to introduce this tax unless a great deal of careful work had been done. It was, therefore, soon after the last Budget session that I placed an officer on special duty to study this matter in all its details, to go into the whole history of the proposals for tobacco taxation, to study the conditions in which the crop is cultivated, to familiarize himself with all aspects of the matter, to consult such persons in the Provincial Governments who would be primarily concerned, to get to know the trade aspects and to report to me whether it was feasible to go ahead with this scheme. Well, Sir, that officer has covered the whole of this ground with very great care, made a recommendation to me, from which I concluded that it was feasible and indeed that there were no serious difficulties provided that we kept in mind certain important principles. One of these principles is that the tax should be levied in such a manner that it was at a point most removed from the cultivator or the grower of tobacco. In fact, if it had been possible to work out this scheme by completely excluding from consideration the tobacco as grown in the field, no one would have been happier than myself. In fact, we found that if the scheme were not to lend itself to evasion at a higher level, it was necessary for us to attempt to collect a certain amount of information about the tobacco before it reached the stage at which the tax would be levied.

Now, Honourable Members have spoken about the difficulties and the hardships of the grower but I would ask them to recognise that our only dealing with the grower is in order to provide a check for our own purposes so as to be able to see that the wholesale dealer or trader at a later stage is not evading the tax. Unless we know from the beginning particularly how much tobacco was grown and where and when, it would be extremely difficult for us, when we come to levy the tax, to keep a check on the persons whom we are mainly concerned to deal with in the collection of the tax, because those wholesale dealers and traders are very well able to pass, and I have no doubt that they will pass, the whole of the tax on to the consumer and, of course, my object is to raise the tax from the consumer. It is from the consumer that the tax will be raised. Well, Sir, I can assure the House that we have taken the very greatest care in following this back from the consumer through the various channels of trade to the stage of cultivation. We have taken the very greatest care to refrain as far as possible from any undue interference with the grower or the cultivator.

Now, it is true that a body of statutory rules had to be drawn up which purport to attempt to cover every contingency but we are fully aware of the difficulties which Honourable Members have mentioned in this House and it is our intention to see that the administration of this tax is not burdensome to the grower. We realise quite well that if there is one way in which this tax will fail it will be because we do not have regard to the difficulties of the growers and if we were not prepared to see that that requirement was reasonably satisfied, then we might as well give up the idea of collecting this tax at all. I, therefore, wish to assure the House that that aspect which has been brought out so

[Sir Jeremy Raisman.]

prominently by Honourable Members is the one aspect of this matter with which I have been primarily concerned throughout our consideration of this tax.

Now, Honourable Members have drawn attention to obligations in the matter of giving information only, which are laid on growers on ten acres or more of tobacco and my Honourable friend, Mr. Deshmukh, asked me what was the position—I suppose he meant financial position—of a man who grows 11 or 12 acres. I understand his financial position to be that that crop would result in a net profit of the order of Rs. one thousand. I submit that it cannot be contended that the man who is engaged in handling a crop which will result in a profit to him of that magnitude is incapable of attending to broad businesslike questions such as what is the time when he sowed the crop or when he intends to harvest.

Mr. T. T. Krishnamachari: A man's resources bear no relation to his being literate.

The Honourable Sir Jeremy Raisman: My Honourable friend from Madras tells me that the size of a man's financial resources and operations has no relation whatever to the extent of his knowledge. I quite agree that a man may be extraordinarily ignorant and yet be a millionaire. (An Honourable Member: "They often are.") What I do contend is that it is not beyond the resources or the ability of a man in that position to get somebody to perform simple operations for him.

Pandit Nilakantha Das: Is it net income that you refer to?

The Honourable Sir Jeremy Raisman: Yes. And what I do suggest is that already in the course of handling a business of this size, to call it business even if it is agricultural, he must be in a position to deal with requirements which are no more exacting than this. I am afraid my Honourable friend may disagree but I hold to my opinion and in any case I do not think, for the reason which I have already given, it will be through lack of ability on the part of particular growers to comply with our requirements that any penalties will arise because the Department will be fully impressed with the extreme desirability of assisting growers and cultivators to deal with this kind of matter.

Mr. Govind V. Deshmukh: May I ask a question? The rules, as framed, are obligatory. Supposing the man is not able to carry them out as, for instance the cutting of the crop, would he not be fined as is provided and would that also not be a weapon of harassment in case he is unable to carry out his promise?

The Honourable Sir Jeremy Raisman: It is impossible to carry out the administration of any tax without having an ultimate sanction, but what I am talking to the House about is our objects in regard to the administration of these matters and the spirit in which we intend to have them carried out. It will certainly not suit our purpose when a tax of such large revenue potentialities is involved to fail by reason of allowing the harassment of the grower by petty officials. It is for that reason that the Honourable Member who spoke from these Benches pointed out that we intend to provide good quality supervision of the administration.

Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member allow the discussion of the rules?

The Honourable Sir Jeremy Raisman: These rules can be amended at any time by us. The object of this tax is not, as I said, to oppress the cultivators if only for the reason that they will yield us no revenue. The object is to see that the tax is levied at certain later stages and that those who consume tobacco and those who provide tobacco for these consumers make their contribution to the revenue. That is the only object and everything else is merely subsidiary and ancillary. We should be committing suicide, so to speak, in relation to this measure if we allowed ourselves to fall down on the subsidiary or ancillary matters which are necessary for the efficient levy of this tax.

Pandit Nilakantha Das: Is it contemplated that the supervisor or any other officer will have any responsibility in the keeping of records for the agriculturist?

If he cannot, will any part of the responsibility be on the officer or the supervisor? That will solve matters.

The Honourable Sir Jeremy Raisman: The general responsibility will be to see that this information is forthcoming with the minimum friction and the minimum harassment. That is the policy.

Now, Sir, I would claim that so far from being any disadvantage to the grower, the enactment of this tax will be a very great advantage. I was at pains this morning to explain how in the course of our investigation of the best manner of levying this duty we found numerous opportunities whereby the position of the grower could be improved. Although my Honourable friend, Mr. Jamnadas Mehta, spoke somewhat slightly of the 10 lakhs of rupees which I have offered to provide in order to carry out these objects, I can assure him that those who are concerned with the improvement of the agricultural conditions, with the improvement of the quality of leaf and the conditions of marketing tobacco, regard 10 lakhs as a very useful sum indeed and a great deal can be done with 10 lakhs a year in the spheres which I indicated. The present position is that the grower grows very often a very poor type of tobacco and which is not as good as he could grow. When he comes to sell it, he frequently is defrauded in the matter of weight; if he takes it to market, he frequently gets a lower price than he ought to have got according to prevailing prices at the time and generally he is very much at the mercy of a number of people who are much more competent and capable than himself and whose business it is to trade in his produce. The grower is the least able of these parties to defend himself and, as I have indicated, there is plenty of room for doing tremendous benefit to the grower in this field. It has in the past not been followed to the extent that it should have been by reason of lack of finance, but precisely because this tax is capable of being a very lucrative tax, there will henceforward be no difficulty in providing the finance necessary to improve the position of the grower. And that is why I claim that so far from doing harm to the grower, the introduction of a system of taxation of tobacco in India will enable us to do him a tremendous amount of good.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill to provide for the imposition and collection of excise duties on tobacco be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now deal with the Bill clause by clause. Clause 2.

Sir George Spence (Secretary, Legislative Department): Sir, I move:

"That in clause 2 of the Bill, after sub-clause (f) the following sub-clause be inserted:—
(g) 'factory' means any premises wherein tobacco is manufactured."

Sir, this definition will operate in relation to the reference to factories in sub-clause (ix) of clause 14 (2). The object of the definition is to make it clear that the power conferred by that sub-clause to make rules for the inspection of factories is not confined to those factories which are factories within the meaning of the Factories Act.

Sir, I move.

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

"That in clause 2, of the Bill, after sub-clause (f) the following sub-clause be inserted:—
(g) 'factory' means any premises wherein tobacco is manufactured'."

The motion was adopted.

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

Clauses 3 to 14 were added to the Bill.

Mr. Amarendra Nath Chattopadhyaya: Sir, I move:

"That in Part I of the Schedule to the Bill, sub-part II be omitted."

Mr. President (The Honourable Sir Abdur Rahim): When did the Honourable Member give notice of this amendment?

Mr. Amarendra Nath Chattopadhyaya: I gave notice long ago. Sir, the rates of duties mentioned in the Schedule seem to me very heavy, particularly on biris. The rate of duty for biris is six annas. Biris are generally used by middle-class people and poor people. This rate of duty on biris as compared with the rate of duty on cigarettes and cheroots is very large indeed. In our country tobacco is of various qualities and its prices differ greatly. In Bengal the prices differ very largely. The difficulty with the growers in regard to tobacco is too much. They have to depend entirely on the rates of different types of tobacco. They produce different types of tobacco by a process of drying and through that process they have to make up their mind as to the quality of the tobacco. It entails a lot of trouble for the growers.

The proposed duty of six annas is very heavy and it works out to over 400 per cent. This is the idea which the tobacco manufacturers have given us. I am personally not at all interested in this, because I am not a smoker. But, Sir, whenever I feel that this Government is going to tax unnecessarily those poor people who cannot live without the articles chosen for taxation, I cannot but lodge my emphatic protest. My amendment aims to do away with Part II of Part I, namely, country tobacco intended for manufacture of biris, cigars, hookah tobacco and snuff. The Honourable the Finance Member has taken up the attitude of taxing tobacco in any shape. If he taxed only cigarettes, cigars and cheroots, which are generally used by people who are in a position to pay the tax, I would not have objected to his proposal. We all know that prices of every thing have gone up and we believed that this Government while imposing this tax will take into consideration the situation in the country. But it appears that Government has ignored it altogether. If the Honourable the Finance Member had no intention of growing difficulties of the poor agriculturists, the Government of India should not have chosen such articles for taxation as are generally used by that class of people. People are getting much disturbed on account of food and they do not find money. Now, this tax has been imposed. This article is used by about 90 per cent of the people who are really agriculturists and labourers. These people will have to pay for their smoke a tax which they can ill-afford to pay. Sir, it is really surprising that, although there are many other commodities, many other articles on which taxes could have been levied without disturbing the peace of mind of poor masses, the Honourable the Finance Member has chosen tobacco. Sir, these biris are generally used by poor tongawalas and people of that type, chew tobacco. In order to give these people some relief, I object to the passing of this part of the Schedule. Sir, I move.

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

"That in Part I of the Schedule to the Bill, sub-part II be omitted."

Mr. Jamnadas M. Mehta: Sir, I am sorry to say that there is something topsyturvy about this part of the Schedule. Tobacco, which is most luxurious is least taxed and the lower the quality, the higher is the tax. In earlier part of the day when I was making my observations I invited the attention of the Honourable the Finance Member to that. I said that the tobacco which was now eight rupees a maund and the tobacco which was fifty rupees a maund were both liable to the duty of 0-6-0 per pound. He denied it and said that it was one anna and not six annas. At that time I could not lay my hands on my copy of the Bill. Therefore I relied on his authority. But now I have got even greater authority and that is his own Bill. There I find exactly what I was submitting. In Part II of the Schedule you will find that for cigarettes it is six annas and for biris it is six annas, for cigars and cheroots it is two annas and for hookah, which is the most luxuriant type of smoking, it is one anna. Hookah smokers are Nawabs.

An Honourable Member: The rickshaw coolies in Simla smoke hookah.

Mr. Jamnadas M. Mehta: Simla men to whom my Honourable friend is referring are poor people and their hookah is but a poor imitation of the real magnificent and genuine hookah, which is an incomparable prince among the smoking instruments. Therefore, in any case, you will see, Sir, that the country tobacco for biris is taxed at six annas. My Honourable friend told me that it was one anna. Of course there is, later on, one anna for something different to that. But I was right when I was pointing out that cigars and cheroots are to pay two annas and the lowest kind of country tobacco is to pay six annas which is very topsyturvy that my Honourable friend, Sir Henry Richardson should pay two annas.

Sir Henry Richardson (Nominated Non-Official): I don't smoke.

Mr. Jamnadas M. Mehta: When you do. That Sir Henry Richardson should pay two annas and that a poor cooly who smokes a biri should pay six annas.

The Honourable Sir Jeremy Raisman: Has my Honourable friend realized that in addition to the tax on the leaf tobacco for cigars or cheroots, there is a heavy tax which is leviable in addition on the manufactured product.

Mr. Jamnadas M. Mehta: But I am only talking of this part. In this part they are so wrongly discriminated that it is better to bring them in proportion to their capacity on a level of equitable incidence of the taxation.

My Honourable friend forgets further that these biri smokers are poorest of the poor and one of the arguments given by Mr. Greenfield was that for a seer of this country tobacco you can manufacture one thousand biris and that is not the scale on which cigars or cigarettes are manufactured. Therefore, the tax, though apparently heavy, when spread over a thousand biris becomes, it is claimed, lighter in incidence, which means that so far as the article is concerned, it is taxed most heavily because otherwise you cannot tax every poor man who smokes on the same heavy scale lest on a thousand biris they have to pay less per biri. That is not a just scale of weighing their capacity to pay, and I think there is something really wrong about my Honourable friend's Schedule (Part II) about country tobacco. Therefore, my Honourable friends who are interested in the poor man's tobacco and the House which has so far pleaded for sympathy for the poor man's tobacco, will be justified in carrying this amendment to a division and testing Government's—I will not say sincerity, but I will say their earnestness. We will see whether they are earnest in their avowals.

Mr. T. T. Krishnamachari: They are neither sincere nor earnest about anything.

Mr. Jamnadas M. Mehta: I want to say it in their favour, being a charitably-inclined man.

My Honourable friend has realized what I told him for the first time during the discussion on the general Budget, that this is not the only tax which he proposes to levy. There are Provincial Governments which have levied taxation. Especially in Bombay, the country tobacco is taxed 400 per cent. over the level of 1932. We were told that the Government appreciated that point and that they are in communication with the Provincial Governments wherever such extra taxation exists and they have proposed to the Provincial Governments that they can receive their income through the Central Government and repeal their special additional taxation so that a kind of uniformity can be brought about in the country. So far so good. But I wish to point out to my Honourable friend that there are different causes for levying this taxation in the Provinces. For instance, in Bombay this tax was levied only for improving the deficits of the Bombay Improvement Trust. Now, if he gives this income to this Provincial Government, the origin of the tax will be forgotten and this will remain a permanent tax on the province although the deficit of the Improvement Trust might be over. So, I ask him to study further the problem to see how far further relief either for the Central revenue or for the tobacco man is available.

[Mr. Jamnadas M. Mehta.]

My Honourable friend has shown such genuine sympathy for the tobacco grower that I am prepared to take him at his face value, and I am sure with such emphatic avowal of genuine sympathy for the grower he will see that in no way this will prejudice his economic prospects. Remember that every man who grows tobacco pays land revenue and agricultural produce after payment of land revenue has no obligation to pay any tax to the State. Land revenue is the only taxation on agriculture and tomorrow at this rate you will tax wheat, day-after-tomorrow millet. Therefore, this tax on tobacco will become in addition to the land revenue which I do not think you are empowered to levy although you may technically be right and your legal advisers may be right in advising you to do so. I would request that Government should keep in mind four things: Tax the luxurious man as much as you like; tax the profiteers

Sardar Sant Singh (West Punjab: Sikh): Even if it is inamoral.

Mr. Jamnadas M. Mehta: To some extent. But the two people who are to be spared by you, and whom this amendment seeks to protect are the agriculturists and the poor consumer. Therefore, if this part of the Schedule (sub-part II of Part I) goes out, our object will be largely met. Therefore, I beg of my friend, Mr. Chattopadhyaya, to carry this amendment to a division, whatever the result.

Mr. T. T. Krishnamachari: Sir, in this amendment the item (b)—biris—is largely consumed in the South. It has been said that the biri manufacturers—bēeds as we call them in Madras—thrive on sweated labour. They engage labour for whom they pay very little and that is how the industry is carried on. In the city of Madras there are about 13,000 workers engaged in the biri manufacture. I would like to tell my Honourable friends of the Muslim League Party that 95 per cent. of these are Muslims. Sir, people who have been interested in this class of workers have been trying to get them better wages, but on every occasion the manufacturers were approached they said that their profits were very low and they could not afford to pay higher wages. It was demonstrated in some cases that any increase in the price of biris brings down the consumption of biris. In fact, those people who smoke biris are people whose income is below the marginal level of subsistence, and naturally when the prices of biris they smoke are increased, the consumption goes down and there is a lesser production of biris. There is a certain amount of justification in the plea of biri manufacturers when they say that if they increase the price of biris and pay the workers more the consumption drops. Anyway, it has been a matter of Hobson's choice. Workers have been underpaid. Manufacturers would not pay them more. If we press the matter to a strike, these workers will have to go out into the street. That is the position in which these workers are situated, and still the Honourable the Finance Member assures us that the officer who investigated the position has given him an assurance that every thing will be all right when the proposed tax is imposed. The tax at the rate of six annas for one pound of biri tobacco producing 1,000 biris will put up the price of the article which now sells at 1-8-0, 1-10-0 or 1-12-0, per thousand by another six annas. Does the Government believe that the same quantity of biris will sell when the price is increased by six annas. If that is so then the economics I have learnt must be completely wrong and I shall have to sit at the feet of the Economic Adviser to the Government of India and learn again. That the amendment is sweeping in its scope is not against it as the primary fault lies with those who have framed the rates of the tax at levels which are not reasonable. There is, I believe, a valid ground for revising the rate regarding biris, having in view that the workers in this industry should not be thrown out of work. If you insist on this tax, they will be the people who will suffer. It will not be the employer, but the

worker. I, therefore, add my voice to that of my Honourable friend, Mr. Jamnadas Mehta, and urge the House to tell the people of this country that they are not behind this Bill. I support the amendment.

Maulvi Muhammad Hussain Choudhury (Bakarganj cum Faridpur: Muhammadan Rural): In supporting the motion of my friend, Mr. Chattopadhyaya, I must tell you, Sir, that I was not at all prepared to speak on this Bill, but seeing that such a Bill is to be passed, I shall be failing in my duty if I do not speak on it. Sir, I come from Bengal and there there was a legislation like this. As a matter of fact, there was such taxation upon three items when I was a member of the Bengal Legislative Council, and one of them was tobacco. Sir, it was greatly resented by the people at large, so much so that during the elections one of the most prominent men took this plea against another prominent man and the result was that the man who was partially responsible for this taxation was defeated. So, Sir, from these bare facts, you can realise how this taxation was resented to by the people. Speaking of the poor agriculturist, they have nothing with which to entertain a friend. We can entertain a friend with a cup of tea. They entertain their friends with tobacco. Tobacco has become a part and parcel of their daily necessities of life. They only enjoy it when they feel tired. Then they take tobacco and feel soothed. So, Sir, I call this kind of taxation, the worst type of it, especially at a time like this when the question of supply of food and clothing has become so acute in the whole of India. Sir, I need not dilate upon this subject very much because my previous friends, the Honourable Members, have spoken at length, so I need not speak at length. I support the motion of my friend, Mr. Chattopadhyaya.

Mr. H. Greenfield: Sir, I oppose this amendment. In doing so I need only say that the price of biris per thousand goes up as high as Rs. 3. As one Honourable Member explained, the average weight of tobacco in a thousand biris is one pound. Some of the smaller and cheaper varieties, however, do not contain more than two thirds of a pound of tobacco per 1,000 biris and in such cases the incidence of the tax would be only four annas. But we have had practical demonstration of what will be the variation in price as a result of this tax, because enquiry in this neighbourhood has shown that out of 18 varieties which are sold here the prices of six have not advanced at all since the tax was announced. Only two have gone up by as much as 20 per cent. and the increase in the remainder varies between 8 and 16 per cent.

In regard to the point made by the Honourable Mr. Jamnadas Mehta as to the tax on tobacco used in the manufacture of cheroots, I must explain that the low rate of two annas a pound is applied to the leaf because a very large proportion of the cheroots made in Madras are consumed by poor people, and these cheroots will not bear a higher tax than two annas a pound.

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

"That in Part I of the Schedule to the Bill, sub-part II be omitted."

The motion was negatived.

Mr. Amarendra Nath Chattopadhyaya: Sir, I move:

"That in Part I of the Schedule to the Bill, in sub-part II, items Nos. (1) (b), (1) (d), and (1) (e), be omitted."

I pleaded for the deletion of the whole of Part II. Consequently knowing the fate of that amendment, I do plead again to the Honourable the Finance Member that this amendment on biris, tobacco and snuff be adopted. I have got no fresh argument to put forward except this, that these are the very things which affect the masses. Of course, my honourable friend, Mr. Jamnadas Mehta, said that hookah tobacco is for rich men mainly. I would point out to this House that generally all the agriculturists in Bengal smoke hookah

[Mr. Amarendra Nath Chattopadhyaya.]
tobacco. There is not a single house of an agriculturist that has not this tobacco. There is not a single house among the middle-class people that does not have the hookah. Generally speaking every poor man is addicted to the habit of smoking and every middle-class man also smokes biri. With regard to snuff, this is a stimulant of intellectual Sanskrit scholars and pandits. They do not smoke but they take snuff. Finally, when I plead for the deletion of these three heads from this Act, I plead with the idea that by taking away these taxes, Government will not lose much, and I hope the Honourable the Finance Member will accept this little amendment.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:
"That in Part I of the Schedule to the Bill, in sub-part II, items Nos. (1) (b), (1) (d), and (1) (e), be omitted."

The amendment will be discussed on Saturday.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 20th March, 1943.

LEGISLATIVE ASSEMBLY

Saturday, 20th March, 1943.

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.

Mrs. Renuka Ray, M.L.A. (Nominated Non-Official),

Mr. Noel Victor Housman Symons, C.I.E., M.C., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

GRIEVANCES OF THE STAFF OF THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

338. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member be pleased to state if it is a fact that as the annual increment is not given to the people of the Binding Department of the Government of India Press, New Delhi, they wish to go to other Departments when vacancies fall vacant there, but their applications are not forwarded?

(b) Is it or is it not a fact that some people were given a trial in which they were successful, but they have not been provided with a situation uptil now?

(c) Is it or is it not a fact that many a time the Manager has been asked that until the annual increment is enforced in the Binding Department, those who are already working in that Department should be given a chance and situations should be provided for successful candidates in preference to outsiders, but the Manager did not heed these requests?

(d) Are Government prepared to take the successful candidates in the 'Distributory' Section so that those who have passed the test may not suffer?

The Honourable Dr. B. R. Ambedkar: (a) No. Transfer of industrial employees from one establishment to another is governed by the National Service (Technical Personnel) Ordinance, 1940.

The application of one warehouseman who applied last January for service in the Air Force was in fact forwarded.

(b) One warehouseman qualified as a distributor in the test held in 1941. As there were other candidates who had qualified earlier and as the post of distributor does not lie in the ordinary range of promotion of warehousemen, the qualified warehouseman was not appointed to the vacancies that occurred.

(c) The answer to the first part is in the negative. The second part does not arise.

(d) The successful candidates will be considered for distributors' posts in accordance with the rules.

Qazi Muhammad Ahmad Kazmi: As regards the answer to part (d) of the question, may I know the position exactly as regards those who had been given a trial and were found successful?

The Honourable Dr. B. R. Ambedkar: As I said, there were other candidates who had qualified earlier.

Qazi Muhammad Ahmad Kazmi: But as far as those persons who were found successful are concerned, will their claims be considered?

The Honourable Dr. B. R. Ambedkar: Certainly.

SELECTION GRADE POSTS IN THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

339. *Qazi Muhammad Ahmad Kazmi: (a) When selection posts have been announced in nearly all the Departments of the Government of India Press, New Delhi, will the Honourable the Labour Member be pleased to state why no such selection grade posts are given to the Binding Department?

(b) Is it or is it not a fact that previously the strength of the Binding Department was 50/60 persons and for the supervision of their work there was one foreman, one Jamadar and one Binding Examiner, but now that the strength has increased to 135 persons, there are still only three persons in the supervisory rank?

(c) Are Government prepared to divide the Binding Department into two sections and provide one more Foreman, Jamadar and Examiner?

The Honourable Dr. B. R. Ambedkar: (a) There is a selection post of Bindery and Warehouse Foreman in the Bindery of the Press.

(b) The previous strength was over sixty and there was only one supervisory post of a Bindery Warehouse Foreman. The present strength in the Bindery is 107 including 20 temporary war posts and there are now three persons in the supervisory rank.

(c) No.

Qazi Muhammad Ahmad Kazmi: I did not quite catch the reply of the Honourable Member. May I know whether he admits the increase of numbers that I have given?

The Honourable Dr. B. R. Ambedkar: Yes. I said that the present strength in the Bindery is 107.

Qazi Muhammad Ahmad Kazmi: With that increase, will the Honourable Member consider the advisability of increasing the supervisory staff in view of the increase in the number of the lower paid?

The Honourable Dr. B. R. Ambedkar: I will consider.

GRIEVANCES OF THE PIECE WORKERS IN THE MACHINE DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

340. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member be pleased to state whether or not it is a fact that there are several persons in the Machine Department of the Government of India Press, New Delhi, who are employed on piece work and several on salary?

(b) Is it a fact that all piece workers are not given an equal amount of work with the result that some get more wages than others?

(c) Is it a fact that officials show partiality and favour to some in the allotment of work in such a way that there is a very unequal distribution of wages and the wages of a large number of piece workers amount to very little and do not suffice for their requirements and the maintenance of their families?

(d) Do Government propose to consider the advisability of giving equal work to all, so that at the end of the month all should have a nearly equal amount of pay and thus redress their grievances?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) The answer to the first part is in the negative. The second part does not arise.

(c) No.

(d) This is actually done but equal work does not ensure equal earning. The attention of the Honourable Member is invited to the reply to part (c) of barred question No. 85 given in this House on 17th February, 1941.

Qazi Muhammad Ahmad Kazmi: May I know whether the Honourable Member has made an enquiry into the allegation that the actual distribution of his work at present does not give equal wages to the persons employed?

The Honourable Dr. B. R. Ambedkar: The answer is based on enquiry.

ANNUAL ELECTION FOR THE WORKS COMMITTEE OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

341. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member please state if it is a fact that the annual election for the Works Committee of the Government of India Press, New Delhi, which is held on 14th April, is not properly conducted?

(b) Is it or is it not a fact that the voters are not called one by one but all the voters gather together and stand in the room where the votes are received?

(c) Are Government prepared to make proper arrangements for keeping the

voters away from the clerk concerned, and to allow only those to come forward who are called to give their votes?

The Honourable Dr. B. R. Ambedkar: (a) and (b) No.

(c) This practice is already being followed.

Qazi Muhammad Ahmad Kazmi: Did the Honourable Member make an enquiry as to the complaints that were made to the polling officer at the time the votes were taken and satisfy himself that there were complaints of the kind that I have made in the question?

The Honourable Dr. B. R. Ambedkar: No. I will make enquiries if the necessity arises.

Qazi Muhammad Ahmad Kazmi: Now that I have put the question, will the Honourable Member be pleased to make an enquiry whether it is a fact that the complaints that are made are correct?

The Honourable Dr. B. R. Ambedkar: Yes.

NON-APPOINTMENT OF A MUSLIM AS ASSISTANT RESEARCH OFFICER IN THE IMPERIAL INSTITUTE OF VETERINARY RESEARCH.

342. *Mr. H. A. Sathar H. Essak Sait: With reference to the promise made by the Honourable Mr. N. R. Sarker, the then Member-in-charge of the Imperial Institute of Veterinary Research, in reply to my out motion on the 10th March, 1942 (Assembly Debates, 1942, Volume I, page 900), that a Muslim will be appointed in preference to the first choice of the Federal Public Service Commission provided a Muslim is included in the list of candidates, will the Education Secretary be pleased to state whether any Muslim was included in the list of candidates recommended by the Commission for the appointment of Assistant Research Officer for Foot and Mouth Disease, which vacancy was advertised in the *Pioneer*, dated the 17th February, 1942? If so, was the post offered to such Muslim candidate in pursuance of the said promise? If not, why not?

Mr. J. D. Tyson: If the Honourable Member will verify his reference he will find that the words used by the Honourable Mr. N. R. Sarker were—“Government would reserve the right to appoint a Muslim in preference to the first choice of the Federal Public Service Commission provided a Muslim is included in the list of candidates recommended by the Commission.”

In the instance to which the present question relates, a Muslim was included in the list of candidates recommended by the Federal Public Service Commission and the post is being offered to him.

Mr. H. A. Sathar H. Essak Sait: My question refers to the last selection. Is it not a fact, with reference to the answer to part (1), that a Muslim's name was included but he was not taken?

Mr. J. D. Tyson: I have said that a Muslim's name was included and the post is being offered to him.

Mr. H. A. Sathar H. Essak Sait: But he was not taken then.

Mr. J. D. Tyson: Nobody has been taken. The post is being offered to him. The offer has probably reached him by now.

Mr. H. A. Sathar H. Essak Sait: Is it not a fact that this post was advertised after the cut motion and selections were made after that, and in the selections two names were included. The first was the name of a non-Muslim and the second was of a Muslim and then the non-Muslim was appointed on a higher salary than what was advertised. My Honourable friend is referring to something that happened later.

Mr. J. D. Tyson: I am referring to the present position. A Muslim was included in the list and the post has been offered to him. The Muslim was not the first nominee in the list; he was the second.

PRIORITY OF MUSLIMS IN GAZETTED CADRES IN THE IMPERIAL INSTITUTE OF VETERINARY RESEARCH.

343. *Mr. H. A. Sathar H. Essak Sait: (a) With reference to the reply of the Honourable Mr. N. R. Sarker, the then Member-in-charge of the Imperial Institute of Veterinary Research, to my out motion on the 10th March, 1942,

will the Education Secretary be pleased to make a statement on the improvement in the position of Muslims in all the gazetted superior and inferior cadres in the services of the Institute since that date?

(b) Were several gazetted posts in the Institute advertised lately? If so, what steps have been taken to ensure that an adequate number of Muslims are appointed to these vacancies?

Mr. J. D. Tyson: (a) Only one appointment has been made in the gazetted cadre of the Institute since the 10th March, 1942. There has been no change in the number of Muslims in the gazetted cadre since that date. In the non-gazetted cadre the percentage of Muslims has increased from 22.4 in January 1941 to 25.8 in March 1943.

(b) Yes. In each case it has been stipulated that the appointing authority reserves the right to appoint a Muslim if included in the selected list of candidates recommended by the Federal Public Service Commission.

Mr. H. A. Sathar H. Essak Sait: With reference to the answer to part (a), will my Honourable friend tell me whether this increase is in the cadre of temporary appointments or permanent appointments?

Mr. J. D. Tyson: I am afraid I must ask for notice of that.

Mr. Lalchand Navalrai: Even though a member of the Hindu and Muslim communities stand equal on the list, may I know if preference is given by the Public Services Commission to a Muslim?

An Honourable Member: Yes, if the post is to be filled by a Muslim.

Mr. Lalchand Navalrai: Why do you say, "yes"? I am asking the Member in charge, I say "no".

Mr. J. D. Tyson: The Honourable Member seems to have answered his own question.

DESIRABILITY OF HAVING A RECONSTRUCTION DEPARTMENT.

344. *Sir F. E. James: Will the Honourable Member representing the Commerce Department be pleased to state:

(a) if the Government of India consider that the task of preparing for the transition period from war to peace is vitally important and that preparations should be undertaken even during the war for the study of the problems involved;

(b) if he is aware that the elaborate machinery set up in 1941 for the study of problems of reconstruction is cumbersome, entrusted to the hands of those already more than fully employed, and in any case has not yet fully functioned;

(c) if he is aware that the considerable progress made by the Demobilisation Directorate of the Adjutant General's Branch of the General Headquarters will be largely stultified unless adequate plans are made in consultation with Provincial and State Governments, industry, labour and educational institutions, for the absorption of large number of members of the Defence Forces into civil employment after the war;

(d) if, therefore, he will consider the desirability of setting up a separate Department or Section of Reconstruction in charge of an officer with a status equal to that of a Secretary, and directly responsible to the Honourable Member for Commerce, adequately staffed and with effective liaison with the other Departments of Government principally concerned; and

(e) if he will also consider the advisability of requesting the Governments of the Provinces and principal States to appoint Reconstruction Officers who will be in direct touch with the Reconstruction Department of the Government of India?

Mr. T. S. Pillay: (a) to (e). I would invite the attention of the Honourable Member to the observations made by the Honourable the Finance Member on the subject of post-war reconstruction in the course of the debate on the Finance Bill on the 17th March, 1943.

Mr. F. E. James: Might I address a question to the Honourable the Finance Member, in view of the fact that the observations in his speech on the

Finance Bill do not really answer all the points in my question? I am aware that he may not be in a position today to fill in the details of the scheme outlined in his speech. May I ask him whether he will be prepared to make a fuller statement on the subject before the end of the Session, in answer, if necessary, to a short notice question?

The Honourable Sir Jeremy Raisman: I hope that it may be possible to give a more detailed statement of the Government's intention before the end of this month.

CANCELLATION OF NEWSPRINT IMPORT LICENCE OF THE *Railway Herald*.

345. *Mr. Lalchand Navalrai: Will the Honourable Member representing the Commerce Department be pleased to state:

(a) the quota of newsprint allotted to *Railway Herald*, Karachi, by the Chief Controller of Imports for the period ending the 31st December, 1941;

(b) if it is a fact that an import licence for the newsprint was obtained from the Assistant Controller of Imports, Karachi, for the quota referred to in (a) above;

(c) if it is a fact that Messrs. J. N. Singh and Company, Limited of Lahore, tendered the import licence, referred to in (b), to the Assistant Controller of Imports for Bombay and if the same was cancelled; if so, why; and

(d) if Government propose to revive the licence so cancelled; if not, why not?

Mr. T. S. Pillay: (a) A newsprint import quota of 6 cwts. 2 qrs. and 10 lbs. was allotted by the Chief Controller of Imports to the *Railway Herald*, Karachi, for the quarter ending 31st December, 1941.

(b) Yes, Sir.

(c) No Sir.

(d) This question does not arise. I may, however, explain for the information of the Honourable Member that the validity of licences issued for September to December 1941 against which a shipment did not take place during that period was subsequently extended to the end of April, 1942.

Mr. Lalchand Navalrai: Was the newsprint given under that licence afterwards?

Mr. T. S. Pillay: I can only say that the licence was extended to the end of April 1942.

ORDER INVESTING MAJOR GENERAL WOOD WITH POWERS OF CIVIL AND MILITARY ADMINISTRATION IN ASSAM.

346. *Mr. K. G. Neogy: (a) Will the Honourable Member representing the Indians Overseas Department be pleased to state if it is a fact that sometime in 1942 Major-General Wood was invested with the full authority of the Government of India in the spheres of the civil and military administrations in respect of the Province of Assam and in relation to certain duties with which he was entrusted at that time? If so, does the Honourable Member propose to lay on the table a copy of the relevant order or notification?

(b) Under what provision of law was this step taken?

The Honourable Sir Sultan Ahmed: (a) Major General Wood derived his powers from rule 133 of the Defence of India Rules which empowered him to exercise any power conferred on any authority by any of those rules and from a direction issued to Provincial Governments under clause (a) of section 126A of the Constitution Act instructing them to take immediate action in accordance with any requirement made by him for the purposes of his post. A copy of the Defence of India Rules is in the Library and a copy of the telegram embodying the declaration under section 126A of the Constitution Act is laid on the table.

(b) Rule 133 was made under the powers conferred by the Defence of India Act and the direction was given by the Central Government under the powers conferred by clause (a) of section 126A of the Constitution Act.

FALL IN COAL OUTPUT OF BENGAL AND BIHAR COAL FIELDS.

349. *Mr. K. C. Neogy: Will the Honourable the Labour Member please state if it is a fact that the output of coal in the Bengal and Bihar coal fields in the year 1942 was considerably less than that of the previous years? If so, what were the percentages separately of the decrease as compared to the output for the years 1939, 1940 and 1941? What are the factors responsible for this reduction in output?

The Honourable Dr. B. R. Ambedkar: No. The output of coal in the Bengal and Bihar coalfields for 1942 was very considerably above that for 1939. The peak year to date has been 1940. There was a very slight drop in 1941 on the 1940 figures and a further slight drop in 1942. The total drop on the 1940 figures is less than one per cent.

As the drop in production is so slight no detailed enquiry has been held into its cause.

Mr. K. C. Neogy: Has any representation been made to the Government of India by the trade interests on this particular point, mentioning any grievance due to which this drop might have occurred?

The Honourable Dr. B. R. Ambedkar: I have no information as yet.

REPAIRS OF THE DURGAH OF MAKHDUM SHAH SAHIB, QUTAB ROAD, DELHI.

+350. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Education Secretary kindly refer to the replies to starred questions Nos. 456 and 307 asked by Maulana Zafar Ali Khan and Maulvi Syed Murtuza Sahib Bahadur on the 21st March, 1941, and the 1st April, 1942, respectively, relating to the Durgah of Makhdum Shah Sahib, Qutab Road, Delhi, and state whether the remaining graves in that Durgah have since been repaired, and a gate at the main entrance thereof provided?

(b) If the reply to (a) be in the negative, are Government prepared to allot the necessary funds for this purpose during the current year to meet the long standing demand of the local Muslim public?

(c) Is it a fact that the total length of the passage between the Durgah and the main road which is sought to be broadened does not exceed 60 feet?

(d) Is it a fact that the cost of the acquisition of land for the purpose mentioned in (c) above will not be very high, and will be commensurate with the benefits accruing to the general Muslim public from this improvement?

(e) Do Government propose to give notice of acquisition to the owners of the land adjoining the passage immediately in order to concede this demand of the Muslims?

Mr. J. D. Tyson: (a) No.

(b) No funds can be found during the current financial year which is drawing to a close, but the work will be taken up during the forthcoming financial year.

(c) No. It is over 800 feet.

(d) and (e). Having regard to the fact that the public already have access to the monument by a foot path Government do not consider that expenditure on acquisition of land and the construction of a road would be justified at the present time.

DESIRABILITY OF HAVING MUSLIM CHOWKIDARS FOR THE MUSLIM PROTECTED MONUMENTS IN DELHI.

+351. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Education Secretary kindly state the number of the Muslim Protected Monuments in the Delhi Province?

(b) What is the total number of chowkidars employed by the Archaeological Department to look after them?

(c) How many of these chowkidars are Muslims and non-Muslims?

(d) Is it a fact that the monuments mentioned in (a) above comprise many mosques and Maqbaras?

(e) Is it a fact that Muslims have strong religious scruples against the employment of non-Muslims to take care of their religious places?

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

(f) Do Government propose to see that all such places of religious sanctity in the Delhi Province are looked after by Muslim chowkidars, and that all non-Muslims entrusted with the care of them are transferred forthwith?

Mr. J. D. Tyson: (a) There are 137 protected monuments of the Muslim period.

(b) Four Head Chaukidars and 35 chaukidars.

(c) Two Head Chaukidars and 18 Chaukidars are Muslims and the rest non-Muslims.

(d) Yes.

(e) and (f). As far as possible, Muslim chaukidars are posted at mosques which are in regular religious use.

UNSTARRED QUESTION AND ANSWER.

MANUFACTURE OF CONDENSED OR DRIED MILK IN INDIA.

61. Mr. E. L. C. Gwilt: (a) Will the Honourable Member representing the Food Department be pleased to state whether condensed or dried milk is being manufactured in India?

(b) Are the firms so manufacturing receiving any subsidy from Government or the Army?

(c) What are the names of the firms and locations of their factories?

(d) What, in volume, is the anticipated incidence of annual production of each of the factories concerned of condensed milk and dried milk?

(e) Are these being manufactured from (i) cow's milk, (ii) buffalo's milk, or (iii) a mixture of both?

(f) Is it the intention of Government or the Army to purchase any supplies of condensed and dried milk manufactured in India? If so, have they contracted to do so, and at what respective prices?

Mr. K. G. Ambedkar: (a) and (c). Condensed milk is produced by the Military Dairy Farms and dried milk by Messrs. National Nutriment Ltd., Benares. Government are not aware of any other manufacture of condensed or dried milk on a commercial scale.

(b) Military Dairy Farms are, of course, run by the Defence Forces but no firm is receiving any subsidy.

(d) The Benares factory is reported to produce 78 tons of dried milk per annum.

(e) Dried milk is manufactured from buffalo's milk, condensed milk from a mixture of cow's and buffalo's milk.

(f) Condensed milk from the Military Dairy Farms is taken over by the Defence Forces. The Benares factory is being inspected in connection with a proposal to place a trial order. The latter part of the question does not arise.

MOTION FOR ADJOURNMENT.

SENTENCE OF DEATH ON AND CONFISCATION OF PROPERTIES OF PIR OF PAGARO.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment of the business of the Assembly from Mr. Yusuf Abdoolah Haroon. He wishes to discuss a definite matter of urgent public importance as reported in yesterday's newspapers, namely, the sentence of death and confiscation of movable and immovable properties of Sayed Sabghatullah, Pir of Pagaro, by a Martial Law Court in Sind; and its repercussion on the Martial Law administration in Sind. Is there any objection to this motion?

Mr. C. M. Trivedi (Secretary, War Department): Sir, I beg to submit that a sentence passed by a court is not a proper subject for an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): Does that include a Martial Law court also?

Mr. C. M. Trivedi: In this case the sentence was passed by a Martial Law Tribunal, but this does not affect my submission.

Copy of a Telegram from the Government of India, in the Defence Co-ordination Department, New Delhi, to all Provincial Governments and Chief Commissioners, No. 980, dated the 5th March, 1942.

Major General Wood has been appointed with plenipotentiary powers Administrator General, Eastern Frontier Communications. Importance of these communications is now for obvious reasons of defence of paramount importance overruling all civil considerations. Notification issues to-day empowering Wood where he considers it necessary or expedient for purposes of his post to exercise any power conferred on any authority under Defence of India Rules. In addition to these extraordinary powers Wood is being informed that he may expect all Provincial Governments to take immediate action in accordance with any requirement made by him for above purposes and to afford him every facility and complete co-operation. This should be taken as direction from Central to Provincial Government under section 126A (a) of Constitution Act.

Mr. K. O. Neogy: Is the Honourable Member sure that the authority which was given to him initially mentions all the provisions of the law that he has quoted on this occasion?

The Honourable Sir Sultan Ahmed: The latest order is to be found in the telegram to which reference has been made by me in my previous answer.

Mr. K. O. Neogy: Telegram to whom?

The Honourable Sir Sultan Ahmed: To all the Provincial Governments, saying that this should be taken as a direction from the Central Government under section 126A of the Constitution Act.

Mr. K. O. Neogy: Is it not a fact that near about the 2nd March a sort of personal authorisation was made by His Excellency the Governor General investing this officer with the full powers of the Government of India, both on the military and the civil side, so far as the province of Assam is concerned?

The Honourable Sir Sultan Ahmed: It may have been so but the real direction is to be found in the telegram to the Provincial Governments under section 126A of the Constitution Act, dated the 5th March, 1942, which is the latest order on the subject.

Mr. K. O. Neogy: If there is an earlier order on the subject, as stated by me, will the Honourable Member be pleased to lay it on the table?

The Honourable Sir Sultan Ahmed: I submit it is not necessary, because the latest order is contained in the telegram, dated the 5th March, 1942, under which he was acting.

Mr. K. O. Neogy: It may not be necessary from the Honourable Member's point of view but it is very important, I may tell the House, from the point of view of the constitutional powers exercised by the Viceroy and the Government of India.

The Honourable Sir Sultan Ahmed: I submit that Major General Wood really was acting mainly on the telegram, dated the 5th March, 1942, and therefore he was not so much acting under the previous executive order.

Mr. K. O. Neogy: So, it was a *Badshahi panja* that he initially carried with him? Was the Government of Assam consulted before this special action was taken?

The Honourable Sir Sultan Ahmed: The consultation with the Local Government was not considered necessary. It is entirely within the discretion of the Central Government to issue directions under section 126A of the Constitution Act.

Mr. K. O. Neogy: Has the Government of Assam strongly protested against this direct supersession of their authority by a single officer of the Government of India?

The Honourable Sir Sultan Ahmed: No, Sir.

PAYMENT OF COMPENSATION FOR INDIAN-OWNED PROPERTIES IN BURMA TAKEN OVER BY BURMA ARMY.

347. ***Mr. K. O. Neogy:** (a) Will the Honourable Member representing the Indians Overseas Department be pleased to state whether Government are aware that certain properties belonging to Indians in Burma had been taken over by the Burma Army during the course of military operations before the fall of Burma?

(b) Is it a fact that claims for compensation in respect of such properties have been lodged with the Government of Burma and/or the Burma Army authorities, in India? If so, what steps have the Government of India taken to see that these claims are expeditiously settled? How many claims have been lodged, and how many have been settled or paid up-to-date?

(c) Do the Government of India propose to impress upon the Burma Army authorities or the Government of Burma that such claims should be settled as expeditiously and in as businesslike a manner as possible?

Mr. A. V. Pai: (a) Claims to that effect have been lodged with the Government of Burma.

(b) The answer to the first part is in the affirmative. The Government of India have on several occasions represented to the Government of Burma the desirability of expediting the settlement of such claims. The Government of Burma have received in all 1,375 claims in respect of property requisitioned or acquired under the Defence of Burma rules by or on behalf of the Military authorities and in respect of goods supplied and services rendered to those authorities. 977 claims have so far been settled.

(c) As already stated in reply to part (b) the Government of India have made suitable representations in the matter to the Government of Burma.

EXCLUSION OF CERTAIN PROPERTIES IN BURMA DESTROYED DUE TO "DENIAL SCHEME" FROM BURMA GOVERNMENT'S WAR RISKS INSURANCE (GOODS) SCHEME.

348. ***Mr. K. O. Neogy:** (a) Will the Honourable Member representing the Indians Overseas Department please state if it is a fact that property destroyed at the instance of the Burma authorities as a part of the "Denial Scheme" in Burma has been excluded from the definition of War Risks as given in the Burma Government's War Risks Insurance (Goods) Scheme and that this has materially prejudiced the interests of many Indians in respect of their property in Burma?

(b) Are Government aware that considerable dissatisfaction prevails among Indians whose claims for compensation have been summarily rejected for this reason, and that they may be driven to the necessity of obtaining the decision of British Indian Courts of Law on the interpretation put by the Government of Burma on their War Risks Insurance Scheme on this point?

Mr. A. V. Pai: (a) I am informed that the Board of Management of the War Risks (Goods) Insurance Scheme constituted under the War Risks (Goods) Insurance Rules of the Government of Burma have decided that loss or damage caused by denial measures is not a loss or damage within the meaning of "war risks" under those Rules.

(b) Government have reason to believe that those whose claims have been rejected are dissatisfied. I understand that the Burma Government contemplate certain amendments in the rules so as to extend the time allowed by the rules for the filing of suits in order to permit of the institution of suits in Burma after the war.

Mr. K. O. Neogy: In view of the material difference between the provisions of the War Risks (Goods) Insurance Rules of India and those of Burma, in this particular matter, will the Government of India consider the desirability of making a representation to the Government of Burma to reconsider their attitude with regard to part (a) of the question?

Mr. A. V. Pai: I am afraid I cannot make a representation on a question of law.

Mr. K. O. Neogy: It is not a question of law. It is a question of equity. I take it that there is a substantial difference between the two rules in question, on this particular point. If that be so, do the Government consider it desirable to make a representation to the Burma authorities on grounds of equity?

Mr. A. V. Pai: I shall consider it and send a copy of the question and answer to the Government of Burma.

Mr. President (The Honourable Sir Abdur Rahim): What rule is the Honourable Member referring to?

Mr. O. M. Trivedi: I am not referring to any rule, but this is what I consider to be the position.

Mr. President (The Honourable Sir Abdur Rahim): I can quite understand the judgment of an ordinary court not being the subject-matter of an adjournment motion, but does that apply to the sentence of a Martial Law Court also?

Mr. O. M. Trivedi: A Martial Law Tribunal is constituted under the Martial Law Regulations.

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

Mr. O. M. Trivedi: I have got the Martial Law Regulations with me here. The court is a court constituted under the Martial Law Regulations.

Mr. President (The Honourable Sir Abdur Rahim): Apart from this point of order, is the Honourable Member taking objection to leave being granted?

Mr. O. M. Trivedi: Yes, Sir, I object to it.

Mr. President (The Honourable Sir Abdur Rahim): So far as the point of order is concerned, I rule that the sentence of a Martial Law Court can be the subject-matter of an adjournment motion and that it stands on a different footing in this respect from the judgment of an ordinary court. As objection has been taken to this motion being moved, those who are in favour will rise in their places.

(Less than 25 Honourable Members rose.)

As less than 25 Members are in favour of leave being granted, the leave is refused.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE LABOUR DEPARTMENT.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I beg to 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."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, there are several Standing Committees attached to the different Departments, but there is no Standing Committee of this House which numbers only three. Now, what can be the reason for the small number of Members elected by this House? Either the Labour Department is not an important Department, or it may be due to the fact that the Standing Committee is never called, or called very rarely, to discuss any matter. I should like to have information on either of these two subjects. Is the Labour Department an important Department? I find that it is in charge of a very eminent person like Dr. Ambedkar. Even if it was an unimportant Department before, it should cease to be an unimportant Department at the present day at least so long as he is in control of the subject. But if it is to be an important Department, the Standing Committee should consist of a much larger number of persons. Look at the Standing Finance Committee, look at the Standing Finance Committee for Railways, and look at the Public Accounts Committee. The number of Members of any of these Committees is much larger than three. I am told that this Committee does not meet very often—I do not know whether it is a fact—and that even when it meets, not much business is placed before this Committee. If that be so, I am afraid the utility of the Committee will be greatly diminished. I therefore, appeal to the Government to increase the number of Members to eight. I understand that two Members are selected from the other place. I suggest that eight Members should be elected by this House. If you like, you may increase the number of Members given to the other House.

The Honourable Dr. B. R. Ambedkar: Sir, I am very glad to notice that this motion of mine has excited so much interest from the House. The number three, as I understand, is based neither on the importance nor on any other consideration, but I am told that it is a standard number and that if there are any enlargements or deviations from the standard number, they constitute only an exception and not the rule.

Now, Sir, with regard to the point raised by my Honourable friend Dr. Banerjee that the reason why the number was fixed at three is because the Department pays scant courtesy to this Committee, I submit, is not borne out by facts. The House will notice from what I am saying now that in 1940 there were two meetings of this Committee held and some very important business was placed before the Committee. For instance, at the two meetings that were held in 1940 the subject-matter that was placed before the Committee included the conclusions of the Labour Conference, report of the Technical Training Inquiry Committee, scheme for the training of skilled artisans and accommodation in Delhi. In 1941 there was one meeting held and the business placed before the Committee included conclusions of the second Conference of Labour Ministers and progress made with the technical training under the Bevin training scheme. In 1942 one meeting was held and there was also an adjourned meeting held subsequently. The proceedings of the third Conference of Labour Ministers, the summary of the views of the employers and workers' representatives on certain subjects, building programme in Delhi and Simla, proposals relating to the recognition of Trade Unions, progress made with the technical training under the Bevin training scheme and amendments of the National Service (Technical Personnel) Ordinance, 1940, were the subjects that were placed before the meeting of the Committee. I am sure nobody can say that the Department has not been placing before the Committee matters which are of importance and interest to Labour.

Then, the other thing I would like to submit to the House is this that this is not the only Committee to advise the Labour Department. Besides this, we have now instituted a Plenary Conference which consists of representatives of the Central, Provincial Governments, and also the Indian States, the representatives of employers and of labour, are also represented on the Plenary Conference on a very extensive scale. There is no case for so large an increase asked for by the Honourable Dr. Banerjee. In addition to that we have also got the Standing Labour Advisory Committee. Having regard to the circumstances I hold the view that if there was any case for the enlargement of the personnel of the Committee, that case has considerably suffered by reason of the constitution of the Plenary Conference as well as by the Standing Labour Committee. However, if my Honourable friend is anxious that the personnel of this Committee should be increased, I am prepared to increase the number to eight—assigning five to this House and three to the upper Chamber: and I hope this will satisfy my Honourable friends in this House.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Will the Honourable Member please tell the House whether Members of this Committee are members of the Plenary Conference?

The Honourable Dr. B. R. Ambedkar: Some of them are—Messrs Mehta and Joshi are members both of the Plenary Conference as well the Standing Committee.

Mr. H. A. Sathar H. Essak Sait: Are they ex-officio members of the Plenary Conference?

The Honourable Dr. B. R. Ambedkar: No, they represent their organisations.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, in view of the war conditions this Labour Committee has become very very

[Maulvi Muhammad Abdul Ghani.]

important. It deals with the labour questions. Besides, as has just been pointed out by the Honourable the Member in charge, this Committee deals with many other important questions such as building matters.

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

The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five 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 MEMBERS TO THE STANDING COMMITTEE FOR THE SUPPLY DEPARTMENT.

Mr. J. A. Mackeown (Government of India: Nominated Official): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five non-official Members to serve on the Standing Committee to advise on subjects with which the Department of Supply is concerned, during the financial year 1943-44."

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, five non-official Members to serve on the Standing Committee to advise on subjects with which the Department of Supply is concerned, during the financial year 1943-44."

Sardar Sant Singh (West Punjab: Sikh): Sir in view of the expansion in the Supply Department and in view of the fact that there have been good many sections newly created in connection with the war effort, I think the number of Members proposed is one which was proposed when the Supply Department came into existence. Now, I hope, the Honourable Member will see that with the expanding work in the Supply Department dealing with various matters the strength of this Committee is increased to some appreciable degree.

An Honourable Member: I suggest that the whole House should go into the Committee.

Sardar Sant Singh: Will you make that suggestion? I do not want to discuss it at any great length. For the time being I am only asking that the strength of this Committee should be increased. The Honourable Member will be in the best position to ask the whole House to go into the Committee. I do not think anybody will oppose him, if he makes that suggestion. For the time being what I suggest is that the Committee should be increased in number.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): In view of the policy that the Muslim League Party has been following from the very beginning regarding this Department we will not take any part in this matter. None of our members will be in this Committee. We have always refused to be camp followers and that is the reason why we are unable to take part in this Committee.

Mr. J. A. Mackeown: Sir, neither on grounds of its expansion, nor of its importance in comparison with the Labour Department, can I agree that our Department is entitled to have eight Members from this House. I may remind my Honourable friend Sardar Sant Singh that originally when this Committee was formed it consisted of three members only from this House. It will be within the recollection of some of the Honourable Members that one year this motion was actually rejected in order to emphasise the desire of Members that the number should be raised to five. Subsequently, last year Sir Homi Mody moved the motion in the form in which I have moved it today. I think the number which the House approved then is very suitable and has been found to be convenient for the working of the Committee. I

ELECTION OF MEMBERS TO STANDING COMMITTEE FOR SUPPLY DEPT. 1281

regret, I am not in a position to agree to a Committee of eight members from this House.

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, five non-official Members to serve on the Standing Committee to advise on subjects with which the Department of Supply is concerned, during the financial year, 1943-44."

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 Labour Department and the Standing Committee for the Department of Supply, the Notice Office will be open to receive nominations up to 12 O'clock on Wednesday, the 24th March and that the elections, if necessary, will be held on Friday the 26th March, 1943. 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 TRADE MARKS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business.
Mr. Pillay.

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, I beg to move for leave to introduce a Bill further to amend the Trade Marks Act, 1940.

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

"That leave be granted to introduce a Bill further to amend the Trade Marks Act, 1940."

The motion was adopted.

Mr. T. S. Pillay: Sir, I introduce the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Before I call on the Honourable Member to proceed with the Tobacco Excise Bill, I wish to remind the Honourable Members that according to the arrangement arrived at, these two Bills, and, I believe, discussion on the Demands for Supplementary Grants also ought to be concluded today. It is for the different Parties to arrange how it is to be done.

THE TOBACCO (EXCISE DUTY) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Tobacco (Excise Duty) Bill. The Honourable Member Mr. Amarendra Nath Chattopadhyaya has already moved his amendment*, and concluded his speech.

Mr. H. Greenfield (Government of India: Nominated Official): Sir, I oppose this amendment. The Honourable Member admitted that he had no new arguments to bring forward and I see no reason, therefore, why I should repeat my own arguments in rebuttal of his contentions.

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

"That in Part I of the Schedule to the Bill, in sub-part II, item Nos. (1)(b), (1)(d) and (1)(e) be omitted."

The motion was negatived.

Mr. Jannadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, I beg to move:

"That in sub-part 1A of Part I of the Schedule to the Bill, item No. (1)(b) be omitted and the subsequent item (c) be relettered as item (b)."

Sir, this refers as the House will observe to the omission of item (1)(b) which refers to biris. I have pleaded the other day in this House that biris

"That in Part I of the Schedule to the Bill, in sub-part II, items Nos. (1)(b), (1)(d) and (1)(e) be omitted."

[Mr. Jamnadas M. Mehta.]

smokers ought to be a matter of special solicitude and consideration for the Honourable the Finance Member. A repetition of the same arguments will be unnecessary, but the point must be emphasised that biris should not be taxed by a levy of excise of six annas when cheroots are subject to an excise of two annas. That anomaly the Government have not yet explained. The only explanation which I understand they have got is this: that biris, although nominally the excise thereon is heavy, yet one seer of biri tobacco is able to manufacture one thousand biris and therefore six annas will be distributed over a thousand biris, while two annas in the case of cheroot may be distributed only over a few cheroots. That seems to be a plausible excuse. Now, Sir, I beg of the Honourable the Finance Member to remember that that kind of argument means that the Government do not tax tobacco, but they want to tax the men who smoke it in addition. Definitely it is very immoral. Under the guise of excise on tobacco, you are not taxing tobacco, on its value, but you are keeping in mind as your targets the smokers of thousand biris and wish to levy a tax on all of them in spite of the value of the tobacco being much less.

Mr. N. M. Joshi (Nominated: Non-Official): It is a poll tax.

Mr. Jamnadas M. Mehta: Yes. I therefore say that the Government should not have a double objective under the garb of levying an excise on tobacco, you single out every poor individual who smokes biris, never mind the price of the tobacco itself. That, I say, is an immoral thing and I beg of the House to cut out this tax on biris. I know there are one or two Honourable friends of mine on these non-official Benches who have some fundamental objection to the smokers of biris and they consider the smoking of biris so bad a habit that they must be taxed. For instance my Honourable friend Mr. Lalchand Navalrai says that tobacco smoker must be taxed because he stinks. I say that the man who swallows goats and fish stinks ten times more. Is he to be taxed for swallowing goat and fish? I cannot understand this kind of argument because of your aversion to tobacco smoking, you swallow goat and fish and want to go tax free while you want a tax to be imposed on the poor biri smoker. I cannot think any argument more immoral than that of my Honourable friend. I therefore wish that Government will pay no attention to the so-called stinking of biri smokers. It depends upon who stinks more and how much. I entirely repudiate that kind of argument that a smoker is to be subject to taxation because tobacco stinks. I hope my Honourable friend will be more considerate to the poor tobacco smoker hereafter.

Mr. N. M. Joshi: Let him use a disinfectant.

Mr. Jamnadas M. Mehta: That is the whole point of biri smoking. This also affects the agriculturist grower of tobacco much more because it is a tax on the same level or perhaps much higher level and therefore the agriculturist suffers heavily. As I pointed out day before yesterday, the smoker of biri will suffer and I submit that this tax under the guise of having an excise duty on tobacco smuggles into the legislation an entirely different principle of taxation which I hope the House will entirely repudiate. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved: "That in sub-part 1A of Part I of the Schedule to the Bill, item No. (1)(b) be omitted and the subsequent item (c) be relettered as item (b)."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I never wanted to intervene in this debate because there are a majority of smokers and I considered that I should remain neutral if this motion was pressed to a division. I will only say that my Honourable friend Mr. Jamnadas M. Mehta by smoking too much has lost all sense of feeling whether biri smoking stinks or not. He may himself not be a biri smoker and I therefore think he has got no experience of biris. He is smoking cigars. I think he has misunderstood those who give their honest opinion about biri smoking and say that it is a nuisance to those who do not smoke and to those who have been smoking and who have left off smoking. There are many who have left off

smoking because they are convinced that it is a vice. If the majority of people take to vice, then I cannot help it. It is a matter which everybody should consider, whether it is necessary or not. Is it a necessary habit?

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): If you smoke you would understand it better.

Mr. Lalchand Navalrai: I do not want to be personal. I would advise all my friends to give up smoking. Smoking is an accompaniment to bridge playing, it is an accompaniment to drink. I have seen when people play bridge, a number of cigarettes are consumed during that time. Of course biris are not consumed at that time. You yourself admit that biris are bad. I do not want to take up more of the time of the House. My own personal view is that this vice should be stopped in some manner, not necessarily by taxing it. That is also one of the ways of stopping this vice. If the price of biris goes up, there will be less number of people who will smoke. If notwithstanding the high price, people still smoke, then I will call them incorrigible.

My Honourable friend referred to flesh eating and he objected to that. He said that smoking and the stink from biris are as bad as eating flesh and mutton. But I think he has got no experience of that also. He is a grass-eater and I am both vegetable-eater and mutton-eater. Therefore, I am submitting that he has no experience of that and he cannot attack me like that. He has often been on the table with those who eat mutton and fish and he has, I think, relished the smell, at any rate, because he never left the table. Therefore, I say that my submissions may be considered by the House on their own merits. I persist in saying that biri smoking as well as other smoking is very stinky.

Sardar Sant Singh (West Punjab: Sikh): Sir, if I intervene at all in this debate, I do not intervene for the purpose of using this forum as a place of conversion of smokers into non-smokers. Having a privilege to belong to the Sikh community where smoking is strictly prohibited and the use of tobacco is strictly banned, I would not have participated in this debate one way or the other. But there seems to be some discrepancy in the Bill as introduced by the Honourable Member and I am pointing it out in the hope that he will try to explain the matter.

The amendment has been moved to exclude biris from Part I of the schedule. I find that this item (b) deals with taxing tobacco intended for manufacture into biris. Schedule I is "if intended for manufacture into" and then follow the various items till it comes to (b)—biris. The tobacco will be taxed according to this Schedule and the tax will be collected in accordance with the provisions of clause 5 of the Bill, which reads thus:

"The Central Government may, by notification in the official Gazette, impose on cured tobacco or any tobacco product mentioned in the Schedule, brought into British India from the territory of any Indian State, not being territory which has been declared under section 5 of the Indian Tariff Act, 1934, to be foreign territory for the purposes of that section, a duty of customs equivalent to the excise duty imposed by this Act on the like tobacco cured or the like tobacco product manufactured in British India."

This schedule deals with taxing tobacco intended for manufacture into biris, but if biris are brought from the Indian States into British India they are not to be taxed. The result will be—if I am right in the reading of clause 5 of this Bill along with this Schedule—that biris manufactured in the Indian States could be brought freely into British India while in British India if the same biris are manufactured they will be taxed, thus putting the industry in British India at a disadvantage and driving the industry from British India into Indian States. That seems to be the implication. I have tried to find out whether in the Bill "tobacco product" has been defined in any way, but it is not there. What I say is that this will be unfair on the grounds of justice and equity between a British Indian dealer and an Indian state dealer. I tried to reconcile myself by referring to the excise duty on sugar and excise duty on matches, but in so far as sugar and matches are concerned, lakhs of rupees are required to set up a factory whereas in the case of tobacco the product is already there both in Indian States as well as British India. Therefore, by imposing this

Mr. Jamnadas M. Mehta: Sir, I move:

"That in sub-parts I and II of Part I of the Schedule to the Bill, for the figures 0.6, wherever they occur, the following be substituted:
0.2 or 25 per cent. on the market value whichever is less."

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

"That in sub-parts I and II of Part I of the Schedule to the Bill, for the figures 0.6, wherever they occur, the following be substituted:
0.2 or 25 per cent. on the market value whichever is less."

There will now be a discussion on both these amendments.

Mr. Jamnadas M. Mehta: I thought you suggested moving all the amendments.

Mr. President (The Honourable Sir Abdur Rahim): No.

Mr. Jamnadas M. Mehta: All right. I do not wish to prolong this debate because the arguments I have used can only supplement what I have said so far on the Bill. The answer which the Finance Member has made

The Honourable Sir Jeremy Raisman: Which I hope I have made!

Mr. Jamnadas M. Mehta: The first point is that we can bring this taxation to the level of two annas instead of six annas. My Honourable friend brought to his assistance the poor men in Madras in order to get his six annas passed. This is like the Bombay speculator who always brings the cotton grower when his speculation is to be criticised. But this kind of thing he should not do because he promised to crush the speculator, and why should he himself justify a thing which is wrong in the name of the poor.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Let him crush himself!

Mr. Jamnadas M. Mehta: Let him crush this propensity to tax the poor. Even though the poor man might be smoking the biri, it is cheaper than the cheroot. That you cannot get over. So if the poor man in Madras is tempted to smoke something more costly, even that tax can be understood, but here you are putting them on a differential scale and my point therefore is that you should try to look on both of them with an equitable and equal eye, otherwise you might, while wishing to do justice to both, be doing really an injustice, or let 25 per cent. of the market value be taxed because then it will be some standard which we can understand. Today this is without any standard and therefore it is somewhat arbitrary and belies all the professions which the Bill makes and its champions make that they are looking to the interests of the poor. My friend, Sardar Sant Singh, has already given the argument about the Indian States and therefore I do not wish to repeat that argument.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I rise to support my Honourable friend, Mr. Jamnadas Mehta. My whole argument has been to prevent taxation being levied on tobacco; but as we have failed on the last amendment, I believe that some sort of lessening the tax will be helpful. These two amendments, viz., that six annas be substituted by 2 annas or 20 per cent., and that six annas be substituted by 2 annas or 25 per cent. of the market value, will go a great way to reduce this burden of taxation on the poor. Biris are practically smoked wholly by the poorer section of the population. Personally, I am not a smoker and I never advocate smoking; but it has been a necessity for the poor and consequently this necessity for these poor people should not be taxed. The poor people have been taxed in many ways and this lessening of the burden from 6 annas to 2 annas will be of great help to the poor. With these words I support these amendments; I hope the Honourable the Finance Member will also help us to get it passed.

The Honourable Sir Jeremy Raisman: Sir, I regret that I must oppose this amendment and I would again emphasise that in drawing up this schedule we have gone into very great detail regarding the actual prices and conditions in which tobacco is marketed and consumed. It would be impossible on administrative grounds—at any rate exceedingly difficult—to base the tax on the market value of any commodity of this kind. The position regarding biris, I have

already explained. The tax levied on them is, to our certain knowledge, fairly equated with the tax on alternative forms of tobacco consumed by comparable classes. There is no discrimination there and merely to introduce in this crude way a sweeping amendment of this kind would make the incidence of the tax exceedingly inequitable, exceedingly deleterious to the established trade and exceedingly difficult to administer. I must therefore oppose it.

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

"That in sub-parts I and II of Part I of the Schedule to the Bill, for the figures 0.6, wherever they occur, the following be substituted:
0.2 or 25 per cent. on the market value whichever is less."

The motion was negatived.

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

"That in sub-parts I and II of Part I of the Schedule to the Bill, for the figures 0.6, wherever they occur, the following be substituted:
0.2 or 25 per cent. on the market value whichever is less."

The motion was negatived.

Mr. Amarendra Nath Chattopadhyaya: Sir, I move:

"That sub-part III of Part I of the Schedule to the Bill be omitted."

Sir, it is a simple suggestion that mere air-cured tobacco should not be taxed. I do not want to waste the time of this House; I only suggest that air-cured tobacco be omitted.

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

"That sub-part IB of Part I of the Schedule to the Bill be omitted."

The Honourable Sir Jeremy Raisman: Sir, the Honourable Member has adduced no arguments. This tobacco, which is Virginia tobacco, a good quality of tobacco, although it is air-cured, is a commodity which certainly should not be singled out for exemption, and I oppose the amendment.

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

"That sub-part IB of Part I of the Schedule to the Bill be omitted."

The motion was negatived.

Mr. Jamnadas M. Mehta: Sir, I beg to move:

"That sub-part IB of Part I of the Schedule to the Bill be omitted."

This refers to the taxation on stalks, stems and other refuse of tobacco. I have brought with me samples of the commodity which is proposed to be taxed. and it is under the name of stalks, stems and other refuse of tobacco. They are purely wood, not at all tobacco. I shall presently show, with your permission, what I have brought, that this is no tobacco at all, and without the House understanding it, the Finance Member may be able to run away with these stalks and other things he wants to tax.

(The Honourable Member here showed the Assembly samples of tobacco stalks.)

After all the tobacco has been cleaned, the leaves have been cleared and the stalks only remain and are used for fuel. How meticulously the Government want to enter into the possibility of taking whatever little they can from the poor is indicated by these stalks. I have got a good number of other samples which will show that in addition to the taxation on tobacco of the poor man, the Government have far extended their depredations into things which can by no stretch of the imagination be called tobacco. I refer to the stumps. These are not even stumps. These are absolute refuse in which there is no tobacco value and for this my Honourable friend wants one anna. Happily, he does not say "intended to be used for agricultural purposes only". If it is used for agricultural purposes this one anna is useless, it does not apply. But if it is used for fuel, namely, a household domestic purpose in agricultural economy the one anna comes in. Therefore I do hope that if only by way of exception, as sometimes he relents, he will support my amendment.

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

"That sub-part III of Part I of the Schedule to the bill be omitted."

The Honourable Sir Jeremy Raisman: Sir, I am afraid that my Honourable friend has chosen, although it is somewhat picturesque, nevertheless not a very

[Sir Jeremy Raisman.]

good item on which to base his argument, as I hope to convince even him in a moment. He has heard the expression "Put that in your pipe and smoke it". I think he will find—though I do not think he is a pipe-smoker as I am—but he will find that some of these things that he calls bits of wood actually find their way into the highest quality of pipe tobacco; but what I will assure him is this that even in good quality cigarettes, cigarettes of the kind which I do not know if he smokes, but I certainly do, a certain element of these so-called stalks, stems and so on does enter. The tobacco manufacturer is able to utilise nearly every part of the tobacco plant. Why? Because he finds that he can make cigarette tobacco which includes a certain element of the stalk or stem, should he not be taxed on that? If my Honourable friend will refer to the taxation schedule of any country in the world where tobacco is taxed, I can show him that this item—stalks and stems—has to come in. Even in England, where the tax on tobacco is enormous, where it is, I think, of the order of 30s. a pound—that is about Rs. 20 or so—even there he will find stalks and stems, because it is a part of the tobacco plant which is definitely used and not merely in the making of the lowest grades of smokeable articles but even in comparatively high grades. As regards its uses for agricultural or any other purposes, they simply do not enter. This only comes in when you are actually dealing with the tobacco which is going to be made into cigarettes or other articles intended for consumption. It is at that stage that it would be taxed. If the poor man keeps these stalks and intends to use them for fuel or for any other purpose like that, there is no question of their being taxed.

Mr. Jannadas M. Mehta: How will you distinguish?

The Honourable Sir Jeremy Raisman: Because of the point at which we deal with them.

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

"That sub-part III of Part I of the Schedule to the Bill be omitted."

The motion was negatived.

The Schedule 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 Jeremy Raisman: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadian): I wish to oppose this Bill. The first point for consideration that I would put before the House is the flat rate. The flat rate which has been fixed will work great hardship on the persons whom I will presently mention. When agricultural operations are carried on, the lower leaves of the tobacco plant either drop off or are removed for the purpose of inter-cultivation. These leaves are collected by the labourers, may be wages are paid in those leaves, or may be, just because the owner of the field does not pay, he allows the labourers to collect these leaves. The poor people collect these leaves and they stock them till the weight of the leaves comes to about one maund when they dispose of those leaves. We were told that any cultivator must make Rs. 100 per acre clear profit. Whether that estimate is based on tobacco which is grown in the Punjab, I do not know, but there are varieties and varieties of tobacco. The tobacco grown in the Bombay Presidency does not fetch more than Rs. 30 per maund. In other words, the yield is about three maunds an acre and the price fetched is Rs. 90. And look at the flat rate that has been fixed that is Rs. 30 per maund. Inferior tobacco leaves will be taxed at the same flat rate, which means three maunds of inferior tobacco—the Agricultural Department, which has been carrying on experiments, has not been able to improve the quality and make the cultivation a paying one.

The Honourable Sir Jeremy Raisman: Has my Honourable friend seen the report on the Marketing of Tobacco, which says that the average yield is more like seven maunds per acre?

Mr. Govind V. Deshmukh: I do not know under what circumstances the experiment was made and seven maunds were obtained, because we know very well that the Government experimental farm can make seven maunds as they have facilities, such as, supply of artificial manure, irrigation, labour,—any number of labourers are available to them.

The Honourable Sir Jeremy Raisman: The figure for Bombay is given as 627 lbs. per acre, which is nearly eight maunds.

Mr. Govind V. Deshmukh: It is not the yield of the field of an ordinary cultivator. That may be all right so far as experimental Government farms are concerned.

The Honourable Sir Jeremy Raisman: This is an average figure for the whole province.

Mr. Govind V. Deshmukh: I think it would be very difficult for the Honourable Member to satisfy the agriculturist that the yield could be as much as that. For instance, the yield of cotton on the Government experimental farm may be more than the yield from the field of an ordinary agriculturist. The Government have better facilities of irrigation, better facilities of labour and other facilities, which go to increase the output. The poor cultivator has got no means, his only capital is his land and his own labour is the power, and may be a couple of bullocks. Therefore, the ordinary cultivator cannot get more than three maunds. At the price of Rs. 30 per maund, the cultivator in the Bombay presidency gets Rs. 90, and the duty is Rs. 90, so that what does the cultivator get? He gets nothing. He pays Government at the cost of his own labour.

The Honourable Sir Jeremy Raisman: No. The cultivator will not pay the tax.

Mr. Govind V. Deshmukh: The cultivator grows this tobacco and sells. Would he not be required to pay?

The Honourable Sir Jeremy Raisman: The cultivator will not pay the tax. The tax is not levied on the fact of growing it.

Mr. Govind V. Deshmukh: The cultivator cultivates, then he has to dispose of the produce, he cannot keep it in the house. He takes it to the market, takes it bit by bit, he has to sell it, and the grower is converted into seller. Would not at that time the poor cultivator be taxed? Would his produce be allowed duty free? If not, the cultivator grows for you tobacco and he has to live on his own labour for which he would otherwise have paid to other labourers to whom he would have been required to pay wages. That is the first thing that I want to put before the House. The qualities of tobacco are different and the yield of tobacco would differ according to the seed, the soil, the climate, and it would be very hard on the poor agriculturist to have a flat rate like this all throughout the country. Another thing that I was thinking of was this. The poor men who are off and on engaged as labourers—otherwise they have nothing to do—they go to the fields, pick up the leaves which are left by the cultivator himself lying on the soil. The poor woman or man goes to the field and collects the leaves. They keep them for some time and when the stuff accumulates to the weight of a maund they dispose of it. Would not these poor people be required to pay duty because they have to dispose of the stuff? They would be required to pay Rs. 30 a maund when they have to dispose of their stock. In other words, all the labour which these poor men have taken to collect the leaves does not pay them; it pays the Government. That is why I am suggesting that it will be better to have a graded rate of duty instead of one flat rate. A flat rate will work as an injustice on the poor agriculturist and the ordinary labourer who takes pains to collect all these leaves into something which becomes a marketable commodity. As the Bill that is proposed

[Sardar Sant Singh.]

restriction upon the British Indian subjects, the Government will be driving the trade into Indian States by allowing them the free export of biris into British India and thus putting the British Indian market at a discount. I hope the Honourable Member will throw some light on this question.

The Honourable Sir Jeremy Raisman (Finance Member): I am sorry that unnecessary odium or odour has been imported into this discussion, and I find myself in the curious position of being a defender of the habit of smoking. I agree with the poet who waxed lyrical on the subject of tobacco. What he said was

"Sweet at the break of the day
Sweet when they have cleared away;
Lunch, and at close of day,
Possibly sweetest."

And I would remind my Honourable friend, Mr. Lalchand Navalrai, who said that those who smoke go mad.

"Go mad and beat their wives,
Plunge, after shocking I was
Razors and carving knives
Into their gizzards."

So, I agree with the poet that smoking, as a habit, though it may have some disadvantage, also has a great advantage as stabilizing the nervous tension of the individual and assisting him to call on reserves when he requires them, of soothing him in times of excitement.

Mr. Jamnadas M. Mehta: You are more lyrical than the poet.

Sir Cowasjee Jehangir: Does it mean that everybody should smoke?

The Honourable Sir Jeremy Raisman: The last thing that I should like is that the poor man should be deprived of the solace which I myself value so highly. I should not like to calculate the amount of tobacco consumed in the contemplation of this very Bill. I can assure the House that it was quite considerable. My Honourable friend, Mr. Jamnadas Mehta, apparently objects to the construction of the Schedule, because he thinks it discriminates against the poor man's biri. He is, I am afraid, under a misunderstanding and that arises from the fact that he is not so familiar with the use of cheroots as we have become by virtue of our enquiries into the subject. There are a large number of poor men, and my Honourable friend, Mr. Krishnamachari, would support me here, who smoke what can only be called a cheroot. In certain parts of South India, the class which smokes cheroots of a kind is as poor and even poorer than the class which smokes biris in that part of the country to which my Honourable friend is accustomed. Therefore, we had to deal with the cheroot in a different way. The cheroot mostly consists of cured tobacco and the tax on it at annas two, as I shall show shortly, is comparable with the tax on biris. What we have done is this: We have to cater both for the cheroot smoked by the very poor labourer in South India and for the fat cheroot which my Honourable friend and I myself also smoke. So, we imposed a low rate of duty first on the leaf tobacco which is manufactured into cigars or cheroots and then, to deal with my friend's cheroot and my cigar, we put on a much heavier scale in addition on the manufactured product and the result of that is to equalize the position and at the same time to grade the tax according to the poorest consumer.

Now I have something else to say about the biri. The biri is an article which consists of a wrapper of a leaf which I think is called *tendu* and which contains a certain amount of tobacco. Now there is no reason on first principles why we should not have taxed the wrapper which is used in the same way as tobacco as well as the tobacco of the biri.

Mr. Jamnadas M. Mehta: Does the Honourable Member say that the wrapper leaf is tobacco leaf?

The Honourable Sir Jeremy Raisman: The definition of tobacco could perfectly well have covered the wrapper which is used with the tobacco. On

primary principles of taxation the position is so similar in respect of these two articles, although the commodities are somewhat different in nature, that we could easily have said, "Tobacco shall include any leaf which is normally used in the smoking of tobacco or anything mixed with tobacco or anything in which tobacco is wrapped for the purpose of being smoked". We have not done that. The result is that the tax on this biri is lower than it would have been and that equates the position as between the poor man's biri and the poor man's cheroot—the kind I was talking about just now. The proof that the incidence of this tax on the biri is a very modest one is this. Since this duty was announced the prices of tobacco products have naturally, in accordance with the custom of the trade, been adjusted so as to include the duty. That is regular practice and there is said to be justification for it, because at times when duties are removed or reduced the trade finds itself under the necessity of reducing prices. Therefore, they feel justified, as soon as a tax is announced in adjusting their prices accordingly. In actual practice it will be found that the extent to which the price of the biri has moved upwards since this tax was announced is very modest and does approximate to the 20 per cent. on the consumer's price which I indicated. For this reason, Sir, I most strongly oppose this amendment, which would indeed throw the whole of this Schedule out of balance: and I must remind my Honourable friend that the poor man smokes cigarettes as well as biris, and he smokes the kind of cigarettes with which we are dealing here in Schedule II, and you must agree that the most difficult part of this task is to see that in levying your tax you do not interfere with the trade and show no discrimination as between one kind of trade and another. You must produce a balance and a great deal of care has gone to the construction of this Schedule.

I will deal now with the point raised by my Honourable friend, Sardar Sant Singh, which was a point of considerable substance. I would say that we hope in regard to this, as in regard to other excises, to arrive at an arrangement with Indian States which will preserve a position of balance between the trade in British India and in those States. What we do here is to take power to levy certain duties, but we proceed by the manner of inducing the States which are contiguous with British India, and States generally as far as possible, to adjust their own system of taxation to ours, so that there is no advantage or prejudice. We usually succeed in achieving that, and I have very little doubt that we shall succeed in this instance. But the ultimate sanction, if we were unsuccessful, would probably be in the nature of complete prohibition of the imports of tobacco products from the States rather than some elaborate arrangement for the levy of a scale of duties. That would be our protection of the interests of the trade in British India. If it should prove necessary to take any further powers than we have taken in section 5, we should not hesitate to do so, if it were necessary in order to protect the equitable interest of the producer in British India as well as compared with the producer in the State.

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

"That in sub-part 1A of Part I of the Schedule to the Bill, item No. (1) (b) be omitted and the subsequent item (c) be re-lettered as item (b)."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): I suggest that the other two amendments may be moved one after the other.

Mr. Jamnadas M. Mehta: Sir, I move:

"That in sub-parts I and II of Part I of the Schedule to the Bill, for the figures 0.6 wherever they occur, the following be substituted:

"0.2 or 20 per cent. on the market value whichever is less."

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

"That in sub-parts I and II of Part I of the Schedule to the Bill, for the figures 0.6, wherever they occur, the following be substituted:

"0.2 or 20 per cent. on the market value whichever is less."

[Mr. Govind V. Deshmukh.]

to be accepted by the House is one which contains rigorous clauses, I oppose it.

Dr. P. N. Banerjee: Now that the clauses of the Bill have been disposed of to our dissatisfaction, I must point out that the administration of the Bill when it is translated into an Act will meet with very great difficulty of a practical character.

In the first place, difficulties will arise between the Central Government and the Provincial Governments. Agriculture is a Provincial subject and so is land. I do not know how the Central Government will be able to control cultivation without impinging on the authority of the Provincial Governments. I am afraid that these disputes may have sometimes to be referred to the Federal Court. The second difficulty will arise with regard to the relations between the Central Government and the States; and the third difficulty will arise from the harassment and oppression which will be involved on the poor cultivator. I spoke a few words on this subject the other day, and I wish to emphasize that in administering the Bill, due care should be taken so that the poor cultivator is not harassed or oppressed in any way. The best way to secure this object will be not to begin the stage of taxation at the time of cultivation but begin it at a later stage when the tobacco is manufactured in large scale or small scale factories. The cultivator should be left alone. Because the cultivator is illiterate and cultivates only a very small plot of land, his difficulties are very great, and I would ask the Honourable the Finance Member not to add to his difficulties. If he takes proper care in the administration of this Bill and leaves the cultivator out, then the Bill may be administered in a way which will not adversely affect the poor people. Although the poor man's smoke will still be hit, the amount of oppression and harassment will be considerably less.

Seth Yusuf Abdoolah Haroon (Sind; Muhammadan Rural): Sir, I rise to oppose the motion moved by the Honourable the Finance Member. The biri industry in the South is mostly done by the Mussalmans and as such the Muslim League Party has received a representation from South as well as from Bengal and other provinces to this effect. Mussalmans have got to earn their livelihood by means of this industry and if due consideration is not given to them, I am sure this is going to affect them very badly. On account of the war, they have to face so many other difficulties in addition and this Bill will naturally put them out of work. I am sure the Finance Member will consider this point and see his way not to impose this taxation at this time.

Sardar Sant Singh: I thought that I would persuade the House not to make this House a forum for advocating the use of smoking as a healthy habit but I find, Sir, that no less a person than the Honourable the Finance Member quoting chapter and verse in favour of this habit. Therefore, I am obliged to say a few words.

Everybody knows that the Sikh religion strictly enjoins the Sikhs not to touch tobacco in any shape or form and there are very sound reasons for this. The very fact that some poets and some writers have taken to advocate the use of smoking is proof positive of the fact that it has got evil effects, which they want to counter by advocating its use and by persuading people to take to this line of life which according to the Finance Member gives some relaxation. I can assure him that he will find that there are other forms of relaxation as well. There are healthier habits which will give the human brain the relaxation which it occasionally needs.

Apart from this, the Honourable the Finance Member has said that in order to work the Bill, he will enter into negotiations with the Indian States in order to protect the industry in British India from dying out. But he has not made it clear whether such negotiations have already taken place or they are going to take place. He would not have disclosed his taxation proposal to any State

before he made his Budget speech on the 27th February. He could not do it. That is obvious, because the Finance Bill secrets are kept very close. Now, I do not know whether during this period from the 27th February to the 20th March he has consulted the States in that matter or not.

The Honourable Sir Jeremy Raisman: Yes.

Sardar Sant Singh: I should like to know what steps he proposes to take in order to save the industry from dying out during the period the negotiations take place in order to come to an arrangement with the Indian States. Meanwhile, the Indian States will be free to manufacture biris and send them in competition with British India without any hindrance. Does he not fear that there will be a danger of the industry dying out before the remedy is applied?

The third point I would like to make is this. The administrative side of this taxation is to be handed over to the excise authorities, sub-inspectors, who are not very highly paid public servants. They will have to deal with shrewd businessmen who count their morality in terms of pounds, shillings and pence. If he wants to bribe the excise staff in order to save Rs. 30,000, he will easily give them Rs. 5,000. He will not count in terms of morality or honesty but in terms of Rs. 25,000 which he will save. How does he propose to deal with the administration of this Bill. There will be administrative difficulties which probably may break the whole machinery of this taxation. Then there is the question of dealing with the illiterate cultivator. The Finance Member has stated that the cultivator of ten acres of land will be free from certain restrictions. What are those restrictions which he has removed from the cultivators of ten acres of land. The restrictions are that he will give orally to the excise officer certain information which in the case of a bigger cultivator is to be given in writing, by means of filling forms, and so on. I am not dealing with the details, but the cultivator will have to make a return of all his processes of curing and so forth and then keep a record of it. How does he propose the cultivator to do it unless he is to employ a Munshi or Agent who is literate enough to understand all these things? These will be the administrative difficulties which the Honourable the Finance Member will have to deal with while dealing with this taxation.

Last of all, I am not free from apprehension that it is an attempt in an indirect manner to tax the agricultural produce. Today for sentimental reasons and for reasons which are more due to my religious inclinations than anything else I do not want to oppose this tax and I will remain neutral. But I would rather like the same thing to be forbidden by legislation. So, I want to oppose any proposal to enhance the duty on tobacco. So far, I am very clear in my mind about the taxation proposal. But what troubles me is this that this is the beginning of an attempt to tax agricultural produce as such and I want to make it very clear that I, representing the majority of agriculturist constituents, do not want to encourage it but I protest against this attempt. The agricultural incomes are not to be taxed. They are taxed already in the shape of irrigation and land revenue. I will remind the Honourable the Finance Member that there is a sort of pledge already given that agricultural incomes shall not be taxed. Therefore, I want to bring these points to the notice of the Honourable Member and to say that our opposition to the taxation of agricultural produce in any shape or form remains in principle.

The Honourable Sir Jeremy Raisman: Sir, I have only a few words to say. I have already at the earlier stage of the debate indicated our attitude in regard to the apprehensions which are felt regarding the effect of the administration of this tax on the grower. I do not want to repeat what I then said except to emphasise that that is a matter which has our most careful attention and which we shall certainly not overlook. I cannot give a detailed answer to every question which Honourable Members have raised but I can say that it will be our prime care and object to see that the tax is administered with the absolute minimum of inconvenience to the grower. I do not regard this as being in the nature of a tax on agricultural produce. In a sense, of course, everything comes

[Sir Jeremy Raisman.]

from the soil, such as, sugar and salt, and you can name any number of things which might be said to be the produce of the soil.

Dr. P. N. Banerjee: It depends upon the stage at which you tax it.

The Honourable Sir Jeremy Raisman: Exactly. I do not regard this myself as being in the nature of a tax on agriculture and we certainly shall administer it in a manner which will not constitute a tax upon agriculture. It is our object to tax the consumer by levying a duty at a certain stage in the trade in tobacco at which it can most conveniently be levied.

The only other point I would mention is that in regard to the Indian States, I would inform the House that 72 Indian States already tax tobacco. As regards the stage at which we took up this matter, I would inform my Honourable friend that when an excise like this is planned, the steps which will be necessary immediately the tax is announced are considered in advance, that the draft letters which will have to be issued are already ready at the very moment when I make the speech in this House and that they are despatched straightaway. The Political officers concerned realise the extreme urgency of taking the necessary steps with the States and therefore I have no reason to think that we shall not be able to conclude the necessary arrangements in time to prevent damage to the interests of the British Indian producer and trader.

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

"That the Bill as amended be passed."

The Assembly then divided:

AYES—42.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Ambedkar, The Honourable Dr. B. R.
Ambegaonkar, Mr. K. G.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chandavarkar, Sir Vithal N.
Chapman-Mortimer, Mr. T.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Ghiasuddin, Mr. M.
Gray, Mr. B. L.
Greenfield, Mr. H.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasjee.
Kamaluddin Ahmad, Shamsul-Ulema.
Kushal Pal Singh, Raja Bahadur.
Lalljee, Mr. Hooseinbhoj A.

Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shahban, Khan Bahadur Mian Ghulam.
Kadir Muhammad.
Sheehy, Sir John.
Spear, Dr. T. G. P.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaressan, Mr. N.
Symons, Mr. N. V. H.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

NOES—23.

Abdul Ghani, Maulvi Muhammad.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Maulvi Muhammad Hossain.
Dam, Mr. Ananga Mohan.
Dashmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gupta, Mr. R. R.
Ismail Khan, Hajee Chowdhury Muhammad.
Joshi, Mr. N. M.

Kazmi, Qazi Muhammad Ahmad.
Krishnamachari, Mr. T. T.
Liaquat Ali Khan, Nawabzada Muhammad.
Mehta, Mr. Jamnadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoolja Haroon, Seth.

The motion was adopted.

THE VEGETABLE PRODUCT (EXCISE DUTY) BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I beg to move: "That the Bill to provide for the imposition and collection of an excise duty on vegetable product be taken into consideration."

I would like to say just a few words about the history of this commodity. It was first introduced into India in 1925. At that time it was subject to import tariff of fifteen per cent. Later in 1931 the import duty was raised to 25 per cent. *ad valorem* and after that a concern was formed for the manufacture of vegetable products in India.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): What year?

The Honourable Sir Jeremy Raisman: I cannot give the exact year, but I think it was after the import tariff was raised from 15 per cent. to 25 per cent. I should say that it was some time within the last ten or twelve years.

Other manufacturers quickly followed, although the original producer is still the largest producer, in India.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Who was the first?

The Honourable Sir Jeremy Raisman: The first was the Hindustan Vanaspathi Company Limited, Bombay, and I think, they are still the premier producers. I mean the leading producers.

Gradually the imports which at one time had been as high as 458 thousand cwt. that was in 1928-29, began to fall away until now they are practically negligible. The total production at the present time is estimated as approximately 100 thousand tons per annum. But there is a further potentiality capacity. There are some restrictions at the present time on the potentiality for expansion: there is the main difficulty of obtaining material for containers, especially metal containers and also of course difficulty of transportation and especially there has been some difficulty in obtaining plant which would be necessary for any considerable expansion of capacity. Since I referred to this tax in my Budget speech I may mention that it has been represented to me that I myself entertain some prejudice against the use of this commodity. I would like to take this opportunity of making it perfectly clear that I do not entertain such feelings. I quite recognize that this is a useful food product and that it is an element in the diet of the middle classes. The objections which have been raised against this tax are on the ground that it is an article of food. On the principle of giving a dog a bad name, it has been called a "kitchen tax". It is an unfortunate fact that in these days both in India and in most other countries "kitchen taxes" are common and since the tax payers have to make their contribution in this way, vegetable ghee cannot escape. If we were to accept the principle that articles of food should not be taxed we should have to give up the revenue on salt, on sugar and a dozen other articles of consumption. If we were in the fortunate position of being able to base our system of taxation entirely on direct taxes—taxes on income only, then we should, no doubt, be able to dispense with this kind of tax. Theoretical objections which are well known were indicated the other day when discussing the amendment relating to the salt tax in reply to my Honourable friend, Mr. Mehta. It is unfortunately impossible to base your system of taxation entirely on the direct taxation of incomes.

Apart from other reasons, I would point out that in India a very large portion of the population, entirely regardless of its means, is exempt from income-tax. I refer, of course, to agricultural income. That portion of the population contributes to the central revenues only in so far as it is subjected to indirect taxation. But that is only an incidental aspect of the matter. I am quite satisfied myself from my long experience of this subject that it would not be possible to found a system of taxation in India on a basis which entirely excluded the taxation of articles of food. Now, in the present case there has been, particularly in the last few days, an intensification of opposition to this tax. I cannot refrain from observing that it is quite clearly due to the activities of the producers who though small in number are highly organised and have taken special steps to whip up opposition to this tax and to try and defeat its object. They have provided the critics with arguments.

[Sir Jeremy Raisman.]

based mainly, of course, on the hardships to the consumers. It is, therefore, exceedingly important to find out exactly how this tax is likely to work at the present moment. My Honourable friend, Mr. Lalchand Navalrai, when he was talking on this subject the other day gave some indication of the movement of prices of this commodity in recent years. I then intervened to ask him why he had made no observations on the subject when the producer and the middleman were reaping larger and larger profits and why his emotions were particularly aroused when I sought to recover a moderate proportion of the price for the benefit of the general revenue.

Mr. Lalchand Navalrai: Because it is an extra burden.

The Honourable Sir Jeremy Raisman: Since that time, I have been at some pains to examine the course of prices in recent months and particularly the course of prices since the tax was announced in this House. Here, I would again remind the House of something which I said a little while ago in regard to the Tobacco Bill. It is a case that whenever a tax is introduced in the Budget, whether it takes immediate effect or not, it is the practice of the trade concerned to increase the price of its product by the amount of taxation if it can. I have heard observations made on the ethics of that practice and it is possible to take two views on it, but I would say this in defence of the trade that on the rare occasions (very rare indeed, I regret to say in my unhappy life as a Finance and Revenue Officer) on the rare occasions when a tax is removed or reduced the consumer expects to get the benefit immediately and it is very difficult for the trade to refuse to give it to him even though the stocks which they may hold have paid the duty, and it is on the basis of that argument that the regular practice is justified of increasing the price as soon as the tax is announced.

Now, Sir, if that fact is realised, then when dealing with the effect of this tax on the consumer, we are not in the realm of conjecture, we are now in the realm of ascertained facts. The curious thing is that the movement of the price level of this commodity—and I have taken some care, I have before me the retail prices of some 20 or 25 brands of this commodity and I have exact prices as they stood in each month from October up to the present month of March—and the curious thing is that the price levels at the present moment are very little higher than they were in the month of December. At the beginning of March, that is, immediately after the announcement of the tax, there was a slight upward movement, but it did not correspond to the extent of the tax, not by a very long way, and I say that the levels of retail prices at this moment are almost identical with those which prevailed in December and January.

Sir Cowasjee Jehangir: But between December, 1942 and March, 1943, they fell.

The Honourable Sir Jeremy Raisman: No.

Sir Cowasjee Jehangir: I have got the figures here.

The Honourable Sir Jeremy Raisman: They are practically the same.

Sir Cowasjee Jehangir: My figures are: December 7-15 annas per lb., March 7-8 annas per lb.

The Honourable Sir Jeremy Raisman: I am talking now of the actual retail prices of this commodity as sold in tins of 35 lbs.

Sir Cowasjee Jehangir: So have I for those also.

The Honourable Sir Jeremy Raisman: These are prices as actually ascertained in the local market and also I have figures of weekly prices of one of the main brands for the past twelve months. Now, Sir, the importance of this fact will not escape the notice of this House. The position is that as my Honourable friend, Mr. Lalchand Navalrai, pointed out the prices of this commodity have been moving upward with some rapidity in the last twelve months and the margins of profit have been considerable. The price in fact

reached a point at which it was impossible for the trade to pass the duty on to the consumer. Certainly it was impossible at the beginning of this month for the trade to pass the whole of this duty on to the consumer. So, I come back to what I said to my Honourable friend, Mr. Lalchand Navalrai. Why all this time when the prices of this commodity were rising, he had nothing to say but that when I intervened in order to try and to secure some part for the relief of the general tax-payer he had a great deal to say. Although I did not know it at that time, my argument was really much stronger than I thought by virtue of the fact that it has actually been found that the greater part of this tax is now coming out of the profits of the trade and not from the consumer, for the simple reason . . .

Sir Cowasjee Jehangir: Will the Honourable Member also tell the House what the raw material costs today because of the war?

The Honourable Sir Jeremy Raisman: I am not denying that there have been increases in price . . .

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Who pays this increased price?

The Honourable Sir Jeremy Raisman: I am not denying that. It is a fact that prices have increased, but I doubt whether an increase from Rs. 32-6-5 per cwt. on the 7th April, 1942, up to a price of Rs. 63-11-2 today could be entirely justified on increased costs.

Sir Cowasjee Jehangir: Will the Honourable Member be surprised to hear that the cost of groundnut oil, which is the raw material, in January, 1940, was Rs. 300 per ton and in February, 1943, it was Rs. 830 per ton.

The Honourable Sir Jeremy Raisman: As I have already said I am aware that there have been increases in cost, but I do not think it can be said that the margins of profit in regard to this commodity have not distinctly widened. They have been widened more than was justifiable by movements in prices and that is the point of the argument which I am using at the present time. Although I use this argument, it is not the argument on which I base my case. I base my case on the unfortunate necessity of raising revenue and on the fact that you cannot make the omelette, which constitutes the Budget, without breaking some eggs. That is impossible. As I said the other day, it is impossible to devise a tax which will not hit the poor, nor the middle class, nor be detrimental to trade or industry in any category. That is impossible. When you levy a tax you do something, and in so far as you do something the effect must be felt by certain people. I am not prepared to say that this tax in no circumstances and at no time would fall on the consumer, but I do believe from such information as I have received that in the circumstances of the present moment the tax is not about to fall mainly on the consumer and that it is because of that that we have had such remarkably efficient organization of criticism and attack on this proposal. Sir, I move.

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

"That the Bill to provide for the imposition and collection of an excise duty on vegetable product be taken into consideration."

Sardar Sant Singh (West Punjab: Sikh): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by 30th June, 1943."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by 30th June, 1943."

The Honourable Member, Sardar Sant Singh, may begin 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
Sir Cowasjee Jehangir (one of the Panel of Chairmen) in the Chair.

Sardar Sant Singh: Mr. Chairman, before we rose for lunch I moved my motion for the circulation of this Bill. I was apprehensive in the beginning whether the motion for the Bill would be regarded as a serious motion by the Treasury Benches. But now that I have heard the Honourable the Finance Member's reasons for asking this House to take this Bill into consideration, I am convinced that this motion of circulation of the Bill should be taken more seriously by the House. Sir, the Honourable the Finance Member seemed to have a perturbed mind when in the course of his speech he said that the industry which is going to be affected by the operation of this duty is an organized industry and has whipped up opposition to this Bill in this House. I hope that this observation does not involve any implications on Members of this House. I am glad that he has denied any implication from this observation. But at the same time I cannot help reminding him that the industry he represents is far more organized than any industry in the country and if he stands in need of the assistance of that organization in collecting facts and figures in order to make out a case for his imposition of this tax, the Members of this House do need assistance in order to make out a case against it. The Honourable the Finance Member has in this instance acted like a counsel who has a bad case who begins fighting with his opponent. Therefore, Sir, I will tell him that he has a bad case, for the imposition of duty on vegetable ghee, that his attempt to fight the opponent, will give away the whole of his case in this matter.

Sir, the Honourable the Finance Member started by giving the history of this Vanaspati ghee. I only want to supplement that history by adding one or two more facts. When this product was first introduced into the country, the general prejudice of the masses against this produce was so great that there was active opposition from all quarters. The only use which the vegetable product could be made to serve in the country was considered to use it as an adulterant with the ghee, which meant to take away the purity of that article which is highly valued as an article of food by all classes of people in this country. Then again, Sir, the prejudice related to another point as well and that was that it was not a wholesome food, and it acted injuriously on the state of health when mixed with the pure ghee. These two prejudices were so great as to lead to public agitations, and public meetings. Thus an opinion was created in the country against the use of this vegetable product. Later on when Provincial Autonomy came into existence this prejudice found its way into those Legislatures as well and we find several Provincial Legislatures enacting measures to give a distinct colour to this product. Enactments came to form part of the Provincial Statute Book.

The second phase that this prejudice took was to enhance to the maximum the octroi and terminal taxes on the introduction of this product within the municipal area. But the industry grew and with the growth of the industry we find its value as a food-stuff, or we may say its nutritious value as a food, was tested by chemists who are experts in these matters, and they declared that the food value of the vegetable was good, it was wholesome food, and it was not injurious to health as it was believed before.

However, the industry had passed through those stages. We find, Sir, in Dr. Wright's report on the development of the cattle and dairy industries of India that he, even as late as 1937, when this report was published, he considered the use of this vegetable ghee to be nothing more than an adulterant with that of original ghee. He said:

"There are no figures available which provide any estimate of the average amounts of adulterant added to ghee. The chief fats used are banaspatine, charbini and certain pure vegetable oils such as groundnut oil, coconut oil, and cottonseed oil. A very rough estimate of the quantities of adulterants used may be obtained from figures relating to the quantities of these products available in India. Banaspatine is produced at five factories. (I understand that the number has increased to 13 or 14 now.) The potential capacity of these factories is stated to be 33,000 tons per year but the present output probably does not exceed 25,000. (The Honourable the Finance Member has given us an estimate of indigenous

production of this article as 100,000 tons.). In addition to this about 1,000 tons are imported from foreign sources. It is the opinion of some of the manufacturers that about 90 per cent. of the total supplies are used for the adulteration of ghee."

I need not deal with charbini. Then he says:

"The total amount of available adulterants, both vanaspati as well as fats, is just under 50,000 tons or 1,400,000 maunds; the annual production of ghee is estimated at 23,000,000 maunds; the amount of adulterants available would thus work out at just over 6 per cent. of the total output of ghee."

Now, may I submit that according to the calculations made, the percentage of adulterated ghee, if the full production of the vanaspati factories were to be utilised for the purpose of adulterating genuine ghee, would not go beyond 10 per cent. But the industry is not producing all this quantity for the purpose of adulterating the genuine ghee. The product is being used independently of adulteration as a food, and it is used as such by the poorer and the middle classes. The taxation which the Honourable the Finance Member wants to levy on this product, therefore, falls upon those classes who use this commodity. He is well aware that the price of ghee today has gone over Rs. 100 a maund while it used to be Rs. 35 or Rs. 40 before in pre-war days. This scarcity of ghee, due to the rise in prices which in their turn are due to the large quantity of ghee being purchased for the defence forces, is responsible for diminishing the use of ghee by men of ordinary incomes. Today, we find that a man belonging to the middle class, with an earning capacity of Rs. 2,000 or Rs. 3,000 a year cannot afford to purchase ghee and consume it, where the family consists of four or five individuals. Therefore, naturally they will fall back upon the use of this commodity and use it in place of ghee. Now, it becomes obvious when we consider this aspect of the case, that the commodity is not viewed from that approach with which it started. It has taken a place side by side with ghee; and when the Government chooses to tax this commodity, they virtually tax an important necessity of life. My friend forgets that people cannot go without food: they can go on without a government.

Mr. Jamnadas M. Mehta: That is also doubtful!

Sardar Sant Singh: They can; they have lived without governments for several centuries; history tells us so; but none has gone without food except during the Ramzan days or when people are keeping a fast.

An Honourable Member: That is only in day time.

Sardar Sant Singh: I am not concerned with abnormal matters. I am concerned with normal matters of life.

The Honourable Sir Jeremy Raisman: I think in the days when they did without a government, they almost managed to do without the vanaspati!

Sardar Sant Singh: Quite right, because they could get natural foodstuffs in the shape of fruits, vegetables and corn and milk; and ghee is a product which has come from time immemorial; when there were no governments, there was ghee. Therefore, what I want to impress is that when once we realise this fully, that food products which are so essential for the building up of the body are greater necessities than governments themselves, then we realise how evil it is to tax those articles.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): What about salt?

Sardar Sant Singh: I am coming to it; I am not ignoring it. My friend reminded and so did the Honourable Member that the question of not taxing foodstuffs in the country is rather belated to raise, because he tells us that salt, sugar and half a dozen other things of food value are being now taxed by the Government. Quite right. But have the people ever accepted this proposition? Every year the arguments are advanced from these Benches and refuted by the Treasury Benches that salt should not be taxed. But they say its incidence is so minor that it does not fall very heavily upon the poor. We are accustomed to hear these arguments: they are repeated

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ad nauseam; but what I would point out that the Opposition has not accepted their contention that the foodstuffs should be taxed. Therefore, when we come to this, that a food product like vanaspati ghee should be taxed anew, another item is added to the half a dozen items that have been taxed already, and we are perfectly entitled to say that this is not a right or virtuous method of raising taxation.

Another argument that has been put forward by the Honourable Member is this that the industry is making very heavy profit and when that is the case there is no reason why the industry should not contribute something towards the revenues of the country. May I ask if he agrees with me or not that vanaspati ghee is one item which is a necessary of life? If it is, and if he feels that the industry is making high profits, his duty as a Member of Government—not as Finance Member, because as Finance Member he looks to his pocket and how he can fill his purse at the expense of the taxpayer—but I ask him as a Member of the Government, is it not his duty to control the price of vanaspati, so that the poor may be helped thereby, instead of increasing the price by putting another burden upon the consumer? He has controlled wheat, he has controlled several other articles; why does he not control the price of vegetable ghee, so that the consumers may not suffer? That will be showing some practical sympathy. It is no argument because the industry is making profit, therefore, the Government may levy a contribution in the shape of taxes. He does that when he levies income-tax, when he levies super-tax, when he levies Excess Profits Tax. Government does get a contribution from the profits of the industry. But to tax it further, which tax is bound to fall upon the consumer, is to tax the poor consumer to whom this important part of his food is not available in the market because the original ghee has become so expensive. Again, I ask him this question: as genuine ghee is being used by the richer classes, why does he not tax it? He has not considered the taxation of ghee. Its value has gone up from Rs. 40 to Rs. 106 today in the market.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Even that is not paying to the cultivator!

Sardar Sant Singh: But he has not chosen to avail himself of this source of income to the State. He has not touched it.

Then in his enthusiasm to meet the criticism of this part of the House to-day he has given certain reasons which do not stand the test of scrutiny at all. He said that on the issue of this Bill after the Budget speech the prices went higher and then they went down. But he forgot the provision that he has made in this Bill. The general impression is that on the day the Honourable Member presents his Budget proposals, particularly taxation proposals, people believe that they come into force then and there. Immediately the market is affected thereby. This was the impression about this Bill. To a factory at Lyallpur the excise inspector paid a visit on the morning of the 28th February, in pursuance of this Bill, and there he made this remark that the products will be subject to duty from now. Yet, with the exception of one or two factories, nobody raised the prices, but so soon as the copies of the Bill were available they discovered that the taxation was to come into effect from the 1st April, 1943. Therefore, those factories which had raised the prices believing that the taxation proposals had come into existence immediately, refunded the further rise, and other factories did not raise the prices at all. Looking at it from October to now, and at the prices of last December and to-day's prices there has been no rise in the price or there has been very little rise, the price has kept its level. How does it surprise him? The industry has not yet raised its prices. The industry has kept to the same level as it was before the taxation proposal came on the scheme. The Honourable Member's attempt to draw the inference, as I understood him, was that the incidence of taxation has fallen on the producer and not upon the consumer. I hope he will take into consideration this fact as well that the

prices have not risen because of the fact that the taxation proposal has not come into operation to-day.

The Honourable Sir Jeremy Raisman: I can assure my Honourable friend from my long experience that it makes no difference whether it comes into force immediately or whether it is coming into force on the 1st April; the prices are raised immediately the duty is announced.

Sardar Sant Singh: I am thankful to my Honourable friend for giving me another reason that the prices will go up because of the fact that taxation is going to be raised on a certain commodity. My Honourable friend is a better economist than myself; I am a layman; therefore, I won't enter into an argument with him so far as the principles of economics are concerned. But I will say this much. Has he any evidence in his possession to show me that the factories which have been producing this commodity have withheld this commodity from the consumer or from the dealer on account of this reason that by the end of this month taxation will come into force, in hope of making profit? Is there any evidence to show that the retail dealer has withheld the product from the market in the hope that it will fetch a higher price on account of the taxation proposal? I think I am not wrong. I am talking as a layman. I do not claim to be an expert but from the common sense point of view, what I say is this. Prices if they go higher, do so because either the producer or the retail dealer withholds this product from the market in the hope that after a month the prices will rise higher and he will consequently make more profit? There is no complaint in the market on that account; the factory owners are giving supplies to the same extent that they have been doing before. They have not stocked their supplies outside their factories in order to escape the excise inspector's scrutiny on the 1st April. No complaint has been received so far that the retail dealer is keeping back the product in order to make a profit on account of the taxation levied on the 1st April, 1943. Therefore, I would say that the attempt of my Honourable friend to draw this inference from the level of prices that it has not fallen on the consumer does not seem to be a fair inference from the transactions that are being carried on in the country. In the course of his speech the Honourable the Finance Member said, referring to Mr. Lalchand Navalrai's speech about this measure—that an Opposition Member—he took Mr. Lalchand Navalrai to be typical of every one of us sitting on the Opposition Benches—Mr. Lalchand Navalrai is not here. My Honourable friend said that we did not criticise when the prices were going higher for several months before this, but as soon as taxation is levied and part of that profit is being taken by the State, criticism has come in. That is probably what the Honourable Member meant by his argument. May I ask him whether he has taken into account the fact that the prices of other commodities of life were rising also. Mr. Chairman, you were perfectly right when you interrupted the Honourable Member when he was giving the figure that groundnut, the raw material from which this is produced, had risen in price from Rs. 300 odd per ton to Rs. 800 odd per ton, that is, about three times. What about other materials, chemical stores, containers, labour, wages, everything has gone up. If in sympathy with the rise in prices all round the price of this commodity has gone up, it does not mean that we should draw the inference from this that the profit of this goes into the pockets of the producer.

The Honourable Sir Jeremy Raisman: I did not say that the profits went into the pockets of the producer. I was talking about the trade generally, which includes middlemen and retailers.

Sardar Sant Singh: It is so. The argument is that the producer is making a large profit out of the trade, therefore, there is nothing wrong to get some portion for the revenues of the State. That was the inference which I understood he drew from this. If this be a fact, my submission is, the Finance Member has not taken into consideration the rise in prices of basic materials, the raw materials, as well as of containers, when the price of this commodity rises in

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sympathy with that. These are the important points which I wanted to make in connection with this motion.

I will only draw the attention of the Honourable Member to one additional fact, and that is this. He has informed the House in his Budget speech that out of the 60 crores deficit in the Budget he proposes to raise 20 crores by taxation. Out of this 20 crores the portion which he expects to get from this industry is 140 lakhs. Out of a total budget of over 200 crores, this half a per cent. taxation on a necessity of such importance as vegetable ghee, will not be justifiable. The revenue which he estimates he will realise is not so great as to cause him inconvenience, if he gives it up. I will speak on the amendments

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when I move them later on but I would say that the incidence of taxation that will fall upon the industry by the rate that he has suggested is very heavy. I do not propose to go into details at this stage because I shall deal with the incidence of taxation when I move my amendments, if he does not accept the circulation motion, which I am afraid, he will not accept willingly. It is for those who are interested in this industry, as producers, as consumers and as well as dealers to tell us how they will be affected by this heavy taxation upon food-stuffs. Therefore, I will say that the opinions of those who are affected by this duty should be called in. It may be said that the duty is to come into operation from the 1st of April and only ten or eleven days are left now. If he is agreeable, I would not mind bringing the date to the 30th April instead of the 30th June, so that the opinion of the public may be obtained on the measure and we shall then be in a better position to discuss both the benefits arising out of this as well as the evils arising from this taxation.

Meanwhile, I may point out one fact more and that is that the opposition to this measure has come from all quarters of this House, with the exception of my friends of the British Group, I will call them the British Group and not the European Group. (An Honourable Member: "What is the difference?") There is a good deal of difference between the two and, therefore, I refuse to call them the European Group. I understand that the associations of which they are the representatives have reviewed the situation in the light of the information they have received from their constituents. I would not be particular if they do not agree with the circulation motion but if they agree that this duty should be totally omitted or it should be reduced to a nominal extent, they will be doing a good service to the country at large.

Mr. R. R. Gupta (Cities of the United Provinces: Non-Muhammadan Urban): I rise to support the motion of my Honourable friend, Sardar Sant Singh, for circulating this Bill for the eliciting of public opinion. The Honourable the Finance Member has just informed us that it is the general nature of the trade that as soon as a tax is proposed they put up the prices to that extent and on the other hand he says that the incidence of this tax will not fall upon the consumers but on the industry. I am unable to agree with him in regard to this contradictory explanation. To my mind, the incidence of this tax will fall directly upon that strata of society in whose sympathy the Honourable the Finance Member's heart flowed when he was replying to the debate on the Indian Finance Bill in 1941. Speaking on the debate on the Indian Finance Bill, the Finance Member said:

"It seems to me that it would be extremely difficult to defend a sharp increase in the indirect taxation which must fall to be borne by the masses of the people rather than to insist on an increase in direct taxation."

In view of this statement, I do not understand on what principle the Government has decided to impose this excise duty on a vital necessity of life of the poor people. I am really not in a position to understand the policy or the principle governing the procedure of taxation by this Government. While imposing the excise duty on sugar, the Honourable Member in charge argued that the sugar industry owes its existence to the protection accorded to it by

the Government at a huge cost to the Indian exchequer. I would like to know what the Government has done to bring this industry into existence or to its growth or its expansion and if they have not done anything, then on what ground do they justify this excise duty on this vegetable product. I would like further to know what is the policy about this taxation. If the principle is that the Government must find the money by any means, then has the Government satisfied all the conditions prerequisite to imposing a tax on a vital necessity of life to the poor people? Have they effected all the economy in the expenses on the war and other administrative departments? There is hardly a week when one does not see the creation of one or two new posts carrying a salary of Rs. 2,000 to 4,000. Has the Government tapped all the sources for finding money, before launching on this new form of taxation? There also, I am not satisfied. I think there is no reason why the Government should not expand its borrowing policy and take loans from the depreciation funds of the Railways and Posts and Telegraphs, etc. They have not done so. Had they done so, I am sure they would have got all the money they require to meet the deficit at least for this year. They would have also got the money immediately from those funds. Sir, this is the only Government, to my mind, in the world today which is trying to meet its war expenditure out of the current income of the Government. This war is not being fought in the interests of the present generation only. The coming generations will also get the benefit of it.

Mr. Chairman (Sir Cowasjee Jehangir): I must remind the Honourable Member that he must speak on the Bill. He is now going into the general discussion of the Budget. That is not right. He must confine his remarks to the Bill.

Mr. R. R. Gupta: I want to point out why the Government should find money from other sources and that they must change their policy of taxation and why this sort of taxation should not be imposed. This is what I am going to point out. So, I was going to say why they should not expand their programme of expenditure in such a way that it can be expanded for many years to come instead of adopting this sort of taxation. If I cannot impress upon the Government the necessity in the matter of their whole policy of taxation, at least for this small amount they can very well adopt the other course. They can very well afford to forego this excise duty which will not bring them more than one and a half crores of rupees. A Government which is spending a gross of rupees per day on war expenses can very well afford to forego this small amount.

Then, Sir, I would like to draw the attention of the House to another point also. The vegetable fat is the main diet of nutrition for Indians. In recent years the production of ghee could not keep pace with the increasing population of India and it is this vegetable product which has been filling up the gap between the production of ghee and the increased population. Now, who are the users of this vegetable product? They are those that cannot afford to buy pure ghee. That in itself is enough indication as to what class of society this tax is going to hit. According to the figures that I have seen in the Budget, the production of vegetable ghee will come to about two million cwt. per year. According to the latest figure which I have got from an economist, the consumption of ghee per head of the population of India is calculated to be only 4 lbs. per year. According to those figures, this 2 million cwt. of vegetable product will be eaten by 5 crores of people of India yearly. So it comes to this that by this tax you are going to tax the food of those 5 crores of people who are already hard hit owing to the huge rise in the cost of living, especially the rise in the cost of those materials which are essential for the maintenance of the life of the people. Sir, I still hope against hope that the Honourable the Finance Member will see the advisability of withdrawing this measure. In case it is not possible for him to do that, knowing the weight of the Opposition, then I will point out that the proposed duty at the rate of Rs. 7 per cwt. comes to about 14 per cent. over the pre-war rate for this vegetable

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product. To my mind, this is a very heavy percentage for this tax to start with. In any case, the Government will lose nothing if they agree to the motion for circulation. They will then be able to know the public opinion and also to find out how the people have received this measure. They will then be in a better position to form a correct opinion over this measure.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Chairman, a taxation measure is always obnoxious and it is unjustifiable if its burden is to fall on those classes who are already finding the burden too heavy. In normal times a taxation measure of this kind would not be justifiable under any circumstances, but we are living in abnormal times. When India is engaged in a life and death struggle, it may be argued that every class of people must make sacrifices and in that way this proposal may be justifiable by the Govt. But when the people have no confidence in that Government, naturally they fight shy in placing any more money in their hands to use it in any way they like. I have dealt with this question at great length in my speech on the Finance Bill and I do not propose to repeat what I said on that occasion. Apart from that, what we find today in this House is that the Government is only interested in getting its measures passed by us, which are to tax people. It is not interested in anything else. It is unresponsive and unsympathetic. We had only this morning an exhibition of this on the adjournment motion, notice of which was given by my friend, Mr. Yusuf Abdoolah Haroon, and the Government took objection to it under a technical clause which is in our Standing Orders. They did not give any reason. They know very well that in a House like this when it is so depleted it is difficult to get 25 Members. We also know that on other occasions they have not objected to motions of a similar kind and I think this action on their part was discriminatory. Therefore, we, the Members of the Muslim League, feel that the Government, as far as the Muslims are concerned, is most unsympathetic. It has different standards for different communities. When there is the question of a rebel belonging to another community, its attitude is different. So, Sir, we, the Members of the Muslim League Party, have decided that we will oppose every taxation measure, every measure that is to place burden on the people by the Government, irrespective of the merits of that measure.

Sir F. E. James (Madras: European): Sir, we have no particular objection to this Bill, but there are one or two questions that I should like to ask the Honourable the Finance Member and in doing so I speak as a consumer. When I made my last periodical account with the cook, I was horrified to find that I had been a consumer for many months of vanaspati and that the cook had taken the pure ghee that he had bought with my money for his own purposes. I think that is the case with a good many families. When the Honourable the Finance Member introduced his Budget, I noticed he skated over this tax very lightly almost as though he was skating on a thin layer of vanaspati ghee. There are the exact words which he used in his Budget speech:

"The proposed excise on vegetable product, sometimes known as vanaspati, raises no administrative difficulties."

Then he interposed admittedly an irrelevant remark—

"There has for a long time been public agitation against the frequent use of this product for adulterating natural ghee, but that is an aspect which is not directly relevant to our present purpose, which is to raise revenue. The rate proposed for the new tax is Rs. 2 per cwt. and the estimated yield is Rs. 140 lakhs."

That is all. There was no justification why he had chosen this particular commodity on which to impose a tax. It would be interesting to know why my Honourable friend did select vanaspati apart from the reason which he has given that in this case "there are no administrative difficulties". Is that the case? If so, I might suggest to him, in private of course, but not on the floor of this House, a lot of other commodities which might be taxed and which would not present any administrative difficulties in their collection. There must be some other reason. I should rather like to know what it is.

The second point I should like to make is whether this tax is in the Honourable the Finance Member's War taxation programme or is it to be a permanent addition to our fiscal policy. That is a matter of some importance. I know the Honourable Member cannot give any guarantee whether this tax will be removed at any time within his term of office or within the term of office of his successor. At the same time, there must be some general principle underlying the fiscal policy of the Government of India; and when all is said and done this is a tax on food. In abnormal times such as we are passing through a tax on food may be justified; but in normal times, it is only justified when its incidence is light and the article of food concerned is not an absolute necessity of life. Then I should like my Honourable friend to tell the House whether he considers the incidence of tax on the consumer at this rate is reasonably light. My Honourable friend Nawabzada Liaquat Ali has said just now that in war times it is the duty of all of us to protect the consumers. I am told, I do not know how far it is correct, that the incidence of this tax works out at one anna a pound.

(Interruptions.)

Mr. Chairman (Sir Cowasjee Jehangir): You cannot have conversation like that. Let the Honourable Member go on with his speech.

Sir F. E. James: I was saying that I have been told that the incidence of this tax works out to one anna a pound, and that the monthly consumption of this ghee in a family of four persons works out to about fifteen pounds. I am submitting the calculation which was given to me. In a family of six persons probably the monthly consumption would be in the range of 20 pounds. Well the incidence from our point of view might look remarkably light, but on the other hand from the point of view of a family whose income is in the nature of Rs. 250 or even 300 a month it is a serious consideration. Therefore, I would like to know whether this tax is in the nature of a wartime tax. I think my Honourable friend is a great classic scholar and teacher and will be able to tell who it was who said that "when lives and properties are in danger, there were no such things as taxes". When danger to life and property is removed will the tax be removed, or will it continue when the emergency is passed.

My fourth question relates to the scope of the Bill. Here, I should like to attract the attention of the legal luminaries on the Government Benches. What is the meaning of human consumption. The word "consumption" if one looks in the dictionary might mean "wasting disease". In the Bill the definition of "vegetable product" is:

"any vegetable oil or fat which, whether by itself or in admixture with any other substance, has by hydrogenation or by another process been hardened for human consumption."

What does the Honourable the Finance Member mean by human consumption. If he tells, the House what he means, perhaps the Honourable the Law Member will be able to say whether this clause is the correct interpretation of his meaning. The meaning of "human consumption" here I assume to be "consumption by the mouth", but should like to be assured that that is the case by some legal authority.

The only other point which I would like to make is in regard to my Honourable friend, Sardar Sant Singh, who for the first time in whole of his political career is particularly anxious about the views of our constituencies.

Sardar Sant Singh: I know what your views are and what views you are going to talk about this matter.

Sir F. E. James: I can assure my Honourable friend that we attach great importance to any views to which he may give expression in this House. I cannot understand what he would have done, had there been no Government in this country. There would have been no Sardar Sant Singh. The political career of a man is largely made as a result of the presence of a Government which he can criticize. Generally speaking our constituents are in favour of this Bill. The Bombay Chamber of Commerce is very doubtful as to the principle underlying the Bill, because in their view it is a tax upon the poor man. Whether that view is correct we have to judge, but it would be unfair

[Sir F. E. James.]

for me to speak on behalf of the Group without mentioning that point. At the same time, in the circumstances in which we are placed, we certainly support the Bill and have no hesitation in saying that in this instance there is ample justification for a measure which, though it may cause some hardship to the consumer, is a measure which the necessities of war dictate.

Sir Abdul Halim Ghuznavi: Mr. Chairman, I have taken three points into consideration in coming to a decision on this Bill. The first point which I took into consideration is this that vanaspati ghee was first an imported article and by levying an import duty on that article the general revenues were benefitted as the Honourable the Finance Member has just pointed out. That source of revenue is now lost, because we are able to manufacture vanaspati ghee here in India in very large quantities. Well, Sir, what is vanaspati ghee? It is a preparation which was formerly used for adulterating pure ghee. Ten years ago, I remember we were opposed to this vanaspati ghee coming to India because of its being used for adulteration of ghee and because it used to be sold at a price at which pure ghee was sold. Also on medical grounds, the *Hakims* and *Vaid*s were opposed to the use of vanaspati ghee. They said it did not give nourishment. Now, Sir, I agree with my Honourable friends that any taxation on food must be very distasteful to the people. Year in and year out, this House has agreed to the taxation of the poor man's salt. In spite of our protests, we have been forced to pay salt tax. That is really the poor man's tax. The poor man feels the tax most. In this instance, how can it be said that the poor man is taxed, when he does not take vanaspati ghee? This does not affect the poor man's food at all. Vanaspati ghee is taken by a man who can afford the use of ghee, but at a little cheaper price. They can afford under the circumstances to sacrifice something. The only point that requires consideration is whether a taxation of seven per cent. is a little too much or not. Otherwise, I believe the House will have no objection to the principle of this taxation. If the Honourable Member would take into consideration this rate of taxation, I think that would meet the point of every one, as thereby the tax will not so adversely affect or so seriously affect the middle-class man, as he would, be when the tax is so high. Otherwise, I support the measure.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, the Honourable the Finance Member in his speech admitted that the tax on vanaspati is a tax on food. Ghee has been an article of food of a large number of our population. His argument for imposing this tax is, it would be impossible to levy any form of indirect taxation, if we exempt all articles of diet from it. Most of the articles which have to be indirectly taxed are articles of food.

I want to draw the attention of the Honourable the Finance Member to one simple fact. There are various degrees of necessity with regard to various articles of food. My Honourable friend, Sir Abdul Halim Ghuznavi referred to salt tax and said it was a tax on the poor. No doubt salt tax is a tax on the poor people, but what we have to see, is how much salt is consumed by a family in a month or even in a year. The quantity of salt required is quite small. Naturally the weight of tax on the consumer of salt is very slight. Now, take rice or wheat, if you tax rice or wheat, you will be levying a tax on the most prime necessity of life and on account of taxable quantity being very great, it would be most oppressive. Similarly when you tax ghee, you are practically taxing the most important article of food, next to wheat and rice, which is most essential for the nourishment and development of man. There are various other articles of food. There is sugar. You tax sugar. But sugar can be dispensed with by people and a substitute, such as *gur* or *shakkar* used instead.

Coming to vanaspati ghee, it has got a peculiar history behind it. When this vanaspati was first introduced into this country—I am talking of the Punjab—which is the greatest consumer of ghee—then most of the people hated this article. Motions were made in the Punjab Assembly that heavy tax should be levied on those who carried on trade in vanaspati. Then came a suggestion that vanaspati should be coloured in such a way that people ought to distinguish

it as being a vegetable product, so that they could abstain from using it. That was the underlying idea. The motion of colouring it was passed by the Punjab Assembly. But it was not found practicable to colour the vanaspati in such a way as to keeping it safe from becoming harmful. Then came another agitation. It was on the point of adulteration of pure ghee. The complaint was that the natural ghee was being adulterated in the villages and it was being sold in the adulterated form in towns. That was the chief complaint of the people, and Inspectors were appointed by the Punjab Government to find out whether there was any adulteration going on and a number of shopkeepers who sold this adulterated ghee were caught and fined.

Now, there is another agitation. The complaint is regarding the imposition of a heavy tax on vanaspati, that is now proposed by the Honourable the Finance Member. Formerly the people had so much prejudice against and dislike towards the vanaspati ghee that they did not want to use it. But now on account of war, owing to the price of all articles having risen very high, the price of ghee has gone up so high that the ghee which was formerly selling at about a rupee a seer, now sells at five *chataks* to a rupee—i.e., three rupees a seer. Thus it has become almost impossible for anybody to get pure ghee. Just as the price of wheat and every other article has risen, the price of ghee has also risen. As I already submitted, ghee is an article of food next only in importance to rice or wheat and so it is one of the most important necessities for man. It may be that the poor people do not use ghee. But the poor people use in its place oil. The price of oil also has gone up. If people give up the use of vanaspati, then they will have to use oil. Oil is used even now mostly in Bengal and in South India. Oil also has become very costly these days. It is moreover being adulterated. Vanaspati is oil in the shape of ghee.

Now, Sir, if the people begin to use oil instead of this vegetable product, the oil will become as much costly. Therefore, I say that vanaspati now has become an article of food which is of such importance that without it neither the higher nor the middle and even labour class can do. When you tax this vegetable product, you are taxing that portion of the diet which is most essential for the growth of man, woman and child. Already on the account of the war the prices of staple food—wheat and rice—have gone up so high that it is becoming very difficult for them to manage and by taxing another necessities of life, you are doubling that difficulty. First of all, people were using natural ghee, and as the price of natural ghee has become prohibitive, they gave it up and switched on to vegetable product, but now you are going to tax that also, the result would be that its price will also rise to such an extent that it will not be within the reach of an ordinary man to use it.

A tin containing 35 lb. of vanaspati used to sell at Rs. 9 in July, 1941; gradually as the price of natural ghee went on increasing more people started using vanaspati—and in July, 1942, the same tin was selling at Rs. 15, and, again, in December, 1942, at Rs. 21. As I have said, Sir, it is very unfair and hard on people to deprive them first from using natural food and again taxing the substitute which they were obliged to. It practically amounts to this that the Government do not want that the people should have any kind of food for their nourishment neither for themselves nor for their children. Therefore, I say that this taxation, if passed will hit the people very badly. I, therefore, support the motion moved by my Honourable friend, Sardar Sant Singh. If this amendment is passed by the House, the result will be that the price of this very necessary article of food will not rise very high and it will remain within reach of the lower middle-class and the labourer class, and also all other people will begin to use it. I would add that in cities like Lahore or Rawalpindi nobody can get natural ghee at all. Everybody is obliged to use vegetable ghee. Sir, I support the amendment moved by Sardar Sant Singh.

Mr. Jamsadas M. Mehta: Sir, I am sorry to find that in the speech of the Honourable the Finance Member expounding the merits of this Bill and the

[Mr. Jamnadas M. Mehta.]

pros and cons of the various issues he was inclined to be somewhat uncharitable towards those who are opposing this Bill. He seems to think that those who are in the manufacturing trade of Vanaspathi have no right to defend themselves when they are attacked; otherwise I could not understand the relevance of his saying that the manufacturers are organizing this opposition. He is almost complaining that when a man is attacked he should not defend himself. Coupled with this somewhat unfair remark that the manufacturers have no right to defend themselves when they are attacked, there was also some insinuation that others who are opposing the Bill might also be under their influence which, I am sorry to say, is far more uncharitable. I assure him that there are sufficiently independent men in this House who, apart from any manufacturers' protest, will examine the merits of any legislation and will take their stand on it solely on the merits of the Bill without regard to any considerations which may be urged from the right or from the left.

The second thing which I was somewhat shocked to hear was that it was not possible to devise any taxation in this country which did not impinge upon food. That is also a negation of the doctrine for which Bright and Cobden fought nearly one hundred years ago in Great Britain and established the doctrine of a free breakfast table. We are hundred years later told now by my Honourable friend that the doctrine for which the British public can justly be proud was a false doctrine, or, at any rate, it can have no application in this country.

The Honourable Sir Jeremy Raisman: What is the position in England today?

Mr. Jamnadas M. Mehta: To some extent I can understand my friend, but I do say, Sir, that the Honourable the Finance Member went much too deep when he said that he cannot conceive of a system of taxation in India in which food was not taxed. That, I dare say, is an extraordinary thing.

The Honourable Sir Jeremy Raisman: Sir, I think, I said "in which there were no indirect taxes", which is wider but includes food.

Mr. Jamnadas M. Mehta: You will read your transcript and you will find that this is the effect of what you said. But if it is not your view, I am happy. The food is taxed to a great extent and Government are piling taxation upon taxation on the other needs of the people, the necessities of the people, the very essential supplies of the people. To that extent we are concerned in opposing this Bill, particularly because this Bill, at any rate, is not so essential for balancing the Budget according to him, the amount that he will receive is a bagatelle compared to the amount that he needs and even if he left it uncovered the adjustments of the various items of income will without any further taxation or any further borrowing make it possible for him to have a balanced Budget after his other proposals are implemented. That is the position, I submit. Now, what is it that he does? Here I wish to read the opinion of a gentleman—Khan Bahadur Vazifdar, Acting Chemical Analyser to the Government of Bombay. He is a very eminent medical gentleman of Bombay, and I am not reading anything except the last paragraph of what he wrote on the 5th September, 1935.

"The energy value of the food unit of this product (i.e., Vanaspathi) is the same as those of the original oil from which it is prepared and fully equal to those of natural ghee. It is, therefore, an article of high nutritional value manufactured in the latest and most hygienic conditions and can be recommended with confidence as a pure wholesome article of food."

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

This is the opinion of the Acting Chemical Analyser to the Government of Bombay, a gentleman of great distinction in the field of science and medicine.

The conditions under which it is prepared now are described by a high authority as being very hygienic and wholesome as an article of food and equal in nutritional value to a large extent, if not fully equal, to that of natural ghee. Now what you are doing is that you are taxing such an article and all that I want to say is first of all that it is not necessary for the

Budget; secondly, this is not the article which he should have selected; and thirdly I tell him, let him for once accept the attitude of this House on taxation on this year's Finance Bill. He has consistently resisted every attempt to improve his financial measures. Now, at any rate, if not for any particular reason, at least to show that he has some deference, some respect for the views of the Opposition, he might very well compromise by withdrawing this Bill, because democracy is described as a system of government by continuous compromise between opposing interests. Therefore, this is a very fit and proper occasion for him to compromise with the Opposition who have had nothing to show for their fight for the last three weeks. Not that on merits this is not a Bill which could be legitimately resisted. I can only appeal to him and to his sense of deference for this Honourable House.

Now, Sir, my Honourable friend, Bhai Parma Nand, has told you that the price of this vegetable ghee has risen by as much as 250 per cent. since the war began. It was somewhere in the neighbourhood of Rs. 8 and a few annas before the war started. In February, 1943, its price in Delhi is said to be Rs. 21-2-0 per a certain unit of weight which is called 36 or 35 lbs. On that the Honourable the Finance Member wishes to add a taxation of Rs. 7 per cwt.

The Honourable Sir Jeremy Raisman: Not on the figure that you mention.

Mr. Jamnadas M. Mehta: Already this price as it stands will give a burden of Rs. 7 per cwt.

The Honourable Sir Jeremy Raisman: That will be about Rs. 2-3-0 on the 35 pound tin.

Mr. Jamnadas M. Mehta: It will mean there will be one rupee in every sixteen pounds, and, therefore, one anna in every pound. That is the proposal of his taxation. Now let us take the poor people who have abandoned all hope of getting any ghee during this life—although they may hope to get it in the next—under the British Government at any rate—I do not know when the National Government will put ghee into their mouths. These people form the bulk of the population. I was somewhat shocked to hear that even in the Punjab, as my friend Bhai Parma Nand said—the home where dairy produce is much more used and much more accessible to the people on account of a bit higher standard they enjoy due to their better agricultural prosperity—a large number of people seem to be getting no ghee. Such a product is going to be taxed by the Honourable Member. Some people gave the history of this trade, which I am not going to do. The unpopularity of it was due not to any particular thing it contained, but because what was really Vanaspathi was tried to be passed for as ghee, or by adulteration was attempted to pass off as the real ghee. I can tell you a very humorous story of an experience that I had when I was the Mayor of Bombay in 1936. A poor woman who was famine-stricken and had brought some cattle from Kathiawar and elsewhere, was living on selling milk and ghee that she was able to make from the milk. She came to me and asked whether I would not buy this pure ghee from buffalo's milk. Looking at the woman and hearing her protestations I thought I might and I bought one tin. It appeared very good. As a matter of fact it was too good to be true and I sent it to the Municipal Analyst. He found that 95 per cent. of it was vegetable ghee and 5 per cent. genuine. I complained to the municipal authorities and they asked me the next time she came to call for them. She thought this Mayor of Bombay was a simpleton and she came and brought another tin and protested that this was better than the last one. I rang up the municipal authorities. They came, impounded the ghee, and found that while the last sample was 95 per cent. vegetable, this was 98. It was on account of the attempt to mix this thing and pass it off as ghee that it became hateful and was very unpopular. Otherwise there was nothing wrong in it. It was just an article of food as any oil, and we are dealing with it as such today. Forget its ancient history.

Now I wish to say that the other point against any addition to the taxation is that this is being taxed also by the various municipalities by way of octroi duty. Then that taxation will make it costlier by 33 per cent. of its pre-war

[Mr. Jamnadas M. Mehta.]

price, which is a very high degree of taxation. That Government should impose a taxation on food which virtually makes it 33 per cent. more costly than the pre-war price is also a point whose seriousness Government might very well consider. The last point which I wish to make, Sir, is this, viz., the extreme unwisdom of a Government, its unstatesmanship and also its inhumanity in depending, and relying, and existing on taxing the poor people for their needs of existence. It is really killing the goose which lays the golden egg. My friend yesterday said he did not want to do it, but I feel that the cumulative effect of these taxations on food is nothing but killing the goose which is laying golden eggs. He quoted the day before yesterday from his explanatory memorandum to prove to my satisfaction that the direct tax was now greater, but he did not succeed. Nowhere could he show to me that his direct taxation was larger than his indirect taxation. So the poor now are attacked from two sources.

The Honourable Sir Jeremy Raisman: May I know exactly how my Honourable friend does not find that direct taxation now exceeds indirect taxation?

Mr. Jamnadas M. Mehta: You will find that Rs. 154 crores is indirect taxation out of a total of Rs. 210 crores. What is there remaining of the taxation?

4 P.M. You can look at that page. I have at least satisfied myself that the indirect taxation is much larger still.

The Honourable Sir Jeremy Raisman: But the whole of the revenue from income-tax of various kinds is direct taxation.

Mr. Jamnadas M. Mehta: I do not deny that. But the whole of the income-tax is not from the rich: part of it is from the poor so you must take that also into account.

Sir Cowasjee Jahangir: Oh!

Mr. Jamnadas M. Mehta: I am proving that the poor are collectively taxed most. Sir Cowasjee Jahangir living in a marble palace can say "Oh!" That is not the point.

Sir Cowasjee Jahangir: Your point was that direct taxation was less than indirect taxation. Now you turn round and say that direct taxation does not fall on the rich only—it falls on the poor.

Mr. Jamnadas M. Mehta: I have not turned round; you may turn round. I say still that the indirect tax is larger. Let him read it. What I said was that even if the direct tax was heavy a part of it also is paid by the poor. I am not, therefore, turning round at all. I maintain what I say. Therefore, do not think you have scored something. I know you are going to do something—you have threatened me this morning that I am living in a glass house and should not, therefore, throw stones at the capitalists. It is true to some extent that I earn my living out of capitalists. That is true. You are going to say that and I may as well admit it now. I may even one day agree to become his servant also, but that will not change my views.

Sardar Sant Singh: Are you not a capitalist yourself?

Mr. Jamnadas M. Mehta: No; I am sorry I am not. But I would like to be one and then to put my fortune at the feet of the poor. I am not privileged to do that. But that is not the point I was making. I was simply reminding the Honourable Member that even the indirect taxation today was still the highest and fell largely on the poor. My main complaint is that the poor are taxed by the Government on the one hand and fleeced by the market on the other and between these two fires they were losing their vitality, they were losing their efficiency; the death rate will become larger; it is becoming larger in the city of Bombay, may I tell him. The incidence of sickness is increasing, and in the absence of medical drugs, the effect of this fresh taxation on the efficiency and vitality of the people is going to be so bad that I dread post-war events, as soon as some epidemic unhappily breaks out. You will remember in the last war 68 lakhs of people died of influenza. I hope that no such

calamity will befall us on this occasion; but if you go on sapping the vitality of the people by taxing one thing after another, leaving their incomes hardly proportionate to the increase of taxation—your taxation is higher than the increase of their income—the prices in the market are four times and you are putting such men under this additional weight of taxation, which is entirely against statesmanship; and no patriotic Indian sitting here can honestly support this measure. I, therefore, gladly support the motion for its circulation.

Sir Cowasjee Jahangir: Mr. President, I regret I was not able to follow the Honourable the Finance Member's reasoning. He tried to make out that the manufacturer will pay this tax and not the consumer.

The Honourable Sir Jeremy Raisman: The trade.

Sir Cowasjee Jahangir: That means that the manufacturer will not pay it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhumamadan Urban): A most astonishing statement!

Sir Cowasjee Jahangir: Either the manufacturer pays it or the middleman pays it or the consumer pays it. I take it the consumer is not paying it?

The Honourable Sir Jeremy Raisman: Not the whole of it.

Sir Cowasjee Jahangir: And, therefore, the manufacturer and the middleman will share it. At any rate, let me point out the result of that argument. He admits that these manufacturers are making inflated profits. I presume he hopes to get some of the profits of the middleman. Well, then, if there are inflated profits in both these directions, I presume he hopes to get some Excess Profits Tax out of it. And if the consumer does not pay it, then it will come out from the top profits of these two classes, which will mean an increase in the Excess Profits Tax; surely he does not believe that he is putting a tax of 140 lakhs from which he expects to pay a good deal himself. No. Therefore, if that be not the argument, he must expect the consumer to pay.

The Honourable Sir Jeremy Raisman: I must point out to my Honourable friend that most of the shop-keepers who retail this sort of thing do not pay Excess Profits Tax.

Sir Cowasjee Jahangir: Then he believes that the middleman will pay it? I think he will be very much mistaken, because this is an organised trade, where the prices are well regulated and the trade sees that the consumer pays proper prices. It will be either the manufacturer or the consumer who will pay in this organised trade. I can understand his argument with other trades, but in an organized trade like this, so far as I can make out, it can only be either the manufacturer or the consumer. If it is the manufacturer, then I am sorry for my Honourable friend the Finance Member, for he will have to pay 66-1/3 per cent. of this tax. If it is the consumer, then the arguments of my Honourable friends must carry some weight. But let us look at this question on its merits. I personally believe the consumer will pay it.

The price of this commodity in June, 1939, just before the war—in Bombay was 8-2 annas per pound. It rose in December, 1942, to 7-15 annas. Honourable Members can calculate the rate of increase of this commodity. It was Rs 8 for 40 lbs. and rose to Rs. 19-8 in March, 1943.

The Honourable Sir Jeremy Raisman: Which prices are these?

Sir Cowasjee Jahangir: In Bombay—of vanaspathi.

The Honourable Sir Jeremy Raisman: These are wholesale prices or retail prices?

Sir Cowasjee Jahangir: It is the retail price in Bombay city. I take it that these figures are fairly correct.

The Honourable Sir Jeremy Raisman: On the contrary they bear no relation whatever. Rs. 8 for what?

Sir Cowasjee Jahangir: For 40 lbs. in June, 1939.

The Honourable Sir Jeremy Raisman: I have not got those figures.

[Sir Jeremy Raisman:] to the question of the incidence of this tax on an article of food and here I would like both to shorten the proceedings of this House and also I must admit that I am touched by some remarks made by my Honourable friends about the responsiveness of the Government in present conditions. I have already said that the incidence of this tax which is only about 12½ per cent. is only half what it used to be when the source of the article was abroad, when it was an imported article.

Sir Cowasjee Jehangir: How much cheaper?

The Honourable Sir Jeremy Raisman: It may have been cheaper but the incidence is in relation to the value of the article.

Dr. P. N. Banerjee: The greater the price, the greater the addition.

The Honourable Sir Jeremy Raisman: Incidence is the fraction which a tax bears to the value of the article on which it is a tax and that is purely arithmetical. However, I was going to say this. I notice that my Honourable friend, Sardar Sant Singh, has put down several amendments relating to the rate of the tax and I regret that it would not be possible for me to accept any of these amendments but I am prepared, if the Chair would allow it, to accept an amendment to be moved reducing the rate of this tax to Rs. 5 per cwt. If such an amendment is moved, I would be prepared to accept that amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1943."

The motion was negatived.

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

"That the Bill to provide for the imposition and collection of an excise duty on vegetable product be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now deal with the Bill clause by clause. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 3. There are a number of amendments to clause 3. I understand that the Finance Member is willing to accept amendment No. 5.

The Honourable Sir Jeremy Raisman: No, Sir, I would be prepared to accept an amendment reducing the duty to Rs. 5, instead of seven rupees, mentioned in the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Then, I take it that the other amendments are not going to be moved. The Honourable Member (Sardar Sant Singh) may move amendment No. 9 in the altered form.

Sardar Sant Singh: Very well, Sir. I shall not move the other amendments in my name. Sir, I move:

"That in clause 3 of the Bill for the words 'seven rupees' the words 'five rupees' be substituted."

Sir, I would not take much time of the House in moving this amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to take any time.

Sardar Sant Singh: I want to keep to the agreement as far as possible. I will only say one word in reply to what the Finance Member said in replying to my circulation motion. The incidence of this taxation has been dealt exhaustively by Sir Cowasjee Jehangir and others. While examining the incidence of taxation upon the industry, the Honourable the Finance Member was pleased to say that at the time when the import duty of 25 per cent. was levied, the incidence of taxation was double what it is today, according to today's price. Have I understood him correctly?

The Honourable Sir Jeremy Raisman: Yes.

Sardar Sant Singh: At the same time, he went on to say that it is a purely arithmetical proposition and it has no other value. May I remind him that

in 1931, when the incidence of the tax was 25 per cent. on the imported goods, the public sentiment was with the Finance Member. At that time the vegetable ghee was the object of wrath by the masses. They hated it and public opinion wanted the Finance Member to tax this commodity as heavily as he could. The tax at that time was fixed with the help of the people. The Government responded to the wish of the people. The Government do not generally respond to the wishes of the people in this country but they readily respond if it fills their pocket and the wishes of the people are satisfied. The conditions are entirely changed now. This commodity is no longer one which is not required by the people. The people want it. War conditions have made it abundantly clear that the people need this food-stuff in order to maintain themselves. Therefore, the analogy of 1931 does not apply today. As my Honourable friend, Sir Cowasjee Jehangir, pointed out . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat all that.

Sardar Sant Singh: Besides this 13 per cent. incidence of taxation, the industry bears a terminal tax duty to a very great extent. Therefore, the present attitude of the Government is not what the Opposition will like it to be. In proposing my amendment I tried to go as far as I possibly could to help the industry and that was not beyond Rs. 4. I am accepting Rs. 5 on the assurance given by the Honourable Member, otherwise my own idea was up to 50 per cent. of the duty which he proposes. Sir, I move.

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

"That in clause 3 of the Bill for the words 'seven rupees' the words 'five rupees' be substituted."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 8 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 Jeremy Raisman: Sir, I move that the Bill, as amended, be passed.

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

"That the Bill, as amended, be passed."

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND No. 3—TAXES ON INCOME INCLUDING CORPORATION TAX.

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

"That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Taxes on Income including Corporation Tax'."

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

"That a supplementary sum not exceeding Rs. 3,67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Taxes on Income including Corporation Tax'."

The motion was adopted.

DEMAND No. 4—SALT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 7,82,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Salt'."

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

"That a supplementary sum not exceeding Rs. 7,82,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Salt'."

If any Honourable Member wishes to move his amendment, he ought to rise in his seat.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I have a very brief point to raise in this connection, which relates to one of the factors responsible for this particular demand. The House will remember that the

Sir Cowasjee Jehangir: I am giving you the figures before the war and just now. In June, 1939, it was Rs. 8 for 40 lbs. It rose in December, 1942, to Rs. 17-14, and in March, 1943, it was Rs. 19-8. These are my figures. The raw commodity from which this vanaspati is made is coconut oil.

The Honourable Sir Jeremy Raisman: Groundnut oil.

Sir Cowasjee Jehangir: Groundnut oil. The cost of that in January, 1940, was Rs. 300 a ton. In February, 1943, it rose to Rs. 830 a ton. Ordinary arithmetic will tell you that the raw commodity rose to a greater proportion than the manufactured article, to which must be added the higher costs of packing, labour and freight.

The Honourable Sir Jeremy Raisman: I am afraid I cannot accept the second figure. The average price in February, 1943, for groundnut oil was Rs. 34-9 per cwt, which works out to Rs. 690 a ton.

Sir Cowasjee Jehangir: The figure that has been given to me is Rs. 830 a ton.

The Honourable Sir Jeremy Raisman: I do not accept that.

Sir Cowasjee Jehangir: In February, 1943. It was given to me by people at any rate who knew what they were talking about—it was people who had to pay for it; and I presume that the figure I give is correct. If it is not, I stand corrected. I give the authority from whom I got the figure—the people who actually paid for it. That shows that the cost of this commodity has not risen in proportion to the raw material, labour, freight and packing charges. If that is so, it shows that the profits could not be so enormous as my Honourable friend makes out. As my Honourable friend, Mr. Jamnadas Mehta, has told you, this article is also subjected to another tax, the octroi. I find in Delhi it is Rs. 1-8-0 per maund. In Bombay it is 1-14-0.

Mr. Jamnadas M. Mehta: Rs. 2-8-0 in some of the U. P. districts.

Sir Cowasjee Jehangir: In the Punjab, in Jullunder I am told that it is the highest. In the U. P. it is—I am afraid I cannot just find it. But the fact remains that the duty is from 12 to 13 per cent. on the present cost, it is 24 per cent. on the cost of this article last year, and it is 30 per cent. of the pre-war cost.

The Honourable Sir Jeremy Raisman: Which duty?

Sir Cowasjee Jehangir: The duty which you are putting on. I have given the figures; 12 to 13 per cent. on to-day's costs, 24 per cent. on last year's costs, and 30 per cent. on pre-war costs. That 12 per cent. on an article with its to-day's inflated cost is a fairly heavy duty cannot be denied. I do not desire to take up more time of this Honourable House. There are other figures which I have got, some of them have already been mentioned. I would earnestly appeal to the Honourable the Finance Member to take these things into consideration and see what he can do to meet the point of view of the Opposition.

The Honourable Sir Jeremy Raisman: I must oppose the motion for circulation because this is, in its nature, a simple measure, and essentially, a part of the Budget. There is, I submit, nothing to be gained by a prolonged study of the Bill. It is quite simple in character. Whether you like or not, you know exactly what it means. I would only deal very briefly with some of the points which had been raised. I am afraid, I cannot gratify the curiosity of my Honourable friend, Sir Frederick James, as to why I selected this commodity for a tax this time. But I would recommend to him the criteria which are generally accepted as criteria for a good tax. If he put himself in the position of the Finance Member, he would apply the various criteria and see which of the commodities come highest on his priority list. That is one way of doing it. Another thing he would have to do is to consider how much he was already taking on in the way of additional administrative burden as a result of any other tax which he was contemplating, and he would find that the criterion of simplicity, certainty and administrative ease might come pretty high.

Mr. Honesabhai A. Lalljee (Bombay Central Division: Muhammadan Rural): And very little cost.

The Honourable Sir Jeremy Raisman: I come to his second question. He asked me if it is only intended as a war tax or whether it will survive. Then he went on to admit that whatever I said would have no particular value. Whatever may be my merits or demerits as a Finance Member, there is one mistake which I hope I have never made, and that is I have never said.

Sardar Sant Singh: You never yield.

The Honourable Sir Jeremy Raisman: I never said that the tax was simply a war tax or an emergency tax. I know that a certain amount of taxation which has grown up in war time will, in due course, have to come under review. I trust that we may reach conditions in which it will not be necessary to pitch the demands of the State so high. But I would not be prepared to give any kind of guarantee on that subject and I would prefer to say nothing whatever about it. I will deal with his fourth point before I deal with the third. He asked me what was meant by human consumption. I am not a lawyer, but my impression is that in this context human consumption means what I may call internal use; that is to say, it means that the commodity is consumed in some way as an article of diet or food, and would, I should think, exclude any external use, such as, by way of soap. Now, I will deal with his other point, and at the same time I would like to make a brief reply to my Honourable friend, Mr. Jamnadas Mehta. The other point which Sir Frederick James raised was whether this was a reasonably light tax. At the time when it was an imported commodity, the incidence of the tax was 25 per cent. *ad valorem* and at that time there was never any objection on the ground that the tax was excessive although the additional duty must have gone on the price of the article to the consumer. Here I would like to clear a point. It was not my argument that it would not be a tax paid by the consumer. I never expected or intended when I proposed this tax that it would not be a tax to be paid by the consumer. My only argument this morning was that in the present conditions it had not been passed on fully to the consumer; that was all.

Dr. P. N. Banerjee: That is a very wrong view.

The Honourable Sir Jeremy Raisman: My Honourable friend, Dr. Banerjee, may think it is a wrong view, but it is a view based on ascertained facts at the present moment. What the causes may be opinions may differ about, but it is based on ascertained facts. Mr. Jamnadas Mehta made again certain general observations about the taxation of the poor and I understand him to have again charged me with taxing the poor even through direct taxation. By that I understood him to be repeating an allegation which he previously made, that the Government connived at the exploitation of the poor because of the share which they received by way of excess profits tax. I would like to take just two or three minutes to explain quite categorically what the Government feel about it, particularly because it has been prominently raised again in connection with the cotton textile industry. I want to tell the House that on several occasions I made it perfectly clear, as much as two years ago, to the cotton textile industry which had begun to use the words "senior partner", that, as far as I was concerned, nobody would be happier if not a single rupee of excess profits tax accrued to the Government from the operations of that industry. I made it perfectly clear to them in conferences in which the prices of their products were being discussed. I made it perfectly clear that, if they were content to trade upon a basis which left them nothing more than the standard profits, I would be very happy indeed. I said that not once but many times. Now, I find that my Honourable friends talk of me as the senior partner, it is their definite suggestion that the practice of the mills in charging higher prices for their products is pleasing to the Government because of the share it gives to the Government. I would repeat now that I do not want any share of profits gained in that way, and if that industry or any other industry will so organise itself as to provide its products to the poor on a basis which will yield no profit higher than that which they made in the standard period, I am quite content to make my Budget upon that basis. Now, Sir, I come back

[Mr. K. C. Neogy.]

first item mentioned in the proceedings of the Standing Finance Committee relates to "the extraction and clearance of more salt at the Northern India salt sources as also the purchase of Dhrangadhra salt from the Dhrangadhra Chemical Salt Works Limited, for supply to the Eastern markets, necessitated by the present abnormal conditions resulting in curtailment of seaborne supplies". As the House is aware, the Eastern Provinces normally depend upon seaborne supplies of salt, mainly from Aden and other places. Due to the war and the dislocation of shipping, this source of salt was found to be rather precarious, and in reply to a question in September last the Honourable Member in charge pointed out that seaborne salt could not reach Calcutta in substantial quantities during the first seven months of this year and consequently stocks ran very low. The position gave rise to some public uneasiness. Here in the Standing Finance Committee statement, we find that this extra charge has been necessitated by the present abnormal conditions resulting in the curtailment of seaborne supplies. I should like to know whether the abnormal conditions mentioned by the Honourable Member as having prevailed in September, 1942, still continue and, if so, what is the present position of the stocks of salt available to the three Eastern Provinces at the present moment. The second question that I should like to ask is to what extent is it possible to expand the supply from the Northern salt sources of Government, as also acquire supplies from Western India for the purpose of making up any deficit that there may be at the present moment in the salt supplies of Eastern Provinces. One of the difficulties which the Honourable Member mentioned in September last as regards the supply of salt from the inland sources was the paucity of railway transport facilities. I should like to know from the Honourable Member whether the salt that is referred to in the memorandum of the Standing Finance Committee was transported by sea from Dhrangadhra, or it was carried by rail across the continent of India. In that connection, I should also like to know whether in the event of the sea route being not available, the normal requirements of these Eastern Provinces in regard to salt could be supplied from the inland sources, and whether adequate and prompt supply of railway transport facilities would be available? These are the various points on which I should like the Honourable Member in charge to make a statement.

Sir John Sheehy (Government of India: Nominated Official): Sir, the distribution of salt has now been handed over to the Food Department. As regards the Dhrangadhra salt, we had to buy it because we were running short of that variety of salt which we manufacture ourselves in Kharaghoda. The purchase was made not so much for the purpose of exporting that particular salt itself to Bengal and to the Eastern markets as to make up the deficiency that was caused in Sambhar and Kharaghoda due to the export of salt from those places to Bengal.

As regards imports by sea into Calcutta, I understand that the position is much more satisfactory now than it was before. According to recent arrangements, so far as I know, salt from Karachi has been going by rail to Bihar and most of the salt for Bengal has been going by sea, the War Transport Board providing the ships.

Mr. K. C. Neogy: When the Honourable Member mentions Bengal, I take it he includes Assam.

Sir John Sheehy: Yes. If there was a complete failure of the sea route and the question arose whether salt could be supplied by rail, I daresay it could be done. There is plenty of salt in India and sufficient salt can be manufactured to supply the requirements of the whole population. There will be no shortage of salt. The only real difficulty is that people in Bengal require a peculiar kind of salt. They do not like the salt from Sambhar or Khehra or Kharaghoda; they want their own particular type of fine white salt.

Mr. K. C. Neogy: Wherefrom does it come now?

Sir John Sheehy: Now it comes from Karachi, Cutch, Okha and other ports in Western India and from Aden and Port Said. There is also a certain amount of fine salt coming from Sambhar.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 7,82,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Salt'."

The motion was adopted.

DEMAND No. 5—OPIUM.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,97,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Opium'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 1,97,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Opium'."

The motion was adopted.

DEMAND No. 7—STAMPS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 22,87,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Stamps'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 22,87,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Stamps'."

The motion was adopted.

DEMAND No. 10—INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,02,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Indian Posts and Telegraphs Department'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 1,02,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Indian Posts and Telegraphs Department'."

The motion was adopted.

DEMAND No. 12—EXECUTIVE COUNCIL.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Executive Council'."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Executive Council'."

Expenses of two additional Saloons.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, I beg to move:

"That the demand for a supplementary grant of sum not exceeding Rs. 48,000, in respect of 'Executive Council' be reduced by Rs. 100."

I must confess to a feeling of surprise and regret at an item of expenditure which appears under this demand. At a time when utmost economy is required to fight the war successfully, we notice that the Honourable Members of the Executive Council are indulging in a luxury in the matter of travelling and are still maintaining, rather trying to add more burden on the tax payers by additional requisition of saloons. This is, Sir, which really seems surprising. The tax payer's money, which is acquired by exorbitant methods of taxation and by all possible means that are possible in this country, should have been spent in this manner without the least idea of responsibility that they have on them, is a surprise. Instead of showing any sense of sacrifice in any matter Members

[Mr. Muhammad Nauman.]

of Viceroy's Executive Council are maintaining that bureaucracy even in the matter of travelling and they do not want to share accommodation with the travelling public even in the higher classes. I do not know what is their feeling while travelling in a saloon for themselves and by showing themselves in saloons to the general travelling public. I have not got much time to go into the details of that question, but I certainly feel that if they really have any feeling for fighting the war successfully they must show some practical sacrifice rather than indulge in this luxury which has been going on in normal times. With these few words I oppose this supplementary demand.

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

"That the demand for a supplementary grant of sum not exceeding Rs. 48,000, in respect of 'Executive Council' be reduced, by Rs. 100."

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I oppose this cut motion. The total amount involved on this item is Rs. 15,000—which is the interest on the capital of two additional saloons. When I say additional saloons this represents not the cost of two new saloons but the cost of converting two tourist cars into saloons for the use of Honourable Members.

An Honourable Member: What is difference in that?

The Honourable Sir Edward Benthall: The House is well aware that the number of Honourable Members has increased considerably and obviously additional provision had to be made for the convenience of Honourable Members while on tour. I may point out that the addition of these two saloons has been compensated by other saloons being given up, for instance, the Railway Board have given up five out of six of their saloons. So far as the use of these saloons is concerned Members of the Executive Council have been asked to use these saloons only when necessary. Some Members have given up saloons altogether and others have agreed to use them only when there is real need for the use of saloons on long journeys or when Members cannot carry out their duties efficiently without living in saloons.

Sir Vithal N. Chandavarkar (Bombay Millowners' Association: Indian Commerce): Sir, I had no desire to intervene in this debate. But the Government authorities always impress upon us that we should travel less, we should travel light and take up as little accommodation as possible. We are asked to take light packages. Personally I would like the Honourable Members of the Executive Council to travel in their saloons because if they do not do so, I understand they can requisition a four berthed compartment which means that I have to run the risk of having to travel on an upper berth if I have the fortune or the misfortune to travel with an Honourable Member on the same train. When the war is on we are told we must not be war profiteers. When we have listened yesterday and today to two sermons on war profiteers, does it look—I do not use the word "disgusting" which the Finance Member used on Wednesday—does it look very nice that the Executive Council Members should come forward and ask for the provision of two more saloons? If these two touring bogies which are proposed to be converted into saloons are converted into four berthed first class or second class compartments and put into service, there would have been more accommodation available for persons who have to travel on war duty and war work. Travelling now is not a pleasure. We travel only when we have to do so on duty. We avoid travelling as far as possible, for instance, going to hill stations and other places of health resort for recuperation and recreation is not undertaken now. It is not that the Honourable Members alone who travel when they must. The public also have to travel and they have also reduced it to the barest minimum, because travelling is not very comfortable nowadays. From that point of view, I should like the Government to look at this problem. You put yourself in the position of the public. What will the public think about people who are travelling in saloons when we are told that we will not even be guaranteed sleeping accommodation.

If we have to travel from Bombay to Ahmedabad even in second class compartments, passengers have to travel sitting up all the night. No sleeping accommodation is guaranteed. I am told that sometimes 10 or 12 people travel in a second class compartment right from Bombay to Ahmedabad sitting the whole night, because there is not sufficient accommodation and the public have got to put up with all these difficulties and inconvenience. Suppose an Honourable Member's saloon is attached to such a train, what will the travelling public think about the Honourable Member travelling all by himself in a saloon which has several compartments, a separate kitchen, a separate sleeping compartment, a separate servant's compartment and so on. I do not want my Honourable friends of the Executive Council to misunderstand me. I know they have to attend to enormous work even while they are travelling. I was always against the Congress Ministers travelling third class with files piled up all round them and attending to them.

An Honourable Member: What about England? Do they not do it there?

Sir Vithal N. Chandavarkar: The conditions in England and the conditions here are different. When Honourable Members undertake tour all over the country sometimes spending two days and nights at a stretch in the train they do want some comfort. But what I submit is that people who are giving us sermons and trying to tell us that war is on and that we should not profiteer and that we should show to the people that we have sympathy towards them should also set a good example and as far as possible not travel in saloons, but travel in ordinary compartments.

The Honourable Sir Jeremy Ralsman: I have not done so.

Sir Vithal N. Chandavarkar: If the Honourable the Finance Member has not travelled, it does not mean that others have not travelled. Does it mean that others have done so? I do not want every Honourable Member on the Front Bench to get up and say whether he has done so or not. I am not casting any reflection on any individual Member. I am only saying that this is the time when everybody should show some self-sacrifice. We are often asked to sacrifice, we are prepared to sacrifice. But the Honourable Members who are His Majesty's Ministers in this country should set a good example and not ask for such amenities in war times.

The Honourable Sir Sultan Ahmed (Law Member): Sir, we have been asked to exercise a practical sense of self-sacrifice. My Honourable friend, Mr. Muhammad Nauman, suggested that and that has been repeated by my Honourable friend, Sir Vithal N. Chandavarkar. Sir, the first personal sacrifice that we did was when we accepted office after a voluntary cut of Rs. 1,100 a month. So, please do not run away with the idea that we have done nothing. When we came into office, we accepted a sum which in certain cases does not even meet our requirements. As regards saloons, there is a certain amount of misconception. We are not paid any travelling allowance, we are not paid halting allowance of any kind. The only thing that is given to us is that we are allowed to travel alone by ourselves. If we carry a passenger, he may be a relation, he may be a son or she may be the wife, then we have to pay extra for every one of the passengers so carried. In every case we have done so, we have saved the Government a certain amount of money. What would you like us to do? Supposing we have to go to Madras and we travel in an ordinary first class carriage in one berth.

An Honourable Member: Take a whole compartment.

The Honourable Sir Sultan Ahmed: Supposing we do take a compartment. Who is going to feed us on the way. What happens to our Secretary or to our files. Supposing we go to Madras or some other place, we stay in our own saloons. That is the reason why we are not paid any allowance of any kind. No amenities are provided to us. If we ask for halting allowance, you will say "you must show a certain amount of generosity and give up that demand". I am sure the Honourable Members of the House do not know all these things. Apart from the saloon, we are not given any allowance of any kind which is given to everybody else. An ordinary clerk, if he is transferred from one place to another and if he has to take his family, he gets his travelling allowance for

[Sir Sultan Ahmed.] himself, his wife and children. Allowance and fares are paid for the whole family. Therefore, this little amenity that we are getting is not real amenity. If we do not travel in saloons, we will be out of pocket all the time. If we go to Bombay, unless it is on the generosity of my Honourable friends like Sir Cowasjee Jehangir or Sir Vithal N. Chandavarkar, we will have to be hopelessly out of pocket.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I entirely sympathise with the Honourable the Law Member when he wants us to appreciate the amount of self-sacrifice that acceptance of office on the part of some Indian Members of the Executive Council has entailed. I hope that the country will take due note of his observations and feel very grateful for that sacrifice. In season and out of season, the representative character of the Indian Members of the Executive Council is being dinned into our ears, mostly from across the seas. In order that the Indian Members may not lay themselves open to the charge, which I have heard made, that their representative character consists in trying to faithfully follow their Departmental Secretaries.

Mr. President (The Honourable Sir Abdur Rahim): All that does not arise.

Mr. K. C. Neogy: I am supporting more tour expenses on the part of the Executive Council Members. I say they should try to keep in touch with the public opinion in the country and I for one would be prepared to support a larger amount of tour expenses, if I was sure that they would really keep themselves in touch with public opinion. It would be interesting to have, for instance, a statement made on the floor of the House showing details about tours undertaken by each individual Member.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really going into political questions. All these do not arise now.

Mr. K. C. Neogy: That alone would enable us to judge as to whether tours have been justified, or whether in some cases they are not actually holiday excursions or whether some of these tours were not actually undertaken by some Honourable Members for visiting their home Province for looking after their own personal business. That is all I have to say.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 48,000, in respect of 'Executive Council' 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. 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 on the 31st day of March, 1943, in respect of the 'Executive Council'."

The motion was adopted.

DEMAND NO. 15—HOME DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Home Department'."

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

"That a supplementary sum not exceeding Rs. 92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Home Department'."

Honoraria paid.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa Muhammadan): Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 92,000, in respect of 'Home Department', be reduced by Rs. 100."

Mr. President (The Honourable Sir Abdur Rahim): Is it a new service?

Mr. Muhammad Nauman: It is a new item of expenditure which we notice in this Demand. I want to know from the Member in charge of the Department as to what are the new subjects for which honoraria has been paid and how it was necessitated. I do not suppose that at this stage, when we want to use economy in all sorts of ways, any such thing should have been brought before this House. I do not want to make a long speech

in this connection, but I would just ask the Honourable Member to explain to the House the necessity for paying honoraria because the explanatory notes do not give any information on this point. With these few remarks, Sir, I move.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 92,000, in respect of 'Home Department', be reduced by Rs. 100."

The Honourable Sir Reginald Maxwell (Home Member): I can explain this point to the Honourable Member. He has apparently been misled by the title of the grant which is called "allowances, honoraria, etc." In fact, no honoraria whatever were paid. The item consists only of extra allowances due to certain staff who had to remain in Simla under the new arrangement. The item for "honoraria" is nil.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 92,000, in respect of 'Home Department', be reduced by Rs. 100."

The motion was negatived.

Additional Appointments and Continuation of I.C.S. Training.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I wish to move another cut motion on the question of necessity or otherwise of additional appointments and continuation of I. C. S. training.

Mr. President (The Honourable Sir Abdur Rahim): You are raising a question of policy?

Maulvi Muhammad Abdul Ghani: No, Sir. New appointments of Secretary and three Superintendents are going to be made and I submit that there is no necessity for that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may move his cut motion.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 92,000, in respect of 'Home Department', be reduced by Rs. 100."

The intention of moving this cut motion is that there is no necessity of appointing an Under-Secretary and three Superintendents. You know, Sir, from the very beginning say, since 1934 that there are Under-Secretaries and Superintendents to deal with the returns of communal composition of services and now they are doing nothing. They are sitting idle and therefore their services could be very well utilized for any increased work. We are not receiving such returns in time. I, therefore, thought it proper to move this amendment as we have a legitimate grievance that whenever new appointments are made, no heed is paid to the representation in services of the minority communities, particularly Mussalmans. This Department, being the custodian of the interests of minority communities in services, is failing in its duty. Therefore, I urge that there is no necessity of making additional appointments.

The second point about the continuation of the training, I submit that the recruitment of I. C. S. officers has altogether been stopped, and there is no necessity of continuing the training for any further period because no officers are going to be trained.

Sir, I move.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 92,000, in respect of 'Home Department', be reduced by Rs. 100."

The Honourable Sir Reginald Maxwell: Sir, I could not hear the Honourable Member very well, but so far as I could make out he did not raise any question regarding the need of the additional appointments, but only a question of the manner in which they were filled with regard to the claims for communal representation. I would submit that the question of communal representation is a matter of general policy and does not affect the propriety of this demand.

Maulvi Muhammad Abdul Ghani: I submitted that there are already persons working as Superintendents and Under-Secretaries who were dealing with the returns of communal composition of services, and as they are sitting idle, their services can be utilized.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already made one speech.

The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 92,000, in respect of 'Home Department', 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. 92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Home Department'."

The motion was adopted.

DEMAND No. 16—CIVIL DEFENCE DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,48,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Civil Defence Department'."

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

"That a supplementary sum not exceeding Rs. 2,48,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Civil Defence Department'."

Additional Appointments and Expansion.

Maulvi Muhammad Abdul Ghani: Sir, I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,48,000, in respect of 'Civil Defence Department', be reduced by Rs. 100."

Sir, lots of people have been appointed and the sanction

Mr. N. V. H. Symons (Government of India: Nominated Official): Sir, I cannot hear a word of what the Honourable Member is saying.

Maulvi Muhammad Abdul Ghani: I will raise my voice.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better come nearer.

Maulvi Muhammad Abdul Ghani: Let me try to raise my voice, Sir.

The demand is for additional appointments under the Civil Defence Department. The other day, a question was put both in this House as well as in the Upper House that as many as 72 officers were appointed, outsiders were taken, and some of them had no proper qualifications for which they were appointed. Out of 72 persons already appointed, about 29 are Indians, of whom 3 only are Muslims.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into questions of policy now. He must not occupy the time of the House by raising questions which are not relevant to this motion.

Maulvi Muhammad Abdul Ghani: I am simply referring to the number, that out of 72, only 29 are Indians and all the rest are outsiders. In these days of war we find that instead of democracy, there is jobocracy; and perhaps the Government will be preparing some legislation of this kind in order to help the jobocracy. If this state of things is allowed to go on for some time more, after the war, I contend it will be very difficult for the inhabitants, the citizens of this country to have any job at all or to have any voice in the administration. All will be militarily minded persons and the administration of the country will suffer. This is the right time when we should sound a note of warning. With this view, I move my motion and I hope the authorities will take note of it.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,48,000, in respect of 'Civil Defence Department', be reduced by Rs. 100."

Mr. Muhammad Nauman: Sir, I just rise to support the motion before this House. I do not want to take any more time than is absolutely necessary for me. I merely want to impress upon the House that the administration of civil defence has been going on in a manner which is considered to be most unsatisfactory in the opinion of many people—particularly in the provinces of Bihar and Orissa.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into all that. The only question now is whether these additional appointments ought to have been made.

Mr. Muhammad Nauman: I just want to impress upon the House that these additional appointments are being made in order to have better and more adequate civil defence administration; and as such I beg to submit that this is not justified in view of the fact that the department is not doing what it ought to have done. We have felt that this is only a dumping ground for all sorts of people who might want a job here and there; and therefore these additional appointments that have been made do not meet with our favour. We, therefore, oppose it on that ground. With these words I support the cut motion.

Mr. N. V. H. Symons (Government of India: Nominated Official): Sir, I gather that the Honourable Member who moved this cut motion is not objecting to the expansion that took place but to the methods which were adopted to fill the posts.

Mr. Muhammad Nauman: Both to the manner and to the expansion—both.

Mr. N. V. H. Symons: In that case I consider that this cut motion should have been put down in the name of the Honourable Mr. Rip Van Winkle or The Sleeping Beauty or the Honourable Mr. Doormouse, because if you consider the position at the time of the expansion it is inconceivable that anybody could say that there was not tremendous need for a very large expansion of civil defence. The position that we were faced with was that on December the 7th there was the attack on Pearl Harbour and the American Navy, on December 10th the Prince of Wales and Repulse were sunk, on December 25th Hong Kong fell, on February 15th Singapore fell, on March 8th Rangoon fell, on March 9th Java fell, on March 27th the Andamans fell and so on; and India was faced with an imminent attack and there had to be this expansion.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Division: Muhammadan Rural): With all these falls.

Mr. N. V. H. Symons: As to not having appointed Indians, the fact was that India could not produce the people who had knowledge of the kind needed, they were brought in then and they are now being substituted by Indians; and if the same thing were to happen, we would do the same thing over again. I oppose the cut motion.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,48,000, in respect of 'Civil Defence Department', be reduced by Rs. 100."

The motion was negatived.

Sardar Sant Singh: On a point of order, Sir, it is already beyond 5 O'clock and the last speech shows that the Honourable Members are not in their balance of mind.

Mr. President (The Honourable Sir Abdur Rahim): That is not a point of order: I am trying to help the Members to give effect to the arrangement arrived at.

The question is:

"That a supplementary sum not exceeding Rs. 2,48,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Civil Defence Department'."

The motion was adopted.

DEMAND No. 17—DEPARTMENT OF INFORMATION AND BROADCASTING.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 3,18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Department of Information and Broadcasting'."

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

"That a supplementary sum not exceeding Rs. 3,18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Department of Information and Broadcasting'."

The motion was adopted.

DEMAND NO. 18—LEGISLATIVE DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 36,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Legislative Department'."

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

"That a supplementary sum not exceeding Rs. 36,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Legislative Department'."

The motion was adopted.

DEMAND NO. 19—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Department of Education, Health and Lands'."

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

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Department of Education, Health and Lands'."

Increased Activity of the Central Advisory Board of Education.

Maulvi Muhammad Abdul Ghani: Sir, there is a Cut motion in my name. I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 73,000, in respect of 'Department of Education, Health and Lands' be reduced by Rs. 100."

My point is that the Central Advisory Board of Education was formed and money is going to be sanctioned for the increased activities of that Board. On reference to the proceedings of the Standing Finance Committee, dated the 31st March, 1942, page 2, I find this:

The activity of this Central Board of Education includes five items. (i) Recruitment, training, etc., of teachers, (ii) the recruitment of educational officers (iii) the present system of examinations, (iv) technical education, etc., (v) the education of the secondary school leaving certificates and matriculation examinations. I want to confine myself to the third item—the present system of examinations. This committee has been asked to give its opinion on the system of examinations prevailing in India. Under this head the system of examinations, particularly of those institutions which are contributed by the Central Government, deserves more consideration. There are two Universities here, the Aligarh University and the Benares University, which are getting about 6 lakhs as contribution from the central revenues. The system of examinations prevailing there is a novel one. Neither of these two universities provides any system of either compartmental or supplementary examinations for its students; and a student getting plucked in only one subject, say, the practical subject which sometimes carries 20 marks as aggregate, is never allowed to sit at the examination within a period of less than a year; even if he passes all the important subjects, he has to bear the hardship and the expenses in attending lectures for one full year more and then he shall have to sit at the examination. In other Universities, I say, for instance, in the Delhi University, in the Patna University, there is some system of examination under which these boys who have got plucked in certain subjects, say, technical subjects, are allowed to sit after a limited period, say, two or three months, and if they pass, they are declared passed, otherwise not. Now, in the Aligarh University, if a boy fails in the B.A. examination in the first year.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member seems to be discussing the internal administration of these self-governing bodies, which is not allowed.

Maulvi Muhammad Abdul Ghani: I submit to the Chair that this Central Advisory Board is said to be a body to deal with the various systems of examinations, and I want to give suggestions to its Committee to take into consideration all these difficulties, because I do not happen to be a member either of the Central Advisory Board of Education or of the Expert Committee appointed

to deal with the examination systems prevalent in India. I have already finished my point. The point I was on is this. In the I.A. stages and M.A. stages, in the Aligarh University, if a boy gets plucked, he is allowed to sit as a private candidate, but not in B.A. or B.Sc. stage unless he gets plucked for two consecutive years; a novel system of examination. We pay that University a handsome amount. I hope Government will be pleased to draw the attention of the authorities of the university that they should put an end to these hardships which are wasting the energy and money of the students for nothing. I suggest that system of law examinations should be adopted and students getting plucked in any subject should be examined in that subject only. With these few words I move my Cut.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 73,000, in respect of 'Department of Education, Health and Lands' be reduced by Rs. 100."

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): I think I know what my Honourable friend, Mr. Abdul Ghani, has in mind. If this Committee on the present system of examination is still sitting, a point about which I have no information, I will certainly undertake to convey to that Committee what my Honourable friend has just said. If the Committee is not still sitting.

Dr. P. N. Banerjee: It is still sitting. I am a member.

Mr. J. D. Tyson: I will pass it to the University he has in mind. I hope that with that undertaking from me my Honourable friend will withdraw his cut motion.

Maulvi Muhammad Abdul Ghani: In view of what the Honourable Member has said, I beg leave to withdraw my cut motion.

The motion was, by leave of the Assembly, withdrawn.

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

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Department of Education, Health and Lands'."

The motion was adopted.

DEMAND NO. 20—DEPARTMENT OF INDIANS OVERSEAS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 49,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Department of Indians Overseas'."

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

"That a supplementary sum not exceeding Rs. 49,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Department of Indians Overseas'."

The motion was adopted.

DEMAND NO. 21—FINANCE DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 87,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Finance Department'."

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

"That a supplementary sum not exceeding Rs. 87,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Finance Department'."

The motion was adopted.

DEMAND NO. 22—COMMERCE DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 87,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Commerce Department'."

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

"That a supplementary sum not exceeding Rs. 2,76,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Commerce Department'."

The motion was adopted.

when they are here? We are very much inconvenienced and I would like to know whether any arrangement is going to be made.

The Honourable Sir Reginald Maxwell: I understood there was a restaurant in the Assembly.

HINDI AND URDU AS MEDIA OF PUBLICITY IN THE INFORMATION AND BROADCASTING DEPARTMENT.

354. *Bhai Parma Nand: Will the Honourable Member representing the Information and Broadcasting Department please state:

(a) to what extent Hindi and Urdu are being used as the media of publicity in the Information and Broadcasting Department; and

(b) the comparative strength of the Hindi and Urdu staff, gazetted as well as subordinate?

The Honourable Sir Sultan Ahmed: (a) Both Urdu and Hindi are used by: (A) the Bureau of Public Information for:

(i) the publicity material which they issue to the press;

(ii) the fortnightly magazines, *Bharatiya Samachar* and *Markazi Ittellaat*, the Urdu and Hindi editions of *Indian Information*; and

(iii) the pamphlets printed and distributed by them occasionally.

(B) the All India Radio in their broadcast programmes. It is the constant attempt of All India Radio to reflect in its present programmes the linguistic styles of the authors and speakers within the area from which each station draws its talent but it is not possible to maintain any statistics regarding the use of Urdu and Hindi.

(b) The comparative strength of the Hindi and Urdu staff, gazetted as well as subordinate, in the Bureau of Public Information is:

	Hindi.	Urdu.	Subordinate	Hindi.	Urdu.
Gazetted	1	2		9	11

Similar information in respect of All India Radio is being collected and will be laid on the table of the House when ready.

Mr. Lalchand Navalrai: Is there any committee associated with these officers to remove the difficulty of this vexed question?

The Honourable Sir Sultan Ahmed: I want notice.

Bhai Parma Nand: Is there any discrimination observed between the head of the Hindi and the head of the Urdu Department?

The Honourable Sir Sultan Ahmed: None whatsoever.

Dr. Sir Zia Uddin Ahmad: Is there any Standing Committee of the House or an Advisory Committee to advise this particular department about the language question?

The Honourable Sir Sultan Ahmed: I want notice of this question. That was the question already put by Mr. Lalchand Navalrai.

NEWS AGENCIES OF THE INFORMATION AND BROADCASTING DEPARTMENT

†355. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member representing the Department of Information and Broadcasting please state:

(a) the names of the various presses or news agencies subscribed to by the Department with the amounts of subscription paid to each annually; and

(b) the names of the various presses or news agencies existing at present in India?

The Honourable Sir Sultan Ahmed: (a) The names of the news agencies subscribed to by the Department and the payments to them for the year 1942-43 are:

Reuters—Rs. 1,12,800 (approximately). Associated Press of India—Rs. 15,140 (approximately). United Press of India—Rs. 12,470 (approximately). Orient Press of India—Rs. 1,226-11-0.

(b) I lay on the table a list of known agencies purveying news to public which are at present operating in India.

Statement.

The foreign agencies operating in India are:
 Reuter; Associated Press of America; United Press of America; British United Press; London; Central News Agency of China; The Tass News Agency; Agency Francaise Ind.; International News Service; and Exchange Telegraph.

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

Except Reuter, these foreign agencies are mainly concerned with carrying a service out of India.

The news agencies in India are:

Associated Press of India; United Press of India; and Orient Press of India.

There are other local agencies which operate over a limited field whose names are not known to Government of India.

LEASE-LEND AID FROM UNITED STATES OF AMERICA

356. *Mr. K. O. Neogy: (a) Will the Honourable the Finance Member be pleased to state whether his attention has been drawn to a Reuter's message, dated Washington, the 4th March, on the recent report of the United States Office of War Information, that from its inception in March 1941 to January 1, this year, lend-lease aid to India totalled 295,501,494 dollars in value, and that India was being strengthened with the aid of lend-lease as the source of supply for the Allied armies in China, India and the areas of the Middle East?

(b) In view of the fact that the Honourable the Finance Member had in his last year's Budget speech stated that the value of lease-lend materials for which he had made provision in the budget expenditure was Rs. 43 crores, will the Honourable Member please state:

(i) how much out of the above reported lease-lend aid to India has been actually allotted to India as utilised for India's own purposes;

(ii) how much of the lease-lend materials received in India has been sold to private parties who have been asked to pay rupee price for their purchases; and

(iii) how much has been allotted as received in India but utilised on behalf of His Majesty's Government, or used as supplies for the Allied armies in China, India and areas of the Middle East?

(c) As the Government of India are considering the possibility of entering into a direct Mutual Aid Agreement with the United States of America, does the Honourable Member propose to state clearly the precise nature of the liability which the Government of India will have to bear as a result of the working of such an Agreement? Will Government seek to put a 'ceiling' or maximum limit on the amount of reciprocal aid given, or to be given, by India under the scheme, and will India be asked to bear liability only for the lease-lend goods used strictly for India's own defence and not for the wider purposes of utilising India as the base of operations of the United Nations?

The Honourable Sir Jeremy Raisman: (a) and (b). I would refer the Honourable Member to the statement I made in the Assembly on this question on the 17th March.

(c) Conversations are at present proceeding between representatives of the Government of India and of the United States of America regarding the possibility of such an agreement. Government are not yet in a position to make a statement, but all aspects of the matter are receiving careful consideration.

Dr. Sir Zia Uddin Ahmad: May I know if the negotiations are made direct or through the United Kingdom?

The Honourable Sir Jeremy Raisman: I said they were proceeding between representatives of the Government of India and the United States of America.

Dr. Sir Zia Uddin Ahmad: The negotiations are not through sterling but through rupee and dollar direct?

The Honourable Sir Jeremy Raisman: I said that the negotiations are between the representatives of the Government of India and the United States of America. I cannot make that any more direct.

Mr. Lalchand Navalrai: When you say lend-lease, it means that there is something leased. May I know what the Government of India is leasing when they get loans from America?

The Honourable Sir Jeremy Raisman: Lease-lend or lend-lease is a comprehensive term and I do not think that there is anything in our relations with the United States of America which corresponds to the narrow conception of lease but the term has been in common use since this kind of aid was given by America.

Mr. Lalchand Navalrai: May I know whether the loans that are being given by America will be paid to them in cash or kind hereafter.

DEMAND NO. 23—DEPARTMENT OF LABOUR.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Department of Labour'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 2,32,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Department of Labour'."

The motion was adopted.

DEMAND NO. 24A—WAR TRANSPORT DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,55,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'War Transport Department'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 1,55,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'War Transport Department'."

The motion was adopted.

DEMAND NO. 24B—FOOD DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Food Department'."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That a supplementary sum not exceeding Rs. 2,18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Food Department'."

Complaints against the Price Control Administration.

Maulvi Muhammad Abdul Ghani: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,18,000, in respect of 'Food Department' be reduced by Rs. 100."

As regards price control we are not at all satisfied with the way in which the officers appointed to deal with price control are behaving towards the public all over the country. There is a large complaint. When we came here, and also in the last Session we found that the officers here in charge of this department were not behaving properly. I have thought it fit to bring to the notice of the Department in order that they may investigate those complaints and see that the officers behave properly towards the public and that no discrimination and no harsh treatment is meted out to the public who go to them for their necessities. With these few observations I move my motion.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,18,000, in respect of 'Food Department' 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. 2,18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Food Department'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd March, 1943.

LEGISLATIVE ASSEMBLY

Tuesday, 23rd March, 1943.

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. Tinnevelly Sellamier Sankara Aiyar, C.I.E., M.L.A. (Financial Commissioner, Railways),
Mr. Olaf Kirkpatrick Caroe, C.S.I., C.I.E., M.L.A. (Secretary, External Affairs Department).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

DUTY HOURS FOR MINISTERIAL STAFF IN THE GOVERNMENT OF INDIA SECRETARIAT.

352. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state if there are any duty hours fixed for the ministerial staff in the Government of India Secretariat (Civil side)? If so, how many?

(b) Are these working hours followed in practice?

(c) If they were fixed for overtime work, is any overtime allowance given to the staff? If so, how much? If not, why not?

The Honourable Sir Reginald Maxwell: (a) The office-hours in the Civil Departments of the Secretariat are at present 10-30 A.M. to 5-30 P.M. on weekdays and 10-30 A.M. to 1-30 P.M. on Saturday.

(b) and (c). The Honourable Member is referred to the reply given on the 23rd March, 1942, to clause (j) of Sardar Sant Singh's question No. 66.

Mr. Lalchand Navalrai: May I know if these times are in practice carried out in the offices or the clerks have to stay overtime?

The Honourable Sir Reginald Maxwell: These are meant to be minimum times for office attendance. The staff are expected to attend office longer if there is urgent work to be done.

Mr. Lalchand Navalrai: How much longer do they stay?

The Honourable Sir Reginald Maxwell: It varies according to the pressure of work. Some staff who are engaged in work may have to stay longer, while others who may have finished their work can go.

Mr. Lalchand Navalrai: Do they get anything for working overtime?

The Honourable Sir Reginald Maxwell: There is no overtime allowance.

Mr. Lalchand Navalrai: Is there no complaint from them?

(No answer.)

OPENING OF SHOPS FOR FOOD SUPPLY TO MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT

353. *Mr. Lalchand Navalrai: Will the Honourable the Home Member please state if it is a fact that certain shops have been opened to supply food-stuff to the General Headquarters' staff? If so, has any such arrangement for opening shops been made for the ministerial staff of the Secretariat? If not, do Government propose to do so? If not, why not?

The Honourable Sir Reginald Maxwell: Government have opened a Grocery Stall to meet the requirements of only those members of the staff of the General Headquarters at Delhi, who would normally, if stationed in a Cantonment, be entitled to such facilities, i.e., Navy, Military and Air Force personnel, excluding the civil personnel, at General Headquarters.

No similar arrangement has been made for the ministerial staff of the Secretariat or the Civil personnel of the General Headquarters, but it is intended shortly to put into force a Scheme for the supply, to Central Government servants in Delhi, of certain essential commodities.

Mr. Lalchand Navalrai: Is there any arrangement or is any arrangement proposed to be made for supplying foodstuff to the Members of the Assembly

The Honourable Sir Jeremy Raisman: I must refer the Honourable Member to the agreements which have been published between the United States and Britain and certain other countries which indicate the nature of the arrangement.

Mr. Govind V. Deshmukh: May I know what is the reply to the later part of part (c)?

The Honourable Sir Jeremy Raisman: I said that all aspects of the matter are receiving careful consideration.

Mr. Jamnadas M. Mehta: Are Government aware that the two conditions on which the United States of America could bring into force the lease-lend arrangements are that the defence of the country should be vital—vital to the defence of America first and secondly that the contribution of each country should be according to its capacity?

The Honourable Sir Jeremy Raisman: Yes, Sir.

Mr. Jamnadas M. Mehta: Are these aspects being borne in mind?

The Honourable Sir Jeremy Raisman: Certainly.

ADVICE GIVEN BY CENTRAL BOARD OF RESERVE BANK OF INDIA REGARDING UTILIZATION OF INDIA'S STERLING CREDITS.

357. *Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to state whether in the matter of Government's proposal to utilise India's accumulated sterling credits in capitalising pensions and in creating a post-war reconstruction fund, the Directors of the Central Board of the Reserve Bank of India have been consulted, and their opinion and advice sought by Government? If so, does the Honourable Member propose to acquaint the House with the advice or opinion tendered by the Board of Directors of the Reserve Bank of India to the Government of India?

(b) What are the terms of any Resolution that may have been passed by the Board of Directors of the Reserve Bank of India in connection with the problem of utilisation of India's sterling credits?

The Honourable Sir Jeremy Raisman: (a) and (b). Correspondence between the Reserve Bank and the Government of India in this matter is confidential.

Mr. K. C. Neogy: Is the Honourable Member in a position to say that no recommendation has yet been received from the Board by the Government?

The Honourable Sir Jeremy Raisman: Having stated that correspondence is confidential, I regret that I must decline to be drawn into any further communication in the matter.

Mr. K. C. Neogy: Has there been any correspondence at all?

(No answer.)

Dr. Sir Zia Uddin Ahmad: Is the Government already committed to the proposal "to utilise India's accumulated sterling credits in capitalising pensions and in creating a post-war reconstruction fund"?

The Honourable Sir Jeremy Raisman: I must refer the Honourable Member to my Budget speech.

Dr. Sir Zia Uddin Ahmad: The Budget speech did not deal with this point very clearly?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not argue.

The Honourable Sir Jeremy Raisman: I think it made it clear that there were no final commitments at this stage.

REPRESENTATION OF INDIA AT THE INTER-ALLIED MONETARY CONFERENCE.

358. *Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to state whether his attention has been drawn to a Reuter's message, dated London, March 9, in connection with the Inter-Allied Monetary Conference? Was any representative of India invited to attend that Conference and to submit India's case in connection with the post-war monetary arrangements at that Conference?

(b) If a delegate was invited to represent India, does the Honourable Member propose to inform the House who represented this country at that Conference?

(c) Does the Honourable Member also propose to acquaint the House with the views which such delegate may have expressed at that Conference?

(d) In view of the fact that any decision arrived at by this Inter-Allied Monetary Conference is bound to be of vital importance to India's monetary and financial problem, do Government propose to give an assurance that they would not bind themselves to any such decision without giving an early opportunity to the legislature as well as the non-official public to fully appraise the implications of such a decision and to express their views on the same?

The Honourable Sir Jeremy Raisman: (a) to (c). I invite the Honourable Member's attention to the remarks which I made on this subject in my reply to the general discussion on the Finance Bill on the 17th March.

(d) Government hope to be in a position to provide such an opportunity.

Mr. K. C. Neogy: With regard to parts (a), (b) and (c), unfortunately I was not present at the meeting when the Honourable Member made his statement. Is he quite sure that his reply on that occasion covered all these various points specifically?

The Honourable Sir Jeremy Raisman: I must ask my Honourable friend to read the speech. It was a fairly full statement. It gave as much information as I was in a position to give on the subject.

ASSAMESE REPRESENTATION IN THE STAFF OF THE RESERVE BANK OF INDIA.

†359. *Mr. Ananga Mohan Dam: Will the Honourable the Finance Member be pleased to state the total number of employees (excluding menials) of the Reserve Bank of India, and the number of the natives of the province of Assam employed therein? Do Government propose to consider that every province should be represented in the service of the Bank?

The Honourable Sir Jeremy Raisman: Government have no information. The recruitment of the staff of the Reserve Bank of India is entirely a matter for the Central Board of the Bank.

UNSTARRED QUESTION AND ANSWER.

DISCOVERY OF A MINIATURE MINT AT SOLAN.

62. Mr. Muhammad Azhar Ali: Will the Honourable the Finance Member please state if it is a fact that a miniature mint had been unearthed in May 1941 by the Government police at Solan within the Baghat State, Simla Hills, and, if so, who tried the culprits, and with what result? Who were the offenders?

The Honourable Sir Jeremy Raisman: Government have no information.

MOTIONS FOR ADJOURNMENT.

EXECUTION OF PIR OF PAGARO.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the business of the Assembly from Mr. S. D. Misra to discuss a definite matter of urgent public importance, namely, the attempt of the British Government to provoke the people of India to rebellion by execution of Pir Pagaro.

There was a motion sought to be moved on the question of the sentence passed by court under the Martial Law on the 20th instant. When did the execution take place?

Mr. C. M. Trivedi (Secretary, War Department): The execution took place at 8 A.M. on the 20th instant.

Mr. President (The Honourable Sir Abdur Rahim): Then the sentence did not refer to the execution.

Mr. H. A. Sattar H. Essak Sait (West Coast and Nilgiris: Muhammadan): The motion did not refer to the execution and we did not know at that time of the execution. It was announced only yesterday.

Mr. C. M. Trivedi: Sir, I object to this motion. The House only the other day refused leave to discuss a motion for adjournment regarding the sentence

[Mr. C. M. Trivedi.]

passed by the court under the Martial Law Regulations, and the execution is a logical corollary of the sentence.

Mr. President (The Honourable Sir Abdur Rahim): Not necessarily. There may be an appeal; there may be pardon. Does the Honourable Member object to leave being granted?

Mr. C. M. Trivedi: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken to leave being granted, those Honourable Members who are in favour of leave being granted will rise in their seats.

(Less than 25 Honourable Members rose.)

As less than 25 Members have risen, leave is being refused.

Mr. President (The Honourable Sir Abdur Rahim): I have received another notice of an adjournment motion from Mr. Hooseinbhoy Lalljee but I received it after I had taken my seat. It cannot be moved today.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Can I move it tomorrow, Sir?

Mr. President (The Honourable Sir Abdur Rahim): I cannot say that now. The Honourable Member can take his chance.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE CIVIL DEFENCE DEPARTMENT.

Mr. N. V. H. Symons (Government of India: Nominated Official): 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 Department of Civil Defence is concerned, during the financial year, 1943-44."

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 Department of Civil Defence is concerned, during the financial year, 1943-44."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, it is proposed that the Assembly should elect only three Members, but there are four organised parties in this House at the present moment.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): The Muslim League Party is not interested.

Dr. P. N. Banerjee: Even if the Muslim League Party is not interested, there are three other Parties and there are the unattached Members. I suggest therefore that number three be raised to five.

Mr. H. A. Sathar H. Essak Sait: Sir, in previous years the Muslim League Party was not interested in this Committee and this year too it is not going to take part in this Committee at all.

Mr. President (The Honourable Sir Abdur Rahim): Does the Government Member accept the suggestion that the number should be increased to five?

Mr. N. V. H. Symons: If the House wishes five Members, we will accept that number.

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, five non-official Members to serve on the Standing Committee to advise on subjects with which the Department of Civil Defence is concerned, during the financial year, 1943-44."

The motion was adopted.

ELECTION OF MEMBERS TO THE COMMITTEE APPOINTED TO CONSIDER THE CONVENTION REGARDING THE RAILWAY FINANCE.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I move:

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct, nine Members to serve with the Honourable the War Transport and Finance Members and the Financial Commissioner, Railways as a Committee to consider

ELECTION OF MEMBERS TO THE COMMITTEE APPOINTED TO CONSIDER THE 1331 CONVENTION TO THE RAILWAY FINANCE

matters arising out of clause (iv) of the Resolution adopted by the Assembly on 2nd March, 1943, amending the Convention adopted under the Assembly Resolution, dated 20th September, 1924, and to report in the course of the Session preceding the Budget Session 1944."

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, nine Members to serve with the Honourable the War Transport and Finance Members and the Financial Commissioner, Railways as a Committee to consider matters arising out of clause (iv) of the Resolution adopted by the Assembly on 2nd March, 1943, amending the Convention adopted under the Assembly Resolution, dated 20th September, 1924, and to report in the course of the Session preceding the Budget Session 1944."

Sardar Sant Singh (West Punjab: Sikh): Sir, on a point of information. I would like the Honourable Member to inform the House what was the number of the members of the Committee that considered the original question of separation of the Railway Finances from the General Revenue.

The Honourable Sir Edward Benthall: I cannot recall off-hand, but in 1924, it was first discussed by the Standing Finance Committee and also by the Central Advisory Committee and then referred to a small Special Committee. I am not in a position to give the exact number of Members of that Committee. As the House wanted a special Committee, I discussed this matter with Leaders of various Parties informally and this Resolution is the result of those discussions.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Division: Muhammadan Rural): Sir, there are two important points to which I would like to draw the attention of the Honourable Members as these points are not clear from the Resolution. Number one is: whether the discussion on the amendment of this Convention will be limited as a war emergency measure, that is, only a temporary Convention which should be in force during the war, or whether it is intended that we should consider amendment of this Convention not only for war time but as a permanent measure till the Assembly decides otherwise. The second point which is not clear is: will the discussion be limited to one aspect of the Convention or it will be extended to other problems which are raised in the Convention itself. For example, I would very much like this Committee consider clause 2 of the Convention which is really a very important clause.

The Honourable Sir Edward Benthall: What is clause 2?

Dr. Sir Zia Uddin Ahmad: Clauses (2) and (8) are:

"2. 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 (excluding capital contributed by Companies and Indian States) at the end of the penultimate financial year plus one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, 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.

The interest on the capital at charge of, and the loss in working, strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues, each year.

(3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues."

I want to know whether we will be at liberty to discuss the Convention as a whole or we will be allowed to discuss matters arising out of clause (iv). I would very much like to know what is the scope of this clause. I request that the scope of the Committee should be widened. We should be able to discuss every aspect of the Convention and should not confine ourselves to the distribution of profits which have been arrived at by one particular method of calculation. The particular method of calculation should also be considered by this Committee. I hope the Honourable Member would give facilities to this Committee to discuss every aspect of the Convention, as it is not clear from the

[Dr. Sir Zia Uddin Ahmad.]

Resolution whether the scope of enquiry will be limited to one clause or it will be at liberty to discuss the whole Convention of 1924. Sir, as a Committee is to be appointed, it is very desirable that this Committee should have the fullest possible facilities to discuss the matter entirely. In the first instance when was passed the Convention of 1924, it was clearly understood that from time to time the House will review the working of that Convention. It is the first occasion that a Committee has been appointed to consider the Convention of 1924, that is, after 17 years—17 years is a very long period—it is therefore very desirable that according to the terms which were arrived at in September, 1924, a Committee of the House should first examine the working of the Convention of 1924 and as a result of their deliberations they should recommend to the Assembly what modifications, if any, should be made in that Convention. Probably, it is just possible that we may suggest a kind of temporary amendment for war period in view of the enormous profits that we are having in the Railways during war time.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to discuss the whole subject now?

Dr. Sir Zia Uddin Ahmad: I want that the terms of reference should be wide enough to permit us to discuss every aspect and every point raised in the Convention of 1924.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Mr. President, as has been pointed out by my Honourable friend Lieutenant-Colonel Dr. Zia Uddin Ahmad this is a very momentous committee in which many points are to be discussed and sifted. I am one of the oldest members of the Committee. I was present at the first Convention when it came off in the year 1924.

An Honourable Member: What was the number of Members?

Maulvi Syed Murtuza Sahib Bahadur: The number of Members, of course, I do not know. So far as I can recollect the number of Members of the Committee set up to discuss this point was greater than nine. Irrespective of that fact, may I remind the Honourable Members of this House that this being a very important Committee number nine will not serve the purpose. This is a very important Committee involving so many financial questions to be decided by them. Therefore, I hope the Member in charge will not oppose my suggestion that the number should be raised at least to fifteen.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, my Honourable friend Dr. Zia Uddin Ahmad said that he has seen the working of the Convention for the last seventeen years and therefore he is entitled to have his say in the matter. Syed Murtuza Sahib claims more and says that he knows the Convention from the date of its birth. Sir, my claim is still greater. I was present when it was conceived. I have seen its birth and its growth ever since. Therefore, I have a right to say something. Last time it was considered by the Standing Finance Committee and by the Central Advisory Committee. This time we have not got the benefit of that consideration and still Government are putting up a smaller number on the Committee. In view of the depleted condition of the House number nine . . .

The Honourable Sir Jeremy Raisman (Finance Member): Twelve, there are official members also.

Mr. Jamnadas M. Mehta: I notice that the Honourable the Finance and the War Transport Members and the Financial Commissioner Railways are there along with the rest. In view of the depleted condition of the House, the number is not less. But the House is evincing so much interest in this question where crores of rupees are involved and in view of the fact that practically the Convention is set at naught during the last 19 years to a large extent in actual working, I think it should be reviewed with more consideration and care. I am not anxious that it should be nine or ten or twelve, but I do say that the subject matter is an important one and it deserves to be considered by a larger body than the one proposed. My Honourable friend Dr. Sir Zia Uddin Ahmad has

put into my hands the copy of the Debate which took place in this House on 3rd March 1924. There I find that the number of Members, including the officials, was 19. I therefore suggest that there is no harm in your increasing the present strength by adding two or three more. I suggest that the non-official Members should be 12 and including the Officials the Committee will consist of 15 Members.

Mr. President (The Honourable Sir Abdur Rahim): I take it that it is only a suggestion and not an amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I will make one suggestion. It was already said that formerly this Convention was considered by the Central Advisory Committee for Railways and the Standing Finance Committee for Railways also. It has not been considered by these two Committees this time. Only a small Committee of 12 is suggested. I, therefore suggest that the Members of the Standing Finance Committee for Railways or the Members of the Central Advisory Committee for Railways might be co-opted with this Committee.

Maulvi Muhammad Abdúl Ghani (Firhut Division: Muhammadan): Sir, we received notice of this Resolution no doubt a few days ago, but the Assembly office was closed on account of holidays and therefore we could not send notice of any amendment to this Resolution. I hope the Chair would permit me to move an amendment to increase the number of Members of this Committee. I move that the number of Members be increased from nine to fifteen.

The Honourable Sir Edward Benthall: Sir, with regard to the first two points made by my Honourable friend Dr. Sir Zia Uddin Ahmad, I could not quite grasp all the points that he was making from the book from which he was reading. But I gather that what he asked for was that there should be a general survey of the financial conditions of the Convention and that it should not be limited to war time arrangements. Well, Sir, the Resolution as drafted requires the Committee to consider all matters arising out of clause (iv) of the Resolution of March 2nd and that in itself gives the Committee a very wide scope. It is the intention that the Committee shall make a general survey of the working of the Convention, of the Depreciation Fund and the general relations between general finance and railway finance.

Dr. Sir Zia Uddin Ahmad: Do you refer to clause (iv) of the Convention or the Resolution?

The Honourable Sir Edward Benthall: Of the Resolution which was before Honourable Members. I think therefore that the Honourable Member will be satisfied that the scope of the Committee will be sufficiently wide. I will be satisfied that the scope of the Committee an agenda covering the main myself propose to place before the Committee an agenda covering the main points for discussion, and the Committee can then discuss that and we can decide whether it should be widened or not.

With regard to the other point raised, namely the size of the Committee, I have discussed this with Party Leaders and they have agreed with the Resolution in the form in which it has been placed before the House, that is to say the Party Leaders have agreed that the Committee should consist of twelve Members as defined in the Resolution. The number allows for a balance between the Parties and I hope that figure will be agreed to. This Committee has got to do a good deal of very intensive, close work in connection with the financial clauses, the depreciation fund and so on, and it is therefore desirable that it should be a small working body, and for work of this sort, the smaller the body, the better. I hope when the Members are elected, the House will elect the most expert people that they can to this Committee in order to give this very important question the intensive study which it deserves and which, in my opinion can best be carried out by a small Committee, not exceeding twelve in number. That being the case, I hope the House will not press the point that the number should be increased. There will be other opportunities for the House to discuss this matter in future when the Committee has reported.

Mr. Lalchand Navalrai: Will you co-opt the Members of the Standing Finance Committee for Railways?

The Honourable Sir Edward Benthall: I am sorry I did not answer that point. The Standing Finance Committee for Railways consists of eleven Members and if we were to co-opt the Standing Finance Committee for Railways, then it would make the total an unwieldy Committee for the intensive work which we hope to carry through.

Sardar Sant Singh: May I suggest that you can reduce the number of this Committee, say, to five so that you can include the Members of the Railway Standing Finance Committee as *ex-officio* Members. This will come to 16 Members. That will be more convenient, because both the Standing Finance Committee for Railways and this Committee will have to consider the matter. I suggest only five more.

The Honourable Sir Edward Benthall: I would refer again to the original procedure which I proposed: it was that the Standing Finance Committee should examine this subject and report to the House and that the House should then appoint a Committee consisting of say the Leaders of Parties or another Expert Committee to examine this subject. I put forward that proposal, but then the House rejected it. The House said that they preferred a working committee of this sort. I think, Sir, having agreed to this course, we should adhere to the procedure which is embodied in this Resolution.

Dr. Sir Zia Uddin Ahmad: Two suggestions have been made, one to increase the number from 12 to 15 and the other to co-opt the Members of the Railway Standing Finance Committee.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. There must be an end to this discussion.

Dr. Sir Zia Uddin Ahmad: Is he willing to increase the number from 12 to 15?

Mr. President (The Honourable Sir Abdur Rahim): He adheres to nine.

The Honourable Sir Edward Benthall: Yes, Sir, nine, plus three official Members.

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 nine Members to serve with the Honourable the War Transport and Finance Members and the Financial Commissioner Railways as a Committee to consider matters arising out of clause (iv) of the Resolution adopted by the Assembly on 2nd March, 1943, amending the Convention adopted under the Assembly Resolution, dated 20th September, 1924, and to report in the course of the Session preceding the Budget Session 1944."

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 Committee for the Department of Civil Defence and the Committee appointed to consider the Convention regarding the Railway Finance, the Notice Office will be open to receive nominations up to 12 Noon on Thursday, the 25th March, 1943, and that the elections, if necessary, will take place on Tuesday, the 30th March, 1943. The elections, 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.

DEMANDS FOR SUPPLEMENTARY GRANTS—*contd.*

DEMAND NO. 26—INDIA OFFICE AND HIGH COMMISSIONER'S ESTABLISHMENT CHARGES.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move: "That a supplementary sum not exceeding Rs. 1,89,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'India Office and High Commissioner's Establishment Charges'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 1,89,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the

year ending on the 31st day of March, 1943, in respect of the 'India Office and High Commissioner's Establishment Charges'."

The motion was adopted.

DEMAND NO. 29—ADMINISTRATION OF JUSTICE.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of 'Administration of Justice'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND NO. 29A—JAILS AND CONVICT SETTLEMENTS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,20,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Jails and Convict Settlements'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 2,20,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Jails and Convict Settlements'."

The motion was adopted.

DEMAND NO. 30—POLICE.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,49,86,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Police'."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That a supplementary sum not exceeding Rs. 1,49,86,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Police'."

Adequate Representation of Muslims in additional Appointments.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,49,86,000, in respect of 'Police' be reduced by Rs. 100."

Sir, Rs. 1,49,86,000 is going to be given to the provinces for additional appointments in the Police. In this connection, I simply wish to draw the attention of the Department and request the Honourable Member in charge to ask the various Provincial Governments to consider the claims of the Mussalmans in matters of additional appointments.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,49,86,000, in respect of 'Police' be reduced by Rs. 100."

Sardar Sant Singh (West Punjab: Sikh): In this connection, I wish to ask the Honourable the Finance Member to tell us what the constitutional position is as regards his generous contribution to the provinces for employing additional police for some purposes. I am not concerned with what object this additional police was to be employed, but under the constitutional law, the law and order are the sole responsibility of Provincial Governments and, as such, the implication is that all the charges in connection with the maintenance of law and order are to be borne by the provinces. Why should the Central Government go out of their way and contribute or grant subsidies to the Provincial Governments for the purposes of doing that duty which, according to the Constitution, is the sole responsibility of the provinces. In the memorandum that he has circulated to us, he has stated the constitutional position to be what I am submitting for the information of the House. Am I to understand, Sir, that this additional contribution given to the provinces, without the provinces having asked them for this help, is due to the fact that certain circulars have been issued in connection with the last disturbances by the Central Government laying down a certain line of policy to be followed by the provinces? Is this contribution a sort of temptation offered to the Provincial Governments to carry

[Sardar Sant Singh.]

out the mandate of the Central Government in putting down the disturbances? If this is so, the position would be that the Central Government denies the Provincial Governments the right of that autonomous self-Government which is granted by the Government of India Act 1935. Why should the Central Government be generous enough to make this contribution to a department which is the sole responsibility of the provinces? I, therefore, say that the House should not pass that portion of the grant which has been made for this purpose—I think, it is Rs. 1,08,00,000 to the provinces. This Rs. 1,08,00,000 should not be granted to the Honourable the Finance Member for the purpose because the purpose is two-fold injurious: In the first place, it curbs the independent spirit of the Provincial Governments; and in the second place, it is an attempt on behalf of the Central Government to bribe the Provincial Governments to carry out their policy.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, this particular question was discussed in the Finance Committee and I also raised this question there and I discussed it separately when the attempt was made by the Provincial Government to open a school at Aligarh. My Honourable friend did not exactly understand the position. We have been complaining about the use of Martial Law. We have been complaining all the time that the military forces ought not to be used in the administration of the country. Therefore, they are now following a scheme in which they have a special police which they call 'Military Police' and it will be under the civil administration and not under military administration and this Police will very largely be employed in the administration of law and order.

Sardar Sant Singh: At whose responsibility?

Dr. Sir Zia Uddin Ahmad: My Honourable friend says the responsibility of maintaining law and order in the provinces lies with the Provincial Governments, but that is not the point which I am discussing. There are many things which are the responsibility of the Provincial Governments. Take the case of education, for instance. The Government of India have been giving grants in all these matters which are really the responsibility of the Provincial Governments. The point is that the Central Government is very often asked to depute the military for the maintenance of law and order. How, in that case, it becomes the responsibility of the Central Government? I admit the proposition of my friend, Sardar Sant Singh, that the Central Government should never lend any military for the maintenance of law and order. But that is not the case.

Sardar Sant Singh: The Constitution provides for that.

Dr. Sir Zia Uddin Ahmad: Therefore, when we can make use of the military police for the maintenance of law and order—there is a proposal to train special police which will work under the civil administration and which will take away this work from the military authorities altogether—your chances of martial law will be minimised. I may also tell the Honourable Member that this scheme has nothing to do with the troubles that arose in connection with the affairs which developed after the 8th August 1942. This is entirely a different proposal, viz., to have military police, and it has no connection with the disturbances in 1942. Therefore, this is a help which is exceedingly useful and ought to be given to the Provinces, because the Provinces in their budgets never provided for the training of military police.

Sardar Sant Singh: Did the Provinces ask for this help?

Dr. Sir Zia Uddin Ahmad: I know the Finance Department will not give money to a person unless he asks for it. The Finance Department knows how to refuse, but never knows how to give without being asked.

Sardar Sant Singh: You are evading the issue.

The Honourable Sir Jeremy Ralsman: Sir, I am not quite clear whether my Honourable friend, Mr. Sant Singh, is raising a purely constitutional point or whether he is attempting to raise a point of policy. As regards the purely constitutional point, I would refer him to sub-section (2) of section 150 of the Government of India Act, which says that the Federation or a Province may

make grants for any purpose notwithstanding that the purpose is not one with respect to which the Federal or the Provincial Legislature, as the case may be, may make laws. In other words, although the constitution provides for a fairly hard and fast delimitation of the legislative powers of the Central and the Provinces, it also provides that there may be finance provided for either purpose by either the Centre or the Provinces. So that the Centre can come to the aid of the Provinces, and the Provinces in certain respects can come to the aid of the Centre.

Sardar Sant Singh: May I at this stage interrupt. I do not deny your right to come to the aid of a Province. I deny your right to give that aid without there being any necessity for it or by offering a bribe to the Provincial Governments.

The Honourable Sir Jeremy Ralsman: I quite understand the Honourable Member's point and he is simply wrong on the facts. The position is that in the situation as it then existed, there was consultation between the Centre and the Provinces. Now as always happens in regard to such consultation, the Provinces are apt to say: 'Well, we admit that the existing arrangements are not satisfactory, but we do not see how we, with our limited capacity, would be able to improve it to the required standard'. At that stage it is surely open to the Centre to say: 'Well, you consider this matter on its merits, and for the moment exclude the financial aspect. When we have decided what should be the proper standard, we will then consider how the arrangement should be financed.' That of course implies that if the finance required is beyond the capacity of the Provincial Government, the Centre may be prepared to come to their assistance, and that is exactly what happened in the present case. There were consultations and as a result the Centre has agreed to come to the assistance of the Provinces in accordance with the limitations of their financial capacity.

(Mr. K. C. Neogy then rose in his seat.)

Mr. President (The Honourable Sir Abdur Rahim): It is too late. The Honourable the Finance Member has already replied to it.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 1,49,86,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Police'." The motion was adopted.

DEMAND NO. 31—PORTS AND PILOTAGE.

The Honourable Sir Jeremy Ralsman: Sir, I move:

"That a supplementary sum not exceeding Rs. 6,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Ports and Pilotage'."

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

"That a supplementary sum not exceeding Rs. 6,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Ports and Pilotage'."

Attitude of Departments towards Muslims in matters of Services.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,28,000, in respect of 'Ports and Pilotage', be reduced by Rs. 100."

I find that a considerable amount is going to be given to this department. I will confine myself to the additional grant. From the various questions put on the floor of this House, we have come to know that the position of Mussal-mans in the matter of service in this department amounts almost to nil. I remember that out of 252 officers getting Rs. 500 and above, there were only one or two Muslims. Therefore, I am justified in saying that the position of Muslims in this department is nil. This is a very important department, particularly in these days of war. I thought it proper to draw the attention of the authorities to take into consideration the fact that when they were appointing persons they should also consider the claims of the Muslims.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,28,000, in respect of 'Ports and Pilotage', be reduced by Rs. 100."

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Dr. Sir Zia Uddin Ahmad: I received a memorandum from some friends in Calcutta drawing my attention to certain administrative matters in the affairs of the Port of Calcutta. I do not know exactly who is the Member in charge of this due to the recent changes of portfolios. But the papers are still lying with me and I think that the matters referred to in that memorandum require close examination. I do not like to discuss those points on the floor of this House, but I hope that the Honourable gentleman in charge of this Department may look into the complaints which this memorandum raises, and which appear to be very reasonable, as they do need close scrutiny.

Mr. T. S. Pillay (Government of India: Nominated Official): I did not follow closely the remarks made by my Honourable friend, Mr. Abdul Ghani, but I understood him to say that the Mussalmans in the Port Trust were not adequately represented. If that is his point I should like to remind the Honourable Member that the Port Trust is an independent body. It has got its own powers and acts under them. There are statutory powers. As regards the supplementary grant itself, it will be seen from the note appended to the demand that the demand is mainly due to payment of grant of two camps for stevedore labour, more repairs due mainly to cyclone damage, rise in prices of provisions, stores and coal and increase in temporary staff and dearness allowance.

Maulvi Muhammad Abdul Ghani: It is also due to pay of officers.

(Sir Muhammad Yamin Khan rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is too late. The Government Member has replied.

The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,28,000, in respect of 'Ports and Pilotage', be reduced by Rs. 100."

The Assembly divided:

AYES—14.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Choudhury, Moulvi Muhammad Hossain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin Mr. M.
Ismail Khan, Hajee Chowdhury Muham-
mad

Nairang, Syed Ghulam Bhik.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali, Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—49.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Ambegaonkar, Mr. K. G.
Banerjee, Dr. P. N.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Guranath.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Deshmukh, Mr. Govind V.
Gray, Mr. B. L.
Griffiths, Mr. P. J.
Gwillt, Mr. E. L. C.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Jehangir, Sir Cowasjee.
Kamaluddin Ahmad, Shamsul-Ulema.
Kushal Pal Singh, Raja Bahadur.
Lalchand Navalrai, Mr.
Laljee, Mr. Hooseinbhooy A.
The motion was negatived.

Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Mehta, Mr. Jamnadas M.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Noon, The Honourable Malik Sir Feroz
Khan.
Pai, Mr. A. V.
Parma Nand, Bhai.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shahban, Khan Bahadur Mian Ghulan
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Symons, Mr. N. V. H.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Vijai Prasad Singh, Maharaja Bahadur
Ram Ran.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That a supplementary sum not exceeding Rs. 6,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Ports and Pilotage'."

The motion was adopted.

DEMAND No. 32—LIGHTHOUSES AND LIGHTSHIPS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 41,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Lighthouses and Lightships'."

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

"That a supplementary sum not exceeding Rs. 41,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Lighthouses and Lightships'."

Dr. Sir Zia Uddin Ahmad: I had already spoken on the last motion and therefore I could not speak again on that motion. This motion is a similar one to the last one. We did not like the issue raised by the Honourable Secretary in charge of the Commerce Department that we in this House could not criticise any institution which has been created by a separate Act and which is really an independent institution. This is an important principle which he has raised and we challenged it by dividing the House last time. We have repeatedly exercised this right. In the case of the Bangalore Institute of Science there was mismanagement and the question was raised on the floor of the House. An enquiry was made by the Government as a result into the affairs of the Institute.

Mr. President (The Honourable Sir Abdur Rahim): What the Honourable Member is saying has no relation to Lighthouses and Lightships.

Dr. Sir Zia Uddin Ahmad: This is also an independent thing and we have the right to criticise and I do not like that the Honourable Member . . .

Mr. President (The Honourable Sir Abdur Rahim): Nobody contested that right regarding Lighthouses and Lightships.

Dr. Sir Zia Uddin Ahmad: We are just opposing the motion.

Mr. President (The Honourable Sir Abdur Rahim): I do not think that has been questioned at all. Ports and Pilotage is a different matter; it is in charge of Port Commissioners.

Dr. Sir Zia Uddin Ahmad: I had no chance to reply to the point raised by my Honourable friend except when I could get up again, and since he has raised the issue.

Mr. President (The Honourable Sir Abdur Rahim): The argument that was advanced by the Government Member regarding Ports and Pilotage was that they were administered by the Port Commissioners which is a self-governing body and therefore Members could not criticise their actions as regards communal representation. But does that apply to Lighthouses and Lightships?

Dr. Sir Zia Uddin Ahmad: Lighthouses are administered by the same body.

Mr. President (The Honourable Sir Abdur Rahim): I do not know whether Government takes that view.

The Honourable Sir Jeremy Raisman: No. As I understand the position, Lighthouses and Lightships are administered directly by the Government of India.

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

"That a supplementary sum not exceeding Rs. 41,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Lighthouses and Lightships'."

The motion was adopted.

DEMAND No. 34—BOTANICAL SURVEY.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Botanical Survey'."

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

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Botanical Survey'."

Revision of Pay of Quinine Officer.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,000, in respect of 'Botanical Survey' be reduced by Rs. 100."

The purpose of my moving this cut motion is only to know why at this time when every kind of economy is being practised, a revision of pay is made. I want to know on what ground the Quinine Officer requires his salary to be revised.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 11,000, in respect of 'Botanical Survey' be reduced by Rs. 100."

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

The Principal Quinine Officer is an officer of the Government of Bengal and in peace time he performed certain duties for the Central Government for which he received from central revenues a special pay of Rs. 100. His main pay was borne by the Government under which he serves, namely, the Government of Bengal. With the entry of Japan into the war and the arising of difficult problems affecting quinine, the Central Government have made much greater demands on this officer's services and increased his responsibilities. The matter has two aspects. Not only is he working very much harder than he worked before, but he is doing a good deal more for the Central Government than he has done in the past, and indeed we wanted to take him over as a whole-time officer but the Bengal Government were unwilling to give him up. It has been agreed that his pay should be raised and that the Central Government, instead of paying him a special pay of Rs. 100 a month only, should share his pay with the Provincial Government as we share his time. That is the full explanation of why more of his pay falls on the Central Government. I hope in view of that explanation the Honourable Member will withdraw his cut motion.

Maulvi Muhammad Abdul Ghani: In view of the explanation just given I beg leave to withdraw my cut motion.

The motion was, by leave of the Assembly, withdrawn.

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

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of the 'Botanical Survey'."

The motion was adopted.

DEMAND No. 35—ZOOLOGICAL SURVEY.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary 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 on the 31st day of March, 1943, in respect of the 'Zoological Survey'."

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

"That a supplementary 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 on the 31st day of March, 1943, in respect of the 'Zoological Survey'."

The motion was adopted.

DEMAND No. 36—GEOLOGICAL SURVEY.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 17,84,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Geological Survey'."

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

"That a supplementary sum not exceeding Rs. 17,84,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Geological Survey'."

The motion was adopted.

DEMAND No. 39—METEOROLOGY.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Meteorology'."

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

"That a supplementary sum not exceeding Rs. 75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Meteorology'."

The motion was adopted.

DEMAND No. 42—MEDICAL SERVICES.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Medical Services'."

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

"That a supplementary sum not exceeding Rs. 88,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Medical Services'."

The motion was adopted.

DEMAND No. 43—PUBLIC HEALTH.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,21,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Public Health'."

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

"That a supplementary sum not exceeding Rs. 1,21,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Public Health'."

The motion was adopted.

DEMAND No. 45—IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Imperial Council of Agricultural Research'."

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

"That a supplementary sum not exceeding Rs. 1,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Imperial Council of Agricultural Research'."

Dr. Sir Zia Uddin Ahmad: The point which I wanted to raise on the last occasion was out of order because it was under the direct administration of the Government, that is, the question of Lighthouses. But this one is a grant to an autonomous body, and my Honourable friend has raised the issue on the floor of this House that we in this House cannot criticise the action or mismanagement of an autonomous body. I challenge this view. We are really the custodians of the public funds.

Mr. President (The Honourable Sir Abdur Rahim): Who has challenged the right of the Honourable Member to discuss this motion, if it is in order otherwise?

Dr. Sir Zia Uddin Ahmad: I will oppose the policy if the thing is admitted. We are really the custodians of the public interest and we are looking after the contribution by the taxpayers and it is our duty to see that the money given to any institution or society for any purpose whatsoever is really used in the best interests of the country and there should be no mismanagement. So, whenever there is the question of grant coming in, we have a right to criticise the working of that particular body, though it may have been created by an Act of the Legislature and however autonomous

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must remember that this is a supplementary demand. He cannot go into questions of policy or the general administration of the department. He must confine himself to this particular sum which is wanted. He can discuss the question whether it should or should not be granted. The Honourable Member cannot discuss the whole policy of the department.

Maulvi Muhammad Abdul Ghani: I oppose this demand, because the Imperial Council of Agricultural Research is now an autonomous body and is existing under a certain Act. The attitude of this Council is very very inimical to the Muslims of India. There are lots of experts among the Muslims but

[Maulvi Muhammad Abdul Ghani.]

if you compare the experts appointed by this Council with the number of Muslim experts.

Mr. President (The Honourable Sir Abdur Rahim): This is not a new service at all. The Honourable Member must remember that. This is merely a supplementary demand for an additional sum. That is all.

Maulvi Muhammad Abdul Ghani: I want to submit this. This Council has got nothing to do with the Central Revenues. An Act was passed and under that certain cess is being levied and out of that cess this body is being maintained.

Mr. President (The Honourable Sir Abdur Rahim): This is a question which ought to have been raised at the time of the General Budget. It cannot be taken up now.

Maulvi Muhammad Abdul Ghani: There is no such provision in the original Budget. This body is doing as it likes and there is no control.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into all that.

Maulvi Muhammad Abdul Ghani: I am saying that this Council does not deserve the grant given by this House, because it does not follow any rule or regulation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to understand my ruling. My ruling is that the Honourable Member cannot go into the policy which has led to the establishment of this department or the general administration of this department. He can only discuss the question whether this additional sum should be granted or not.

Dr. Sir Zia Uddin Ahmad: On a point of order. If this additional sum is due to some maladministration, then cannot we discuss it?

Mr. President (The Honourable Sir Abdur Rahim): If this one lakh has arisen owing to any definite mismanagement then the Honourable Member can discuss it.

Maulvi Muhammad Abdul Ghani: I want to submit that whenever any demand comes up before this House.

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling. The Honourable Member must accept it.

Maulvi Muhammad Abdul Ghani: I bow to your ruling. I am not disputing your ruling. I am saying that whenever any demand comes up before this House, the Members of the House will be in order to impose conditions, before sanctioning the grant.

Mr. President (The Honourable Sir Abdur Rahim): No amendment has been made or even given notice of. He must remember that a supplementary demand stands on a different footing from the main demand. He can oppose this demand, if he likes.

Maulvi Muhammad Abdul Ghani: I am opposing the demand.

The Honourable Sir Jeremy Raisman: With your permission, I would merely like to say two or three sentences by way of explanation of the attitude of Government which seems to have given rise to misunderstanding. I do not think anybody on these Benches would claim that because a body is a local self-governing body, therefore this House, at the time of voting finance or grant to that body, is not in order in discussing certain aspects of the administration. The only point to which I would draw the attention of the House is that by legislation this House has devolved certain duties and responsibilities on that body, that it has delegated to that body some of the powers which it possessed and to that extent it is undesirable that they should interfere unduly with the administration or the exercise of the powers which they themselves have delegated to such a body.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): That may be true but.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue now.

The question is:

"That a supplementary sum not exceeding Rs. 1,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of the 'Imperial Council of Agricultural Research'."

The motion was adopted.

DEMAND No. 52—BROADCASTING.

The Honourable Sir Jeremy Raisman: Sir, I 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 on the 31st day of March, 1943, in respect of 'Broadcasting'."

Mr. President (The Honourable Sir Abdur Rahim): 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 on the 31st day of March, 1943, in respect of 'Broadcasting'."

The motion was adopted.

DEMAND No. 54—EMIGRATION—INTERNAL.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 3,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Emigration—Internal'."

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

"That a supplementary sum not exceeding Rs. 3,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Emigration—Internal'."

The motion was adopted.

DEMAND No. 56—COMMERCIAL INTELLIGENCE AND STATISTICS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of 'Commercial Intelligence and Statistics'."

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

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of 'Commercial Intelligence and Statistics'."

The motion was adopted.

DEMAND No. 57—CENSUS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Census'."

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

"That a supplementary sum not exceeding Rs. 2,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Census'."

Sardar Sant Singh: May I ask the Honourable Member to inform me whether this amount of Rs. 2,000 includes the supplying of extracts from the last census to the Members of the Assembly. So far, the Members of the Assembly have not received any extract from the last census, which is a very important reference book to the Members. I would like to know whether this sum or sums were spent for the purpose of supplying copies of extracts to the Members of the Assembly.

The Honourable Sir Reginald Maxwell (Home Member): Sir, the note below the demand, as printed, explains exactly how this demand has arisen. It says: "The excess is due to a contribution made to the Lucknow University in connection with the publication of a monograph by Dr. D. N. Majumdar of that University entitled 'Monographic studies of six primitive tribes in the U. P.'"

Sardar Sant Singh: But what about my question?

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

"That a supplementary sum not exceeding Rs. 2,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Census'."

The motion was adopted.

[Mr. J. D. Tyson.]

Those members of the staff have to be provided with accommodation who lived in their own houses in Calcutta.

Sir Cowasjee Jehangir: Do you charge rent?

Mr. J. D. Tyson: Yes, we are charging rent.

Sir Cowasjee Jehangir: When does the Honourable Member propose to ask for another big grant to build similar buildings?

Mr. J. D. Tyson: I shall not ask for any grant, because if the staff go back to Calcutta they will go to their own homes there.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 44,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Civil Works'." The motion was adopted.

DEMAND NO. 64—SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 5,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Superannuation Allowances and Pensions'."

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

"That a supplementary sum not exceeding Rs. 5,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

DEMAND NO. 65—STATIONERY AND PRINTING.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 48,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Stationery and Printing'."

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

"That a supplementary sum not exceeding Rs. 48,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Stationery and Printing'."

The motion was adopted.

DEMAND NO. 66—MISCELLANEOUS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,46,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Miscellaneous'."

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

"That a supplementary sum not exceeding Rs. 1,46,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Miscellaneous'."

The motion was adopted.

DEMAND NO. 69—CIVIL DEFENCE.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,95,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Civil Defence'."

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

"That a supplementary sum not exceeding Rs. 1,95,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Civil Defence'."

New Appointments and Representation of Muslims.

Maulvi Muhammad Abdul Ghani: Sir, I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,95,70,000 in respect of 'Civil Defence' be reduced by Rs. 100."

This sum which is going to be granted consists almost of the amount of salaries for the additional appointments in this Department. In reply to a question put in this House, we came to know that 72 officers, who are called experts

Mr. N. V. H. Symons (Government of India: Nominated Official): May I interrupt the Honourable Member for a moment to say that I think he is under misapprehension. He seems to be considering that we are still dis-

cussing demand No. 16. We are actually discussing No. 69 in which the salary of the staff forms a small part of the grant.

Maulvi Muhammad Abdul Ghani: Let me compare. On page 22 of the Schedule, I find:

Pay of officers	2,09,500
Pay of Establishment	1,33,500
Gain under A. 3.	
Pay of officers	1,24,300
Pay of Establishment	38,600
Allowances, etc.	51,000
Again under A. 4.	
Pay of Establishment	20,900
Other charges	2,35,800

So, a lot of money is going to be provided for pay of officers and establishment.

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

Maulvi Muhammad Abdul Ghani: The other day the demand which was moved was in connection with the Department controlling these appointments and I wanted to draw their attention and here I want to draw the attention of appointing authority who has paid no regard in this matter of appointments to the suitability of persons who have been appointed. In reply to a question put in this House we came to know that persons having no qualifications or persons from outside India, say, Burma and other places, many of them happen to be evacuees—their case is given preference over the cases of those who are sons of the soil. Not only this, but those people who come from outside some of whom have no requisite qualifications also. That being the case, we have got legitimate grounds against such appointments. I think, if there are people who possess equally requisite qualifications in this country, they should be given preference. In certain cases persons having no qualifications have been given preference over the people of this country. The only plea of the Government is that there was no time to consult and no time to advertise, but I say this plea does not hold good at least in the case of this Department. What the Department has done, I do not say that Government should undo that, but what I say is that they should bear in mind that in future these things should not be repeated and due regard and due advertisement in respect of all vacancies should be given and these vacancies should be filled in by the people of the country, if they are competent. If Government is going to take incompetent people, then why not take incompetent people of this country. Sir, you will find from the reply given in this House that out of 72 higher appointments only 37 persons have blitz qualifications. But if we count the numbers correctly, the number comes to 38 and not 37. Out of these 72, twenty-nine happen to be Indians, and out of these 29, the poor Muslims got only three. So, in all the higher posts or lower posts or intermediate posts, whatever it may be, this Department has no regard at all for the minorities, particularly the Muslims. I thought it proper to urge this point through this cut motion because all the demand relates to new appointments and we are justified in putting forward the grievances of the people of this country in matters of appointment.

Mr. President (The Honourable Sir Abdur Rahim): Cut motion moved: "That the demand for a supplementary grant of a sum not exceeding Rs. 1,95,70,000 in respect of 'Civil Defence' be reduced by Rs. 100."

Sardar Sant Singh: Sir, in connection with this grant, I find on page 8 of the proceedings of the meeting of the Standing Finance Committee held on 18th March, 1943, item (ii) deals with increased expenditure on civic guards necessitated by increase in the strength of these in the Provinces in order to supplement regular police forces for maintaining peace and tranquillity amongst the civil population with a consequential increase in the Central Government's share of the same. May I know from the Honourable the Finance Member if this is a second attempt to enter by the back door the domain of the provincial Government sphere of activity? He was pleased to explain to my first objection that additional money was provided to the Provinces for the purpose of strengthening the police, that a certain arrangement had been arrived at

DEMAND NO. 58—JOINT STOCK COMPANIES.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of 'Joint Stock Companies'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 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 on the 31st day of March, 1943, in respect of 'Joint Stock Companies'." The motion was adopted.

DEMAND NO. 59—MISCELLANEOUS DEPARTMENTS.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Miscellaneous Departments'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Miscellaneous Departments'." The motion was adopted.

DEMAND NO. 60—CURRENCY.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 8,25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Currency'."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That a supplementary sum not exceeding Rs. 8,25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Currency'." The motion was adopted.

DEMAND NO. 61—MINT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 18,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Mint'."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved. "That a supplementary sum not exceeding Rs. 18,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Mint'."

Maulvi Muhammad Abdul Ghani: Sir, I want to make a submission regarding this demand. Although much agitation was made in this House and the Government were also prepared to mitigate the inconvenience of the public regarding small coins.

Mr. President (The Honourable Sir Abdur Rahim): All this has been discussed threadbare.

Maulvi Muhammad Abdul Ghani: I simply want to draw the attention of the Finance Member that although he gave us an assurance that that inconvenience will be removed, we are still feeling the pinch in the matter of small coins. When we, the Members of the Assembly, go to cash our bills and if we want change for a few rupees, we are given change only for Rs. 5 and not a single pice more. In the market also we are not getting small coins. This inconvenience should be removed by the Finance Department.

The Honourable Sir Jeremy Raisman: Sir, as I explained in the House the other day, we are doing everything we can within the capacity of the Mints. The situation is improving in certain parts of the country and I hope that before very much longer the situation will be better throughout the country as a whole. But in any case I would submit that in order to improve the situation, it is necessary to vote more money for the increased manufacture of coins.

Sir Muhammad Yamin Khan: Does the Honourable Member know that pice coins are being used as washers?

Dr. Sir Zia Uddin Ahmad: Sir, I also raised this question and drew the attention of the Honourable Member to the fact that the Standing Finance Committee should have an opportunity to discuss this particular question because we know from our personal experience the grievances of the public. I

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think it is very desirable that the Finance Member should know the extent of the difficulties and miseries which we find in the country on account of the absence of small coins. The Honourable Member will, I hope, give a chance to the Standing Finance Committee to discuss this matter and attempt to remove the sufferings of the public.

(Maulana Zafar Ali Khan rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow the Honourable Member to speak. The Government Member has already replied.

The question is:

"That a supplementary sum not exceeding Rs. 18,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Mint'."

The motion was adopted.

DEMAND NO. 62—CIVIL WORKS

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 44,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Civil Works'."

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

"That a supplementary sum not exceeding Rs. 44,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Civil Works'."

Sir Cowasjee Jeangir (Bombay City: Non-Muhammadan Urban): May I ask a question, Sir? I see that a sum of Rs. 32,70,000 has been spent at Dehra Dun. What has happened to the buildings in Calcutta? How is the Government going to use the buildings in Calcutta? That is one point. It means that 37 lakhs worth of construction must have been left in Calcutta and something must have been done to those buildings. Have they been sold or have they been given to the Government of Bengal? If so, what amount has been received by the Government of India? Then, there is another item of Rs. 2,36,000 for temporary office accommodation for the Supply Department. Will these temporary buildings be pulled down after the war? Then, there is a provision of Rs. 4,45,000 for the office accommodation for the D. G. Supply in Bharatpur, Jamnagar plot. What will happen to it after the war? Then, there is a Mess for 150 officers. Is that also a temporary building?

The Honourable Dr. B. R. Ambedkar (Labour Member): These are all temporary buildings and certainly the Reconstruction Committee will deal with the question as to what is to be done with these buildings.

Mr. J. D. Tyson: Sir, if I might refer to the first point raised by my Honourable friend, I am afraid there is a slip in the printed note placed before the House. The Survey Buildings at Dehra Dun are not entirely "non-residential" buildings. There are some residential buildings also. The fact is that at the time the Japanese came into the war about 50 per cent. of our map reproduction machinery and highly trained establishment was in areas—I do not wish to particularise—which were liable to be affected by enemy action, and we were advised by the General Staff to make provision for them as quickly as possible elsewhere. This is not merely a matter of setting up buildings to house map production machinery and for administration in what is regarded as a safe area, but it was also very much a matter of keeping together a highly trained staff who, we feared, might disappear to their villages and towns in various provinces if they were subjected to continuous bombing in the areas where they were. So we brought them together at Dehra Dun and we had to bring their families too and that accounts for this very large figure spent on buildings there. A reference has been made to Calcutta and some of this establishment has undoubtedly moved from Calcutta. But the building there was already very much congested. It is still in partial occupation by the Mathematical Instruments Office which used to be under the Survey of India but is now under the Supply Department. I am afraid I am not in a position to say whether they have expanded into the part that we have vacated to the full extent, but I can find out.

The point, however, is that here at Dehra Dun we have had to provide both residential and office accommodation.

[Sardar Sant Singh.]

after consultation with the Provincial Governments by which the Government of India agreed to advance more money for strengthening the police. May I ask him now under what provisions of law he takes his stand now by offering money through the civil defence organisation which I suppose is the primary concern of the Government of India? If it is so, how is it that the Government of India interferes with the police arrangements of the Provinces for the purpose of maintenance of law and order? How can the Government of India justify the conversion of civic guards organisation which is under the Civil Defence Department, and as such controlled by the Central Government, into a supplementary police force provided for the Provinces? They say that civic guards have been provided not for that but for civil defence which is necessitated on account of war conditions in India. Civil Defence Department is under the direct control of the Government of India. It has a separate function relating to war measures. But herein money is provided for civic guards as a supplementary police force for the Provinces. So, there comes into existence two police forces, the first which is directly under the control and discipline of the Provincial Government and the second which is directly under the control probably of the Provincial Governments but subsidised and paid for by the Central Government. May I ask him how does he justify this expenditure, how does he ask for a grant for this purpose? This is the first point. In this connection, I want to say one word to my newly created Lieutenant Colonel of the army. I am sure he considered this when he passed the grant, and that is in order to avoid the military being called for suppression of civil disturbance in the Provinces. May I ask him why he takes it so lightly that the military should be called for quelling civil disturbances? That should be the only exceptional use of the military. The military is provided for the purpose of defending the country.

Mr. President (The Honourable Sir Abdur Rahim): Does it come under the demand?

Sardar Sant Singh: Because it is additional police, it comes under this demand. My Honourable friend gave the reason for the grant of this money as for the purpose of avoiding the expenses of calling the military to suppress civil disturbances. Probably in order to avoid the calling of the military for suppressing civil disturbance, my Honourable friend, the Lieut.-Col. of the Army was generous enough to grant this big sum to the Provinces so that his inconveniences may be saved.

Sir, in this connection, I want to draw attention to another point about this grant. On page 23 of the Supplementary Demands for Grants under head 'D', charges in England, the following items are given:

D.1. Secretary of State for India.

D.1(2). Miscellaneous.

D.2. High Commissioner for India.

D.2(1). Leave and Deputation salaries and sterling overseas pay.

D.2(2). Family allotments of pay of officers.

D.2(3). Other charges.

The House would like to know how these items come under Civil Defence Department expenditure, because no light is thrown in the proceedings of the Standing Finance Committee. Nothing is given to show how they are connected with the Civil Defence Department. Are these allowances given to the officers of the Civil Defence Department? I should like to know the details of these.

Dr. Sir Zia Uddin Ahmad: Sir, the last speaker made a passing reference to me. May I just remind him that he has been elected here by my votes and therefore he will have to speak very carefully when he makes any reference to me. He will need my votes in future also.

As regards this particular question, I drew the attention of the Department at time that they should not be extravagant in their expenditure on this Department. There ought to be some economy. We see in Delhi that we spent money in constructing air raid shelters, ditches and so on, and then money

is spent in demolishing them. At Aligarh station, we spent a lot of money in erecting baffle walls in the railway station, now additional sums were spent in removing those walls. Of course, in these days, it is very desirable to economise money as much as possible. We should clearly think out before launching on any scheme of expenditure on a large scale. I dare say they have got only the experience of the United Kingdom before them. They try to imitate that experience in this country. But the situation here is quite different from that in the United Kingdom. I am not opposed to Civil Defence Department, but I object to the manner in which the Department spends money lavishly, first in constructing a building and then in demolishing the same within a short time. Money is required for the successful prosecution of the war and not in frittering away on useless expenditure.

As regards the point raised by my Honourable friend, Maulvi Muhammad Abdul Ghani, I already said that the Civil Defence Department is an asylum for Burma evacuees. They get all the employment in this Department. That is the general impression in some quarters. We are led to believe that the posts are not necessary for the efficient carrying on of the administration, but it is simply to provide berths for these persons that these posts are created. Though we are in favour of this particular Department, yet we do beseech that the money should be carefully spent, on well thought out schemes, and the schemes should be launched only after carefully considering the cost.

Mr. N. V. H. Symons: Sir, my Honourable friend, Mr. Abdul Ghani, has raised a general charge against us of appointing a lot of incompetents who had no qualifications for the posts mainly people from outside India, when there were plenty of incompetents in India who could have been appointed. Sir, I will not take up the time of the House to explain in detail what we have done. We gave a good deal of information in answer to Starred Question No. 125 on the 17th of February and I will say this that we are prepared to explain fully and justify every individual appointment we have made at any time and at any place that the House desires, and if the House desires it this is a matter which can very suitably be taken up in our Standing Committee which is going to be constituted. There is no substance whatsoever in the rumour that we created posts in order to accommodate certain persons. We were not interested in the evacuees from Burma. There is no truth whatsoever that we have ever appointed anybody who was not qualified for the post with a qualification of one sort or another, or that we appointed anybody who was not the best man available at the time.

Sardar Sant Singh: Out of how many applicants for that post?

Mr. N. V. H. Symons: At the time when most of these appointments were made, the Member in Charge of the Department was the late Dr. Raghavendra Rao and having read the eulogies in the press on him after he died, I think, it ill becomes the people of this country to say that he discriminated against Indians. He approved of every one of these appointments and we are prepared to justify them.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): It is not a fair argument.

Mr. N. V. H. Symons: I am very sorry if it is not a fair argument, but it happens to be a fact.

Mr. Hooseinbhoj A. Lalljee: It cannot be.

Sardar Sant Singh: It is not a fair argument.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): You have to go to the dead for testimony!

Mr. N. V. H. Symons: . . . And if we are to be particularly stigmatized for not having appointed enough Muslims, then, in our turn, we say to the Muslims 'Why don't you ask for appointments?' When there are vacancies, Muslims simply do not apply, and if rumours are going to be bandied about, I may say that there is a rumour that owing to the general attitude of the Muslim League towards Civil Defence and the activities of the Muslim League Committee which toured India to set up a parallel Muslim organization, Muslims

[Mr. N. V. H. Symons.]

with an eye on the future are afraid of offending the Muslim League and so do not apply.

The position in our Department at the moment is that we have registers of applications for officers' posts and clerical posts separately. There are 67 names registered for officers' posts out of whom 8 are Muslims, and for clerical posts there are 54 names registered in all out of whom only 5 are Muslims.

Sardar Sant Singh: How many Sikhs?

Mr. N. V. H. Symons: I cannot say. And it does not even follow that all those 8 and 5 candidates respectively are in any way suited for appointment, so that our difficulty is extremely great, and if the Muslim League does want to see that Muslims are getting their proper share, instead of boycotting our Standing Committee let them nominate somebody to look after the interests of Muslims. Let them see that names of good Muslims who can be appointed for civil defence in their own country are sent to this Department for employment, and we shall be very grateful.

Nawabzada Muhammad Liaquat Ali Khan: Mr. President. If there was any doubt regarding the incompetency in the Civil Defence Department, the speech that has just been made by the Honourable Member must have confirmed every Member of this House in his opinion. He had to go to the dead to get the testimony for the work of his department. Unfortunately, Dr. Raghavendra Rao cannot come forward and say what he did.

Sir, the Honourable Member has levelled a charge against the Muslim League saying that the Muslims do not come forward to join his department because of the policy of the All-India Muslim League. I wonder if when he was making that statement he realized that he was paying the greatest compliment to the solidarity and the influence of the All-India Muslim League and he was giving by his speech a direct lie to the claim that is made by the Government that in spite of the Muslim League the Mussalmans are helping them wholeheartedly in this war effort. Mr. President, it is not the policy of the Muslim League to prevent individuals from joining the various services in the departments of the Government of India, or, for the matter of that, of any Government, and I am afraid the argument which the Honourable Member has advanced is indeed a very poor one. If that were so, then there would not have been any Muslims in the Army, there would not have been any Muslims in so many other departments that have been set up for the prosecution of this war. Therefore, the reason is not that the Muslims do not come forward. The reason is that the Civil Defence Department do not take Muslims in their services. (Interruption.) My Honourable friend, Mr. Nairang, just tells us that he could give a number of names of Muslims who have been rejected by the Department and who had applied and who were highly qualified. Therefore, Sir, I am afraid that the Honourable Member has failed to make out a case for the paucity of Mussalmans in the Civil Defence Department and it would not do for any spokesman of the Government to come forward before this Honourable House and make such lame excuses.

The Honourable Sir Jeremy Raisman: I merely wish to deal very briefly with the points raised by my Honourable friend, Sardar Sant Singh. The head of 'Civil Defence' is merely an accounting head and the grants in respect of civic guards have been put under the general head of 'Civil Defence', but that does not mean that civic guards are part of the Central organization for civil defence.

There is one other point which I would like to make and that is that civil defence is not necessarily a Central subject at all. In fact, on the contrary many of the activities which fall under Civil Defence are purely provincial subjects, and, therefore, in this sphere, as in the case of the Police, there is scope for grants from the Central Government to the Provinces in order to supplement their resources in carrying out their own duties. There is no question of undermining their independence. I do not think the Honourable Member feels that his independence is undermined if he receives some remuneration for services which he considers it is his duty to perform.

Sardar Sant Singh: For political purposes?

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the demand for a supplementary grant of a sum not exceeding Rs. 1,95,70,000, in respect of 'Civil Defence' be reduced by Rs. 100."

The Assembly divided.

AYES—17.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Bhutto, Mr. Nabi Baksh Illahi Bakah.
Choudhury, Moulvi Muhammad Hossain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Ismail Khan, Hajee Chowdhury Muhammad.
Kameluddin Ahmad, Shams-ul-Ulema.
Laljee, Mr. Hooseinbhooy A.

Liaquat Ali Khan, Nawabzada Muhammad.
Nairang, Syed Ghulam Bhik.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali, Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—40.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Ambegaonkar, Mr. K. G.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Griffiths, Mr. P. J.
Gwillf, Mr. E. L. C.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kushal Pal Singh, Raja Bahadur.

Laichand Navalrai, Mr.
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell The Honourable Sir Reginald.
Miller, Mr. C. C.
Pai, Mr. A. V.
Parma Nand, Bhai.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shahban, Khan Bahadur Mian Ghulam.
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Symons, Mr. N. V. H.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

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.

Transport of Hospital Train.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,95,70,000, in respect of 'Civil Defence' be reduced by Rs. 100."

Under this demand I find there is mention of a hospital train. But I am told that it is only for the provision of a few carriages. This will not do. If the idea is to help the injured people, a sufficient number of carriages should be provided: one or two carriages will not do. Therefore, I thought it proper to draw the attention of the authorities through this cut motion.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,95,70,000, in respect of 'Civil Defence' be reduced by Rs. 100."

Mr. N. V. H. Symons: Sir, I think I can in a very few words remove the misapprehensions of my Honourable friend. We are not relying on one hospital train to cope with the whole of the possible air raid casualties in India. We have made this one Civil Defence Department hospital train, which will carry 202 people at one time.

Maulvi Muhammad Abdul Ghani: How many carriages?

Mr. N. V. H. Symons: The important thing from your point of view is that it can carry 202 patients—injured people. I cannot tell you the exact number of carriages: it includes, in addition to the wards, a dispensary, kitchen, carriages for doctors and staff and all that sort of thing. But we entered into a reciprocal arrangement with the military authorities for the use of military

[Mr. N. V. H. Symons.]

hospital trains too, if they were not at any moment being used for military casualties; and in addition to that, we have worked out arrangements by which special rakes—as they are called—of upper class carriages will be assembled quickly; and except that you have not got the doctors and the nursing staff and the dispensary, these, for carrying casualties, are as good as a hospital train. Not only that, but arrangements have been made by which in the guard's van of every train there will be a number of canvas slings; and these slings can be used so that stretchers can be brought on a train and slung in the train, so that any train can be used as a hospital train. These will be the emergency arrangements for taking patients for short distances; but with these arrangements for the more lightly wounded, I think that the Honourable Member will perhaps agree that we have gone rather further than is suggested by this mere one hospital train.

Maulvi Muhammad Abdul Ghani: In view of the explanation given, I want to withdraw my motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): Has the Honourable Member the leave of the House to withdraw his motion?

(Voices: "Yes, yes.")

The motion was, by leave of the Assembly, withdrawn.

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

"That a supplementary sum not exceeding Rs. 1,95,70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Civil Defence'."

The motion was adopted.

DEMAND No. 70—DELHI.

The Honourable Sir Jeremy Ralsman: Sir, I move:

"That a supplementary sum not exceeding Rs. 32,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Delhi'."

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

"That a supplementary sum not exceeding Rs. 32,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Delhi'."

Supervision and Re-organisation of Education.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 32,30,000, in respect of 'Delhi' be reduced by Rs. 100."

I find from the schedule that this demand includes an amount for the re-organisation of secondary education and also for primary education. It is a matter for pleasure, no doubt, that Government is going to take steps to re-organise secondary as well as primary education here; but, I think in such re-organisation certain things are required; as for instance, development of languages and the mode of imparting the education and religious instruction to the pupil students. Here in Delhi which has a population of over 2 lakhs of Muslims who are all Urdu-knowing, and in the whole of this province here there is only one Urdu-knowing officer, a Muslim; the other day I learnt that that only officer is going to be transferred and his place is not going to be filled up by another Muslim officer—I say here Muslims only because you know that the Muslims have their own culture, religion and their affinity for a particular language; and during recent years attention was being paid by the local administration towards the reorganisation of secondary as well as of primary education of Muslims. But it was under the supervision of this particular officer, and it will be very difficult to make progress regarding education of the sons and daughters of Muslims. I, therefore, think it is proper that if the transfer is required I do not like to stand in the way at all, but I will suggest that some Muslim officer from somewhere should be had to look after the interests of Muslim boys and girls and safeguard their interests relating to educational matters. The second thing I hear, subject to correction, is that the administration here in Delhi wants to curtail the period of giving a degree from four years to three years, and they want to make certain arrangements at the matriculation stage. I am not certain by what period they are going to increase the

pre-matriculation course. It is a good thing to curtail the period for giving a degree diploma, and this will be welcomed by other universities as well. I thank the Secretary of the Department for taking steps to introduce such a thing, which will be a guide to other universities also.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 32,30,000 in respect of 'Delhi' be reduced by Rs. 100."

Mr. J. D. Tyson: I am glad to have the approval of my Honourable friend to our proposal to improve both the university and school education in Delhi, and this is one of the reasons for which we have had to ask for an extra grant. I understand that his cut motion was moved really on the first point raised in his speech. I am afraid that I am not in a position either to confirm or to deny what he has said about the Muslim officer in question. These appointments are made by the Chief Commissioner. The officer in question, I happen to know, belongs to the Punjab cadre and it may well be that he has reached the end of his time with us. But I will certainly undertake to pass on to the Chief Commissioner what my Honourable friend has said. I hope that in view of that he will withdraw his cut motion.

Maulvi Muhammad Abdul Ghani: In view of the assurance given I beg leave to withdraw my cut motion. The motion was, by leave of the Assembly, withdrawn.

Non-appreciation of Police Services.

Maulvi Muhammad Abdul Ghani: Sir, I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 32,30,000 in respect of 'Delhi' be reduced by Rs. 100."

This sum is required in connection with the additional expenditure borne on account of police establishment during the last disturbance. I was here at that time i.e., in Delhi. I found that one officer of the police department, a Sub-Inspector, hurried to save the Accounts Clearing Office which was being burnt, with the result that he lost his life. The Chief Commissioner and his lady very much sympathised with the loss and wrote letters to the widow and sons of the deceased Sub-Inspector. It was expected that the Government would come to aid such people as an encouragement to others to do the duty entrusted to them by Government with unflinching courage. But it is an irony of fate that, though the Chief Commissioner recommended strongly for the appointment of the two sons,—one of them was reading at the time in the fourth year class and the other had passed the I. A. examination in the second division—in spite of that recommendation the police department turned a deaf ear. This is very regrettable and that is why I have thought it proper to urge this for the consideration of the Honourable the Home Member who is in charge of the portfolio here. May I add that the son who had passed the I. A. examination got a letter of appointment that he had been appointed from the 1st April, 1941, but his misfortune knew no bounds when he received another letter saying that he would have to appear before a selection board. When he went there, the recommendation had been ignored and he was not taken in for a small job, say, of an assistant sub-inspector carrying a salary of Rs. 30 or 40 a month, especially for a son of a father who gave his life in the defence of Government property. His claim was turned down on the plea that he was too young, although he had attained the minimum age required for entering the service. That was no excuse at all. The second son was also recommended, but he was not entertained only because he was one-fourth of an inch too short in the height. You may judge how very well what will be the shortness of one-fourth of an inch, and that, for the appointment of an assistant sub-inspector carrying Rs. 30 to 40 a month, and with the qualification of a fourth year class student, and he might have received a degree had his father not died at the time? It is very regrettable that such a thing should happen here where the Central Government is situated. I hope that sympathetic consideration will be given to this case and that these two sons and the poor widow who are expected to get only Rs. 13-8-0 a month each—they are not getting it now, but they will get Rs. 13-8-0 a month as pension, and that will not suffice for a family of two widows and four sons and

[Maulvi Muhammad Abdul Ghani.]

two daughters. I move my cut motion and hope that what I have stated will receive the sympathetic consideration of the Government.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 32,30,000 in respect of 'Delhi' be reduced by Rs. 100."

The Honourable Sir Reginald Maxwell: I have listened with much interest to my Honourable friend's account of the incident in question, and, of course, I am in general sympathy with his object in raising the question. I cannot naturally be expected to possess full details of the case now, but if my Honourable friend will supply me with particulars I shall certainly go into the details of the case.

Maulvi Muhammad Abdul Ghani: I beg leave of the House to withdraw my cut motion.

The motion was, by leave of the Assembly, withdrawn.

Defective Control of Price Control Staff.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 32,30,000 in respect of 'Delhi' be reduced by Rs. 100."

By this motion, I want to raise the question of defective control of price control staff. I understand the staff which controls the prices of articles of food and other necessities is going to be strengthened. There is lot of complaint against this department and the less said about it the better. I submit that the staff which is in charge of price control should be reformed in a way which will remove the inconveniences felt by the public. When we came here in the beginning of the Session, there was no coal, no rice and no wheat flour and the black market was going on. We had lot of inconveniences.

Mr. Deputy President (Mr. Akhil Chandra Datta): All this has been discussed on many occasions.

Maulvi Muhammad Abdul Ghani: But this is the proper place, Sir, I want to draw the attention of the Government to these complaints.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 32,30,000, in respect of 'Delhi' be reduced by Rs. 100."

Mr. T. S. Pillay: We shall gladly bear in mind the suggestions made and shall convey them to the Chief Commissioner of Delhi who is in charge of the Price Control Department, so far as Delhi is concerned and I am sure he will give every consideration to the remarks made.

Maulvi Muhammad Abdul Ghani: I beg to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

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

"That a supplementary sum not exceeding Rs. 32,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March 1943, in respect of 'Delhi'."

The motion was adopted.

DEMAND No. 75—INDIAN POSTS AND TELEGRAPHS—STORES SUSPENSE (NOT CHARGED TO REVENUE).

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 28,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March 1943, in respect of 'Indian Posts and Telegraphs—Stores Suspense (Not charged to Revenue)'."

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

"That a supplementary sum not exceeding Rs. 28,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March 1943, in respect of 'Indian Posts and Telegraphs—Stores Suspense (Not charged to Revenue)'."

The motion was adopted.

DEMAND No. 78—DELHI CAPITAL OUTLAY.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 14,23,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Delhi Capital Outlay'."

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

"That a supplementary sum not exceeding Rs. 14,23,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Delhi Capital Outlay'."

The motion was adopted.

DEMAND No. 80—INTEREST FREE ADVANCES.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 1,40,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Interest Free Advances'."

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

"That a supplementary sum not exceeding Rs. 1,40,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Interest Free Advances'."

The motion was adopted.

DEMAND No. 81—LOANS AND ADVANCES BEARING INTEREST.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That a supplementary sum not exceeding Rs. 5,74,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Loans and Advances bearing Interest'."

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

"That a supplementary sum not exceeding Rs. 5,74,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of 'Loans and Advances bearing Interest'."

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, under the stress of this war budget, we are likely to overlook some of the important items of the supplementary demands. I was cursorily going through some of them during the last two or three days, this last item is not the least; it is very nearly equal in amount to almost all the preceding 47 items. When looking further into it, I feel that some observations made here by me might perhaps be of some use to the Honourable the Finance Member in his short term loan policy. I find that complaint has been frequently made—and some of it is quite justifiable—that the Reserve Bank of India and the Imperial Bank of India who enjoy our patronage are not always sufficiently helpful to us in our short term policy, sometimes not only are they not helpful but consciously or unconsciously they combine with other banks, in raising the market rate against us, with the result that when we have a big portfolio of the treasury bills, a difference in the interest rates of even an anna might make a substantial total difference at the end of the year. I have before me the rates of interest on the Treasury Bills during the six months from the month of April, 1942, to September, 1942. I find that, although in the month of March and April, perhaps on account of the brisk season and the greater demand for commercial, industrial and other purposes, the rate for temporary borrowings in the market was somewhat stiffer even when the brisk season was over, for instance, in May and even in June, the rate for temporary borrowing continued to be, to my mind, somewhat stiffer than it should have been. I would not expect that for three months Treasury Bills, we should be required to pay more than 12 annas even in the best of seasons; the internal bank rate is usually not more than 1½ or, it may be 2. If one bank can lend to another at that rate, it is only right that the State should be expected to borrow . . .

Sir Cowasjee Jehangir: At what rate does one bank lend to another?

Mr. Jamnadas M. Mehta: 1½ to 2. At least that is my information. You are more directly connected with a big bank and if you correct me I shall accept the correction. Therefore, the wonder is that along with the slack season the borrowing rate did not decline as much as it should have. In particular, in the month of September after a fair decline it again became stiffer at a time when all the circumstances pointed to the need and the possibility of a lower rate of borrowing. Sir, you will find that in the month of September the treasury bill rate was 6 annas and 6 pies per

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[Mr. Jamnadas M. Mehta.]

year per hundred. It went up next week to 7 annas and 9 pies and 7 annas and 10 pies and then, I understand, it went up to 9 annas and 10 pies. Therefore, in the course of 15 days the interest rate against us was raised by 50 per cent. by the banks. For temporary borrowing the banks charged us 50 per cent. more than they charged on the 1st September which requires a good deal of explanation. I am told that at that time the Government of England had paid a large amount to the Government of India and, therefore, they must have got a large number of currency notes against those payments. I understand further that the Government deposits in the Reserve Bank were also very large. If that was so, could not the Reserve Bank, which has such an elaborate machinery and which is our banker and, therefore, responsible to the taxpayer, indirectly though it may be, come to our assistance when there is plethora of money in the Banks? Banks themselves do not know what to do with their money. As everybody knows, the demand liabilities of the Scheduled Banks in December, November and October, 1942 and earlier consisted of a huge amount of something between 300 crores to 340 crores, which means that the demand liabilities of the Scheduled Banks has really increased by 250 per cent. since the war began. It was 140 crores before the war; it was 340 crores in December, 1942. So, they have got as much as 200 crores of rupees more in the course of three years to lend by way of temporary advance to Government. But in spite of the huge payments by the Government of England to this country, and this 200 crores of increase in the temporary demand liabilities of the Scheduled Banks and other means of ready finance on the 15th September or so the banks did raise the rates by 50 per cent. over the previous fortnight. From 6 annas and 6 pies it became 9 annas and 10 pies. Now, that was a small amount, but look at our portfolio of the treasury bills? We have 182 crores in the Government of India securities in the assets of the Reserve Bank (Issue Branch). I am not sure that the whole of it are treasury bills but a large part must be. Then we must have further large amounts issued to the banks held by them. Rs. 36 lakhs, I find, were held by the Reserve Bank itself; it may have been more. Altogether, the Reserve Bank's net issues are estimated to be 137 crores at the end of the year in this Budget itself against Rs. 29 crores budgeted for. And when we are having such large issues, and when the banks which are bulging out with money, the banks which are especially established to act on our behalf do not come to our help in the market. The Imperial Bank at one time took 3 crores of treasury bills at 50 per cent. higher rate and the Reserve Bank must have encouraged it. These are some of the features of the short time borrowing of the Government of India in the current year.

There is one more feature which I would like to bring to the notice of the Honourable the Finance Member. The Provincial Governments need to resort to borrowing off and on. The Reserve Bank is there to see that they borrow as cheap and to obtain par value for the scrip. But what happens? In the current year the Reserve Bank allowed the private brokers when these Provincial Governments wanted loans. And the private financiers would give you as much less than Rs. 100 as they can for a scrip of Rs. 100 face value. In addition, they will charge you commission. This will have the effect of adversely affecting the Government of India securities. Why all these things are allowed to go on, I would like to understand? If we take into account all the treasury bills and the higher rate of interest, referred to by me I am not sure that we have not paid something like 30 lakhs of rupees extra by way of interest. If the Reserve Bank and the Imperial Bank had been behind us, as they should be, we might perhaps have avoided that. But here the market is dictating to the Government instead of the Government dictating to the market. Government have not got that firmness of borrowing policy which will refuse to be dictated by the profiteers. Government is such a powerful body in this country, that they should not surrender to this private interest because ultimately it is the taxpayer who has to pay this excess amount of

interest. I am sure the Honourable the Finance Member will tell us how far these observations represent facts and how far, if at all, he was bullied by the banks in the course of the year.

That is all I had to say. A casual study of this short term borrowing loan during the last three days has shown to me some flaws in the short term borrowing policy of Government and I expect that my Honourable friend will be able to tell me what steps, if any, he wishes to take to prevent the dictation by the banking interests in this country if not with the active connivance at least with a quiet acquiescence of the Reserve Bank and the Imperial Bank.

Maulvi Muhammad Abdul Ghani: Sir, I find that the demand includes two items of expenditure. One is a loan of one crore of rupees to the Port Commissioners of Calcutta and the other is a loan to the Canteen Stores Department of the Canteen Services for the purchase of stores in connection with the provision of amenities to troops. In connection with the first, that is, loans to the Port Commissioners, I will say that though this is an autonomous body governed under certain Act and as such we should not interfere in their daily routine work, they stand in need of some grant from us and I think it proper to say to them through the Government of India that they should not ignore the claims of minorities particularly Muslims, and should not show their entire sympathy to their own kith and kins while making appointments. The second item is to give amenities to troops. This loan is given to the Canteen Stores Department. I do not exactly know what this Department is but I happened to see somewhere, say, at Calcutta and other Railway stations a small wood cabin erected upon which it is written 'Canteen'. I have seen this in some other places also. It is said that wines are supplied free to British soldiers and other amenities are also given to British soldiers whenever they happen to be there. If the money is going to be used for such kind of amenities to troops, then we certainly object to it and we should not be a party to this sort of expenditure.

The Honourable Sir Jeremy Raisman: Sir, I must confess that I was not prepared with the material for defence of Treasury Bill policy, because the loans and advances which are covered by this supplementary demand are not loans and advances to the Central Government, but loans and advances by the Central Government, which is entirely a different matter from our borrowing in the market. I listened with interest to what my Honourable friend Mr. Jamnadas Mehta, had to say. Of course, I am not unfamiliar with this sort of criticism because it has been made from time to time. I would remind him that the basis of our Treasury Bill system is a method of open tender. My Honourable friend pointed out that there is a plethora of money in the banks. Well, why do not they come forward and offer to take up Treasury Bills at lower rates. The Reserve Bank is our agent for the purposes of raising Treasury Bills. The Reserve Bank, of course, does not make offers in response to any tenders put out by the Government. I know my Honourable friend would suggest that the Reserve Bank should somehow obtain such control over the tendering banks that they would tender at lower rates. That is a question—you may take the horse to the water, but you cannot make him drink.

Mr. Jamnadas M. Mehta: The horse is always thirsty.

The Honourable Sir Jeremy Raisman: After all the water is there. If he does not drink under certain conditions, we must assume that something is not really to his liking. I entirely deny that we are at the mercy of the market in this respect, or that we allow them to dictate to us. At the same time I am sure my Honourable friend realises that it is important that we should obtain the funds we require from time to time. The general effect, I would suggest, of our borrowing is by no means unsatisfactory. Our average borrowing rate for three months is about one per cent. It compares favourably with the borrowing rate of His Majesty's Government in the United Kingdom. My Honourable friend himself said the other day when referring to the sterling balances that nobody could be expected to lend such large sums of money at such a low rate. I then informed my Honourable friend that we are ourselves

[Sir Jeremy Raisman.]

raising large sums of money at a similar rate, as a matter of fact, at a rate which is somewhat lower than that.

Mr. Jamnadas M. Mehta: I said that nobody would invest his money at such a low rate.

The Honourable Sir Jeremy Raisman: I know my Honourable friend like every body wishes to sell at as high a rate and buy at as cheap a rate as he can.

Now, he made a point that variations have taken place at certain times in the rates, sudden variations, but there is nothing new in that. Treasury Bill rates in India as far as I am aware have always moved in a marked way at certain times, when additional demands are made. Of course, in the past and to some extent even today they are related to the movement of crops. When crops are coming to market the rates increase. Money is like every other commodity which is regulated by supply and demand. It is quite a familiar fact that the rate should move from below half per cent. at one time to one per cent. or higher within quite a few weeks or even less than a month in accordance with trade conditions. I would suggest to my Honourable friend that on the whole the Government have been very successful in the pursuit of cheap money policy, and that the Reserve Bank has been of the greatest value to the Government in maintaining such a policy. One of the most remarkable features of the economic situation in India has been the extraordinary steadiness of the gilt-edged security market in war condition and in spite of the severe shock which at the time has been administered by the developments of the war. If he will compare the present conditions with what was the case during the last war, (and I have mentioned this point in my Budget speech) he will be surprised at the remarkable advance which has been achieved in the technique of control and the satisfactory results in economy to the general tax payer.

Mr. Jamnadas M. Mehta: Don't you think the world has progressed by 25 years?

Sir Cowasjee Jehangir: Sir, the Honourable the Finance Member has not replied to the very serious allegation that Mr. Mehta made. So far as I understood him the allegation was that there was a combination of the banks to lend Government money through treasury bills at higher rates than was justified and that the Reserve Bank was a party to it. That is the allegation of the Honourable Member and the Finance Member did not reply to it. May I just point out that the Honourable Member said that these borrowings are done by open tender.

Mr. Jamnadas M. Mehta: I know all that. These are elementary things.

Sir Cowasjee Jehangir: But the Honourable Member's speech indicates that he does not understand elementary things. In the first place he brings up the issue upon a question where Government are lending money and not borrowing money. He makes a mistake in some other facts also. The allegation he made is a serious one. I do not think it is correct. I do not think it is possible for Banks to combine while tendering for treasury bills. It is most probably due to the money market at the time prevailing when the treasury bills were tendered for that Government may have to pay a higher rate at one time or lower rate at another time of the year. The Honourable the Finance Member should reply to this serious allegation.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable the Finance Member has already spoken once.

The Honourable Sir Jeremy Raisman: If it is merely a point requiring explanation, I have already made all the points which my Honourable friend has enumerated, namely, that this is an open tender system; that when Banks have a plethora of money, they can obviously tender at lower rates; that the Reserve Bank acts on our behalf and not on behalf of the Banks and, therefore, the price thrown up must be regarded by us as a genuine market price.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That a supplementary sum not exceeding Rs. 5,74,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending on the 31st day of March, 1943, in respect of Loans and Advances bearing Interest."

The motion was adopted.

THE INDIAN TEA CONTROL (AMENDMENT) BILL.

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, I move: "That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

Sir, I have not come before this House to make any new proposal. The objects of tea control, the methods devised by the tea industry to gain those objects and the general principles which the Government endeavoured to adopt in giving legislative sanction to those methods, have all been stated in 1933, and again restated in 1938, and accepted by the Central Legislature. To restate them briefly the object of tea control is to try to achieve a sort of equilibrium between supply and demand in a commodity where it was well established that there was no such equilibrium. It was sought to achieve this object by two methods, firstly by voluntarily trying to restrict exports of tea to all those markets where exports are usually made, and, secondly, also by restricting the extension of cultivation of tea. These two methods, Government tried to give sanction to, through the legislature, by introducing an Act in 1933 and again in 1938, as I explained above. At the time of such legislation, they kept in mind three principles; firstly that the industry should provide for the administration, and also find expenses for the control, subject always to the general superintendence and control of the Central Government; secondly that there should be a sort of agency which would take into account and try to adjust the interests equitably, both large and small, Indian and European; and thirdly that India being a party to this agreement should not suffer compared to other parties to the agreement that were the Dutch East Indies and also Ceylon. All these principles and methods have been maintained in the Bill which I have now the honour to ask for consideration.

Further, Sir, in the light of experience gained and also on account of war conditions, we have endeavoured to improve the Bill in certain respects, or rather to improve the scheme of tea control in certain respects. We have avoided, as is natural under war conditions, all questions that are likely to be debated and those points that are likely to arouse controversy as of doubtful benefit to the consumer or to the industry. We have adopted those measures which have commanded, if I may so put it, a large measure of common acceptance by those interested in the industry. We have endeavoured to improve the drafting and also the scope of the Schedule to the Act. We have also listened to the grievances of small growers who have asked that we should take power to extend the validity of export quotas from one year to another. We have endeavoured to do so in the Bill before the House by clause 14. We have also come across cases in the course of actual administration where the revision of what is known as crop basis is to be corrected in the light of certain facts brought to notice but which were not already before the Licensing Committee. In these limited cases, we found that it may be useful to take power just to review these cases in the light of facts presented. We have made necessary provision in clause 11 of the Bill.

On account of war conditions, it may be found necessary that a control Act of this type may have to be suspended either wholly or in part to meet certain cases of emergency. We have decided not to use powers under the Defence of India Rules as far as possible and have taken powers under the Bill to suspend the Act either wholly or partly. These are the main directions in which we have tried to improve the Indian Tea Control Act by this amending Bill.

At this stage, I may state, and my Honourable friend, Maulvi Muhammad Abdul Ghani, will be interested to hear, that we did not manufacture all these things from the archives of the Secretariat, but that we did take the precaution to consult public opinion, to consult all interests concerned and try to achieve

[Mr. T. S. Pinnay.]

a measure of common agreement and embody it in this amending Bill. In 1941, the Indian Tea Association and other interests saw Sir Ramaswami Mudaliar and told him that tea control was proving to be of great benefit to the industry and that efforts should be made to make the international agreement, an agreement between Governments, and that early steps should be taken to extend the life of Tea Control Act beyond 1943. Sir Ramaswami said that the Tea Association should ascertain the opinions of all interests concerned. The international committee, the committee which administers the control scheme took immediate steps and asked the Tea Association to consult all the interests concerned. They consulted all the interests, not only their own members, but all interests, owning tea estates. The result was that about 92 per cent. of the industry unanimously supported the view that the Indian Tea Control Act should be extended for another period and that as far as possible the main purport of the scheme should be maintained. I may add that as far as I know the remaining eight per cent. did not object to tea control. We did not rest content with this. After Government got their recommendation, a conference of all interests concerned was convened when I say interests concerned, it is not interests of the industry alone; we asked the Provincial Governments to send their representatives who would represent the interests of the consumers also. In November, 1942, and at this conference it was unanimously agreed, I think I am right in saying, that it was unanimously agreed, that the Indian Tea Control Act should be extended for a further period and that as far as possible certain improvements should be effected in the Indian Tea Control Act. These proposals were again very carefully considered by Government; they were circulated to all the interests concerned, the Provincial Governments were consulted and the results of all these extensive consultation and consideration, I venture to submit, have now been embodied in the Bill before the House.

I may now briefly state the proposals that are embodied in the Bill and what are the recommendations of November Conference that Government have considered not necessary to embody in the Bill. Briefly the conference recommended, I mean the Conference of November, 1942, where all the tea interests and the representatives of all the Provincial Governments were present, that first and foremost whatever happens the Indian Tea control scheme should be extended beyond 1943. Secondly, if possible, an important section of the industry pointed out that provision should be made to enable fresh estates to apply for getting what is known as 'export quotas'. The point is, Sir, that under the 1938 Act, they were given one year to apply to the Indian Tea Licensing Committee for the right to obtain export tea. That year had expired and they said it might be valuable to give further time to the industry to make representations. This recommendation was carefully examined by the Government of India and we found that the industry had already been given six years time to make applications. There were no real hard cases that we came across which were turned down because of lack of time. It was, therefore, decided by the Government of India that it was not desirable at this time to grant this request.

The second point which they made was that we should endeavour to get some sort of concession from the International Committee to enable the industry to extend its plantations by 1 per cent. of the acreage as on April, 1943. This we have been able to achieve. Actually, you will find from clause 20 of the Bill that power has been taken to extend tea plantation by a percentage which in working amounts to about 1½ per cent. This is an advance on the recommendation made by the November Conference.

The third and an important recommendation was that we must take power to review the determination of crop basis. This is an extremely technical matter. It was pointed out to us that there were several hard cases which in the terms of the Act, as they stand now, do preclude the consideration of certain types of cases. What we have done is to take certain power, as I have already explained, in clause 11 of the Bill to revise crop basis in certain circumstances, but in other hard cases, according to certain sections of the industry, we have come to the conclusion that it is better to provide for those cases under the rule-

making powers. It was considered I repeat that we have got ample powers to make provision and to provide, if necessary, for all such cases under the rule-making powers of Government. It is my intention to go to Calcutta as soon as possible and hold consultations with the industry and try and endeavour to provide, after such consultation, for hard cases as have been brought to our notice. In the light of this advice and the conclusion that these sort of cases could be met by rule-making powers, we have decided that that recommendation need not be accepted for the purposes of this Bill.

Sir, I have so far outlined the points which I have included in the Indian Tea Control Amendment Bill and the reasons why I am seeking power for the continuance of this tea control. I may add, Sir, that it has often been said against the Commerce Department that it is a department which always champions the cause of the industry. I do plead guilty to that charge. I have worked and my duty it is to work for the welfare of the Industry, but may I suggest, Sir, that it need not necessarily be at the expense of the consumer. As an example, I may say—and it is very apt—that we have retained power to see that ample tea is left in India for consumption in this country. It will be well for the House to remember that the Indian tea produce is about five hundred and odd million pounds. Even at our best year now when we are having a high wage income, when all labour particularly industrial labour is receiving high rates of wages, our Indian population cannot consume more than 25 per cent. of our crop. We have to depend on export markets for 75 per cent., and that is the reason why we have sought to introduce this tea control. As I have explained just now, we have at the same time retained the right to retain as much tea as we consider necessary at any time for consumption in this country. Any export which the industry may make can only be after the Indian demand is fully and adequately satisfied.

Further, Sir, Government have provided for complete control over the action of the Committee which administers this Act. By these two methods I claim that we have endeavoured to secure the interests of the consumer which, as I have said need not necessarily clash with the interests of the industry.

Sir, before I conclude, I may say a word or two in regard to the amendments I have received. In view of what I have said of, I hope Maulvi Abdul Ghani will not have realized that we have taken all precautions to satisfy public opinion and that he will, therefore, not press the amendments of which he has given notice. As regards his motion for referring the Bill to a Select Committee, I will say that the amended Bill has not introduced any fresh or complicated matters. It is a very simple Bill though it has about 25 clauses, and there is nothing which, I submit, a Select Committee can usefully add or scrutinize.

As regards the amendments put down in the names of Mr. Akhil Chandra Datta, Mr. K. C. Neogy, and Babu Amarendranath Chattopadhyaya, I had the honour of having consultations with these gentlemen outside the House and I hope that the explanations I have given will satisfy them and a large number of amendments of which they have given notice, will not be moved. I, however, agree that amendment No. 6, as it stands in the consolidated list, may be moved and on behalf of Government I may say that I am prepared to accept it. As for amendment No. 9, I am told that there is some misunderstanding in regard to the interpretation of the word 'land' and the Honourable Member would like to have an authoritative statement on the floor of the House. If that is the view, Sir, I have no objection myself for the amendment to be moved and I shall state what we understand to be the position.

Sir, I have got only one more word to say before I sit down. As I have said, Sir, we do not offer any apology for bringing forward a measure which is intended to be in the interest of an important industry in this country. All I wish to suggest once again is, that the welfare of this industry is very closely connected with the welfare of the consumer and both are interconnected. In India's tea industry alone—the Honourable Members will be interested to learn that—as many as 9,18,354 labourers are employed and everybody—the rich or poor, Indian or European—looks forward to his or her morning cup and the evening one that cheers.

[Dr. Sir Zia Uddin Ahmad.]

control of any foodstuff, whether it is wheat or whether it is coal or whether it is of anything else is doing very great harm to the country. So much so that this thing ought to be removed altogether. We were hearing all along of free trade and no restrictions, no interference from the Government; I can understand interference when it is needed for war purposes; but when it is not needed why do you intervene and interfere with these matters? Let the development of the country go on in its natural manner; let the trade expand naturally; it is quite unnecessary to have these restrictions. We have got misery in Delhi not on account of shortage of food but on account of the mismanagement of the administration of Delhi province. I am afraid if you continue this thing, we shall continue to have trouble. We used to get good tea before at very reasonable prices. Now, the greater the control you are exercising, the more will be the miseries of the consumers. With these words, I oppose the motion.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, in 1938, when the original Bill which gave effect to the agreement on the subject of tea control was given effect to, I had criticised the Bill from several points of view. But my main point of criticism was that this was a one-sided agreement. It was an agreement between the producers only. The consumers of tea and the labour employed on tea plantations had no part in arriving at that agreement. I, therefore, felt that it was wrong for the Government of India to give effect to such a one-sided agreement. The Government of India again seeks this afternoon to continue that measure with a few modifications; and it is my unfortunate duty to point out that the Government of India, in amending the Act have not done anything to remove the objections which I took in 1938. The interests of the consumers were not taken into consideration in coming to that agreement. The Honourable Member in charge of the Bill stated only a few minutes back that the interests of the producers and consumers were the same. My Honourable friend, Dr. Sir Zia Uddin Ahmad, has pointed out that they were not the same. The interests of the producers were to make money, and the interest of the consumers is to get tea as cheap as possible; and I am very doubtful whether the two points of view can be easily reconciled. Moreover, the Honourable Member in charge of the Bill stated that there was a conference held and all the interests were consulted. He did not tell us who represented the consumers at that conference.

Mr. P. J. Griffiths: The Provincial Governments.

Dr. Sir Zia Uddin Ahmad: The Commerce Department never consulted the consumers.

Mr. N. M. Joshi: He did not tell us who represented the labour on plantations in that conference. I, therefore, feel that the Government of India have done a wrong thing in not consulting these important interests, namely, the interests of consumers and the interests of labour. My Honourable friend, Mr. Abdul Ghani, and my friend, Dr. Sir Zia Uddin Ahmad, have spoken about the interests of the consumers. I shall, therefore, make a few remarks as regards the interests of plantation labour, as affected by this agreement.

Any agreement restricting the production of tea is bound to affect the employment of labour on plantations, and, therefore, is bound also to affect the other conditions of work of plantation labour. In 1938, when the original Bill was being discussed, several speakers and I myself also pointed out how bad were the conditions of plantations in India. Take for instance wages. The wages on Indian plantations, tea especially, are the lowest of the wages of industrial labour in India. A man working on plantations gets about seven to eight rupees a month; a woman gets between five and six rupees and a child between four and five rupees. I claim that these are the lowest wages in this country for industrial labour.

Pandit Nilakantha Das (Orissa Division; Non-Muhammadan): This rate obtains at present?

Mr. N. M. Joshi: Yes; these rates obtain at present. In any case these are the rates given in the latest report available—the Annual Report on the working of the Tea Districts Emigrant Labour Act for the year ending 30th September, 1940. Later figures are not available, because a later report is not yet published. But I have no doubt that these wages have not undergone much change. It may be said that plantation labour gets certain concessions by way of some land for tilling. But the land for tilling is given only to a few and the average land given to one plantation labourer is about one-fifth of an acre, which is not likely to give much of an income per year per head. Then the plantation labour is supposed to get some fuel and some wood for building his hut or sometimes some kind of hut or a room with tin roof or some kind of thatch. The conditions of labour on plantations are very bad. The conditions were considered by the Royal Commission on Indian Labour and one

4 P.M. of the main recommendations of that Commission was that there should be some machinery created for fixing the minimum wages in the plantation industry. It is now more than 12 years since that recommendation was made and nothing has been done. There were several other recommendations made. The plantation labour suffered from many difficulties. Their freedom is restricted. Labour lives on very large plantations and these plantations cannot be approached by public roads; they can be approached only by private roads, and this imposes a restriction on their freedom of movement. Then, the several kinds of legislation which have been passed for the protection of labour in India have not yet been made applicable to plantation industry. The Payment of Wages Act, for instance, is not yet applied to Assam plantation labour. There is no maternity benefit Act at all as applied to Assam plantations. I know that the employers may say that they give some kind of maternity benefit, but that is not enough. We want legislation on some of these points. We want the Payment of Wages Act to be applied to plantation labour; we want legislation for maternity benefit. As I have said, it is now more than 12 years since these recommendations were made, and still very little has been done. The Government of India gave effect to one of the recommendations when the Tea Districts Emigrant Labour Act was passed to provide for some kind of repatriation for the workers. Other reforms were to be made by the Provincial Governments but the Provincial Government in Assam is completely in the hands of the planters. In Assam there is no British Government; there is planters' Government. The Assam Government tried once to investigate this matter by appointing a committee. These are days of sabotage and I am told that the Assam planters sabotaged this committee.

Mr. P. J. Griffiths: That is untrue.

Mr. N. M. Joshi: This is my information. I am quite prepared to listen to my Honourable friend as to facts. So, nothing was done. Conditions for improvement are very favourable. The Royal Commission after considering all the points of view made the recommendation 12 years ago. To-day the industry is very prosperous. They are making crores of rupees. The planters are making crores of rupees. The Government is making crores of rupees by excess profits tax. From the economic point of view the planters can bear some burden of the reforms; the Government of India can afford to bear some burden of the reforms.

Then other conditions too are favourable. At present in Assam the Governor's position is occupied by Sir Andrew Clow, a man who has given a number of years of his life for considering labour problems. Not only that, but he is a man who has committed himself to the reforms suggested by the Royal Commission on Indian Labour, as a member of that Commission. Fortunately for us in the Government of India too we have a Member in charge of this department, from whom we expect a great deal and I feel that he not only ought to do something but if he applies his mind and exercises his influence with his other colleagues, may be able to do a great deal in this matter. The reform is overdue, the recommendations of the Royal Commission were made, I again repeat, 12 years ago. Nothing has been done so long. Therefore, it is the duty of the Government of India to undertake this reform very seriously. I was glad to

[Mr. N. M. Joshi.]

see in a newspaper some report that the Honourable Member in charge of Labour has taken some interest in this matter and he has been making some effort to secure reform in labour conditions in Assam. I shall be glad to hear from the Honourable Member what he has done and what is the result of the efforts which he has made. I would like to tell the Honourable Member one thing. Whenever we talk of reforms we are generally told that we are living in war times and reforms must wait till the war is over. Some reforms may wait till the war is over but there are some other reforms which cannot wait on account of the existence of the war. On account of the existence of war, conditions have so changed that reforms have become easier, and they have become more necessary. Reforms have become easier because there is enough money with planters, and there is enough money with the Government. Government do not know what to do with the money which they get. As regards planters, I do not know what they do; they do not cultivate all the lands which they possess. It is a patent fact that the planters hold much more land than they cultivate. If they have more money they can produce more tea, give more employment and improve the conditions of labour.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is travelling very wide.

Mr. N. M. Joshi: I am now towards the end of my speech, Sir. One word I would like to say to the Government of India. When we considered the question of labour in Ceylon, and when we used to consider the question of Malayan labour, the Government of India tried to do something. But I have always felt that our hands were very much weakened when we asked the Ceylon Government to do something, when we asked the Malayan Government to do something for labour on plantations in Malaya, our hands were very much weakened by the very fact that conditions in Assam were worse than those in Ceylon and Malaya.

Mr. President (The Honourable Sir Abdur Rahim): That is not relevant.

Mr. N. M. Joshi: Very well, Sir. I am not now saying anything more than this, that the Government of India should bear this point of view in mind. If we insist upon reforms in Ceylon I think it is due to labour in India that we should do something for improving the conditions in India. I, therefore, hope that the Government of India will consider this question very seriously and take very early and vigorous steps to improve the labour conditions on tea plantations in Assam and elsewhere.

Mr. P. J. Griffiths: Mr. President I do not propose to speak in detail regarding this Bill for, in spite of what has been said by my Honourable friend, Dr. Sir Zia Uddin Ahmad, the Bill is essentially a non-controversial one, and has in principle been accepted twice by this House within the past ten years. I must however make it clear that the Bill has behind it practically the entire support of the tea industry of this country and that it is recognised by everybody connected with that industry that control, in spite of the Honourable Doctor's dislike of that control during the war period has prevented us from falling once again into the grievous mistakes made during the last war—mistakes from which it took this important industry many years to recover. I do not suppose my Honourable friend, the Doctor, has the faintest idea of the parlous condition to which the tea industry was reduced shortly after the last war. He has told us a touching story of a friend of his who could not pay off his debts, because the great Indian Tea Licencing Committee would not allow him to expand his cultivation. But he has not told us how that friend would have paid off his debts if the price of tea had remained what it was in 1929 and if his estates had gone on making not profits but losses. It is all very well for my Honourable friend to shake his head. He knows that his head shaking cannot alter the plain economic fact that a man can only pay off his debt by making a profit out of his business. If you find after a considerable number of years that you cannot make a profit, then if you are a wise man, you give that business up and I may tell my Honourable friend, the Doctor, as emphatically as I can that

before the tea control scheme was introduced, the tea industry was on the very brink of ruin. That is not a matter open to dispute. It is a fact admitted by everybody who has the least knowledge of conditions of the tea industry at that time. My Honourable friend will have to go far and wide before he will find people, with financial interest in the tea industry, who will deny that fact. I am speaking at the moment about the interests of the producers. I will come presently to the consumer and to labour. As far as producers are concerned, even including the Doctor's poor, wretched, indebted friend, I can assure him that that friend would have been far more hopelessly in debt if Tea Control had not been brought in to give stability and equilibrium and prosperity to one of India's largest industries.

Then again, my friend, the Doctor, seems to labour under another delusion. My friend is a great mathematician and I have great respect for his mathematical capacity but it is a very curious thing that whenever he strays away from the technical field of mathematics he becomes not merely unmathematical—he is not even arithmetical. My Honourable friend told us or at any rate he suggested that owing to the control scheme there is a shortage of tea for sale in this country and that because of that shortage prices have gone up and so he argues from that that the main effect of tea control has been to make things more difficult for the consumer. I will not ask my Honourable friend if he has the faintest idea of how much tea is consumed in India. I will not ask him if he knows how much tea is produced and, therefore, I need not ask him how he arrives at the conclusion that there is shortage of tea in this country today. Instead of asking him, I will just tell him two facts. I will tell him that the figure of tea production this year is a record, that the approximate figure of Indian tea production this year is 568 million pounds and that the total quantity of tea exported from India to the Ministry of Food is only 421 million pounds. He will be able to calculate from that the balance remaining in India—147 million pounds—I will then go on to tell my Honourable friend that the highest estimate which has ever been made by anybody of the total annual consumption of tea in India is slightly less than 130 million pounds. In other words, as far as the balance between consumption and production is concerned, there is no cause whatsoever for the rise in the price of tea. There are many other reasons for that rise just as there are many other reasons for the rise in prices of other commodities but whatever else the reason might be, shortage of tea crop on account of the control scheme—is in no sense one of them. I should like Honourable Members to disabuse themselves once and for all of the idea that the control scheme is either intended to or does, in fact, keep down the quantity of tea available for sale in India in such a way as to force up prices. Let me tell my Honourable friends, on behalf of the tea interests, that the one thing which we do not want at the present time is high prices of tea. That is not because we are philanthropists—God forbid—it is because we are plain businessmen and we know that at a time when our main job is to expand the Indian market for tea, when we know that the strength of the industry depends very largely on tea becoming a popular beverage in this country it would be sheer lunacy on our part to want to see prices soar. Speaking on behalf of the Indian Tea Association I say here categorically that we welcome every fall in the price of tea at this moment.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Will my Honourable friend explain why prices have shot up three or four times?

Mr. P. J. Griffiths: If my Honourable friend will tell me why the prices of paddy has gone up, I can tell him why the price of tea has gone up. It has gone up because of shortage. That is another popular misconception. If my Honourable friend labours under the delusion that the reason for the high price of paddy is a real shortage of paddy, then it is high time that he got rid of that delusion. But certainly as far as tea is concerned, there is not merely sufficient tea but more than sufficient tea for sale in this country. Let me go further and tell my Honourable friend that the Indian tea industry, through its various associations, has constantly pressed this view on the Government of

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved: "That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1943."

Sir, I could not get any information regarding the utility of entering into agreement with the Governments of Netherlands East Indies and Ceylon. Nowadays when tea is required in large quantities in our own country and there is no practical existence of Netherlands I do not think that for the sake of agreement we should adopt this amendment. If any protection is required for the development of industry in this country, I can understand that very well. For that any piece of legislation will be quite welcome. As regards the agreement with the Government of Ceylon, we have, during recent years, known the views of that Government and of their attitude towards Indians. They want everything from the people of this country. They want to be benefited in all possible ways, but they are not going to give way to anything which is beneficial for the Indians. The other day they asked for 25,000 more labourers. We objected on account of their attitude towards the labourers living in Ceylon. I do not think that any useful purpose will be served by passing this piece of legislation. We want a legislation which can protect the industry of the country and that should be on a different basis from that suggested in the Bill. I, therefore, think it proper that we should have the views of the outside public, i.e., the consumers. No doubt the Honourable Member in charge has collected opinions from the different Provincial Governments and the Tea Associations: but after all, consumers are also a party to such a piece of legislation, and in their interests it would be proper that the Bill be circulated for eliciting opinion from that group of people, and if this piece of legislation is not adopted by 31st March, 1943, I do not think there will be any harm done to any of the interests concerned with the tea industry. I hope the Honourable Member will reconsider the matter and support my amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved: "That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1943."

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, it was said of Lord Curzon that his greatest enemy was the First Person singular. The greatest enemy of the Opposition is the rule-making power of the Government of India. You passed the other day a measure relating to the Defence of India, but we never contemplated for a single moment that this would develop into a position which is equivalent to all the Acts combined and all the Ordinances combined. In the same way the greatest enemy of the Commerce Department is control. My friend does not realise how unpopular the Commerce Department is among the people of this country on account of the word "control". One person told me that the propaganda of Berlin or the propaganda of Saigon has not done so much harm to the British Government; they also told me that all the propaganda of Congress has not done so much harm as the control of the Commerce Department. This has been exercised so badly that the people have become very restless about the word "control". Whenever anything happens they say "Saheb, control ho gia" and therefore things will be had at a higher price. So, my friend, if you really want to do the propaganda of the enemy—and I warn my friend—then the greatest propaganda you can do for the enemy country is to use the word control and use control in everything except in the speeches in the Assembly.

We again hear a good deal about the propaganda of Mr. Griffiths' "Grow More Food". But the control of the Commerce Department goes in the reverse direction—"Grow Less tea". If a tea plantation is superseded and is replaced by food, it has some meaning, but if the area is left over without tea, and does not produce any tea on account of the action of the control of

my friends representing the Commerce Department then I cannot understand the whole meaning of this control. In every case, wherever there is a protection, we have a definite rule that this thing should be examined by the Tariff Board before we can extend the period of protection. Now if you have a period of control, it ought to be examined by some authoritative body, or at least by public opinion, as is demanded by my friend, Mr. Abdul Ghani, before we give the extension to this particular Act for another period of two years.

Now you know very well that the price of tea has gone up three times the original price during the last twelve months. What are the reasons? My friend is an economist and probably he will apply the principle of supply and demand. Then either the demand has enormously increased or supply must have diminished. Now, the thing is that if you take great care in reducing the supply, naturally the prices will go up. Some people argue that the prices have gone up because the purchasing power of the rupee has gone down. I do not believe it, yet I would request, and I would appeal to, my Honourable friend that he should not restrict the plantation of tea. This system of restriction of plantation of tea has done very great harm in the past. You may say that in 1931-32 this restriction saved a number of tea-planters. It may be in one or two cases, but I know of a number of cases in which such restrictions have done enormous harm.

Mr. P. J. Griffiths (Assam: European): Tell us about some cases.

Dr. Sir Zia Uddin Ahmad: I can give you the name of Tafazul Husain Hazarika of Titabar, Assam. He had several tea plantations and at one time he was in such a difficult position that if he could get permission to grow a little more tea in one of his tea gardens he would wipe out all his debt. This permission was not given with the result that he lost two of his very important tea gardens on account of this restriction of tea. This restriction of tea has not been of any use to the tea industry. My friend the representative of the Commerce Department just said that this is done in the interests of the consumers, that this control of tea plantation is in the interests of the consumers. This reminds me of the story, that the lion always told the person he was devouring that he was doing it in the interest of the person himself, that he was going to relieve him from all the miseries of the world! This is the kind of sympathy that my friend is having for the poor consumers. The price of tea has gone up three times and still the restriction is maintained in the interests of the consumer. This is an argument which I really cannot understand—it is the argument of the lion who said it was in the interest of the man himself and not in the lion's own interest.

I cannot understand in these days when the prices are going up, when there is a shortage of this commodity, you make a programme and carry on propaganda, not by means of propaganda alone, but by the Legislature and reduce the plantation of this commodity. If my friend believes in the theory of supply and demand, he must support the production of larger quantities of tea. The restriction on plantation of tea at this moment when the price has gone up three times is not justifiable by any theory of political economy.

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

The objections which I, therefore, have are—one, when you extend the period of this particular Act with slight modifications for another two years, it is very desirable that its working ought to have been examined by a responsible committee, similar to the Tariff Board, or that you should invite public opinion before extending the period; two, for goodness' sake, do not tell us that it is really in the interests of the consumers. It is certainly not in the interests of the consumers, if you believe in the law of supply and demand; three, this word "control"—I do beseech my friend, if he has really at heart the winning of the war and support of the Allies, and if he wishes to support the propaganda department of Mr. Griffiths, that he should do away with the word "control", because he is doing more harm to his side than all the good work that is being done; because the

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India, that at no time must we allow exports to go so high as to leave insufficient tea for consumption in this country. I can assure my Honourable friend that if we ever get to a stage when we shall not have sufficient tea left for consumption in India, I shall be the first person to go along to the Commerce Department and complain on behalf of the section of the industry which I represent. The talk of short production is baseless; the facts are quite otherwise. Control rescued the industry from a most precarious position, but that control has not brought about shortage of tea and, whatever the other causes may be, control is not responsible for the fact that the prices of tea have risen. But even when he talks about tea prices having risen, I find once again that my Honourable friend, Sir Zia Uddin Ahmad, is out of date. He evidently does not follow market fluctuations sufficiently closely to realise that there has been a tremendous fall of something like 6 annas a pound in the price of tea during the last three weeks. I do trust that in future before my Honourable friend makes statements of this nature, which might be damaging to a great industry, he will take the trouble to verify his facts.

Dr. Sir Zia Uddin Ahmad: May I ask one question of my Honourable friend? He may be in a fortunate position to buy tea at a discount of 6 annas per pound. We cannot purchase it at less than four times the price that we used to pay last year.

Mr. P. J. Griffiths: My Honourable friend has again fallen into an inaccuracy. I did not say that tea was being sold at 6 annas a pound. I said that the price of tea had fallen by 6 annas a pound during the last three weeks.

Dr. Sir Zia Uddin Ahmad: My Honourable friend has not followed my argument. The price today is four times what it was two years ago. What is the explanation of that? My friend is supporting the interests of the industry all right but he is absolutely disregarding the consumers.

Mr. P. J. Griffiths: My Honourable friend is doing his best to drag me into irrelevancy. We are not discussing, in this particular debate, the economic or other factors which might or might not affect the price of tea. We are discussing the one question as to whether the scheme of tea control has brought about any shortage of tea for sale in this country and I say categorically that, if you have a production of 568 million pounds and you export 421 million pounds, you are left with a balance of 147 million pounds or 17 million pounds more than the highest estimate of India's annual tea consumption. Whatever else you may say, you cannot argue that tea control is responsible for the price of tea. There may be other reasons and we will discuss them at the appropriate occasion.

An Honourable Member: "When will that occasion come? Why not now?" There were ten days available for this purpose during the discussion of the Budget and Finance Bill and my Honourable friend did not take advantage of those opportunities. At the present time, we are talking about tea control and I emphatically challenge the statement that tea control is responsible for keeping down the available stocks of tea. I do not see how it can possibly be argued that it has harmed the consumer, when there are ample stocks of tea in India today. Various points have been made by those who have spoken and I propose to refer briefly to one or two of them.

My Honourable friend, Dr. Sir Zia Uddin Ahmad, suggested that there ought to be some procedure comparable to that of a Tariff Board. Just as when an industry goes to the State and asks the State to give it protection, there ought to be some similar inquiry and procedure when the tea industry comes and asks for a different kind of protection. As a matter of fact, it could not worry me a scrap if you had a Board of that kind, but I cannot for myself conceive what facts that Board would have to ascertain. At the same time, I must point out that there is no analogy whatsoever between a measure like the Tea Control Bill and tariff protection. In the one case, the industry is getting something, it is getting protection at the expense of the general public. In our case, the tea industry is simply carrying out into effect a self-denying scheme. It is asking Government to give legislative form to what is virtually an agreement amongst producers themselves that they will behave in a certain way with regard to their

production and with regard to their planting. It is not comparable in any sense to the kind of tariff scheme to which my Honourable friend referred.

I come, then, to a curious argument used by my Honourable friend, Maulvi Abdul Ghani, who seemed to suggest, as far as I could follow him, that because Ceylon had behaved badly as she has undoubtedly behaved badly, to India in certain important aspects, we, therefore, have no right to be a party to an agreement with Ceylon. I must confess that I have never heard a worse example of cutting off one's nose to spite one's face. Ceylon has behaved badly, but because Ceylon has behaved badly am I going to deny myself the benefit which I can get by ensuring that the tea available in the markets of the world bears some relation to the world demand? Does my Honourable friend suggest that India will benefit if we in India embark on a restriction scheme and then say that because Ceylon has behaved badly, we do not mind how much it overproduces and that it won't worry us because Ceylon had behaved badly in various other respects. Is there any logic of any kind in that argument?

And, finally, I pass on to my Honourable friend, Mr. Joshi, and here I must speak with the greatest possible respect. When Mr. Joshi speaks on labour matters, whether we agree with him or disagree with him, we must listen with the respect to which his long service in the cause of labour has entitled him. But I do suggest that it is perhaps unfortunate for this particular question that Mr. Joshi's main experience of labour has been, not on the plantations of Assam but in quite different fields of labour where different conditions altogether prevail. I feel certain that if my friend, Mr. Joshi, would give me the pleasure of taking him on a long tour of the tea districts of Assam—as I hope he will in a not very distant future—I will guarantee that he will leave those plantations, as everybody who visits them with an open mind does, with a very different conception of the relations that exist between the labour and the employers and the way in which our tea garden managers treat those who are under them. Conditions are wholly different in tea estates from what they are in factories and other forms of employment. It is all very well to say slightly that "they get a little land, they get a small hut and they get a few more simple perquisites". If my Honourable friend will go to the tea districts, he will see that in some cases the money equivalent of these perquisites which the labourer gets amounts to even more than his pay. When my Honourable friend talks, perfectly sincerely, of the low wages paid to labourers on plantations, he forgets the other side of the picture. He forgets the steps taken, the infinite pains taken, by the tea industry to see that even at times of high prices, labour on tea estates is able to buy grain at reasonable rates. How many industries in this country are there, let me ask my friend, Mr. Joshi, where the labourer today is buying his grain at Rs. 5 a maund? And let me tell my friend, Mr. Joshi, that this policy of making grain available at cheap rates is not a policy adopted just during the last two or three months by the tea industry. It is a policy which was considered before the war had been in progress for more than three or four months. It was introduced gradually as circumstances required and it has been in full swing over a very considerable portion of the tea industry for a very considerable number of months. We accept it as our responsibility to see that labour is able to buy its food at a reasonable price and we believe, and I believe many Members of this House believe, that, even apart from the plantation question, from the general economic point of view this is a wiser policy than doubling the wages and trebling the food prices. (Interruption.) Let my Honourable friend not jump to conclusions. What I said was that conditions on plantations are so radically different from any other labour conditions that it would be rash, it would be most unwise, for Government or anybody else to put forward legislation or proposals with regard to labour on plantations except on the basis of a full and careful inquiry as to what conditions on tea estates really are. The Associations for whom I speak have no fear of any such inquiry. We know that in general our labour is well treated. But, if there are estates where labour is not well treated, we should be the first to welcome steps taken to compel good treatment of that labour. Every good planter, every good tea producer and every good tea agency knows that in the last resort it depends on the

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upon any legislation unless we have sufficient material brought before us by an impartial enquiry. This is not a condition which the Government of India can be said to have strutted out in order to block any move that may be made in the interests of protecting labour on the plantation. My Honourable friend, Mr. Joshi, himself will recollect that this was one of the riders that was put by the Royal Commission on Labour themselves. The Royal Commission, while making the recommendation, added a proviso that before these recommendations will be put into operation, specific enquiry ought to be made on the conditions in plantations. Now, Sir, the Government of India has no doubt that this enquiry must be made. Speaking for Government I am prepared to say that Government thinks that proper standards of welfare must be imposed on the plantations. There is no escape. What my Honourable friend, Mr. Joshi, said, I entirely support. It is not open for the Government of India to impose fair conditions of wages on Ceylon as a condition precedent and not applying the same standards of labour in India. The Government of India by the various Ordinances has laid down that wherever any restriction has been imposed upon labour, the Government of India will see that fair conditions of labour are granted to labour. These are the things which the Government of India considers it is bound to apply in the case of plantation labour. Nor can it be denied that whatever may have been the condition of the plantations in the long past, at present the condition of plantations is such that they can bear the weight of such wage standards as a Board may impose upon them.

Now, therefore, the only question that arises is this: can we institute an enquiry at the present moment? There is no difference between my Honourable friend, Mr. Joshi and myself as representing the Government of India on the two issues, namely, that proper standards must be imposed, and secondly, there must be an enquiry. The only question that is troubling us is whether this is the proper time when an enquiry could be initiated. As my Honourable friend, Mr. Joshi, and other Honourable Members of the House know very well, a large part of the tea estates are situated in the Eastern corner of India, Assam and Bengal. It is quite obvious that those areas are greatly exposed to enemy action. It is quite likely that any enquiry that may be started in that corner may have a very disturbing effect. Therefore, the only question that remains is whether we can begin that enquiry on the plantations which are situated in Southern India. I should like to tell the House how the plantations are divided between Northern and Southern India. The figures which I have and which relate to 1941 show that, so far as acreage of the tea plantations is concerned, in Northern India the acreage is 607,000, in Southern India the acreage is only 163,132. So far as labour employed on plantations is concerned, in Northern India the labour employed is 773,969 while in Southern India the labour employed is only 144,385.

Sir F. E. James (Madras: European): That only refers to tea.

The Honourable Dr. B. R. Ambedkar: Yes, we are only talking about tea. It is obvious from the figures which I have given that the plantations in Southern India form a very small portion of the Tea Planting Industry in India.

Maulana Zafar Ali Khan: What is the acreage in Assam?

The Honourable Dr. B. R. Ambedkar: I am taking the North and South. I am not taking Assam separately. Assam is included in Northern India. It is obvious from these figures that the plantations in Southern India form a very small portion of the total population working in tea gardens in this country. It seems to the Government of India that no kind of gain can arise either to the country or to the labourers by undertaking such a partial and limited inquiry. It is not possible to begin an enquiry which by the situation in which this war finds itself must necessarily be limited to so microscopic an area of the total plantations.

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member to realise that the labour question arises only incidentally on this motion.

The Honourable Dr. B. R. Ambedkar: I have nothing more to say.

Dr. Sir Zia Uddin Ahmad: May I know whether the owners of gardens were paid substantial sums of money for not growing tea at all and that was at the expense of the consumers?

The Honourable Dr. B. R. Ambedkar: That is a matter which the Commerce Secretary will deal with.

Some Honourable Members: The question be now put.

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

"That the question be now put."

The motion was adopted.

Mr. T. S. Pillay: Sir, the main motion which was moved now by Mr. Abdul Ghani relates to circulation of the Bill for eliciting public opinion. Sir, in my opening speech, I explained that the Government of India took all possible steps to consult public opinion and then only come forward with the measure that they have now brought forward. I submit, Sir, that nothing of value will be gained by postponing this legislation by again calling for public opinion. If at all it is calculated to do considerable harm to the industry. My Honourable friend, Dr. Sir Zia Uddin Ahmad, made much of the point when I said that the interests of the industry and the consumer in this case need not necessarily be contrary to each other. I do maintain that in the case of the Indian tea industry, if steps are not taken to see that the industry is put on an even keel, that it is put on a condition on which many plantations will go completely out of crop, then the interests of the consumer will also suffer. It is a common point that the industry came very near a complete collapse and but for this control, we would not have, I venture to say, an Indian tea industry in this country at all. In that broad sense, Sir, I maintain that this control is absolutely necessary not only in the interests of the industry but also in the interests of the Indian tea consumers. Sir, the word 'control' is obnoxious to my Honourable friend, Dr. Sir Zia Uddin Ahmad, and so it is to me. During war times, we do realise that price control measures have brought certain troubles which Government have not been entirely successful in combating with. This control, may I submit, has nothing to do with the control of prices. My Honourable friend, Mr. Griffiths, has already pointed out that the control, if at all, it could be proved that the tea which is left for Indian consumption is in any sense short of the demand for internal consumption, then we can grouse against this control. It has been abundantly demonstrated, I submit, that the control is exercised in such a manner that it cannot interfere with allowing sufficient quantities of tea for Indian consumption. The scope of the Bill is very limited, it is limited to ensure that the supply of tea to external markets is so arranged as not to upset the equilibrium of supply and demand with the result that untold distress will befall on the industry.

As regards labour, the Honourable the Labour Member has given a complete answer. I have nothing more to say. I have answered, I hope, fully the point that nothing of value will be gained if the Bill is circulated for public opinion. Therefore, Sir, I oppose the motion that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1943.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1943."

The Assembly divided:

AYES—26.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chatteropadhyaya, Mr. Amarendra Nath.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghaseuddin, Mr. M.
Gupta, Mr. R. R.
Joshi, Mr. N. M.
Kazmi, Qazi Muhammad Ahmad.

Krishnamachari, Mr. T. T.
Lalchand Navakrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Mehta, Mr. Jammadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Parma Nand, Bhai.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Umar Ali Shah, Mr.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

[Mr. P. J. Griffiths.]

contentment and the prosperity of its labour. If there are gardens below the general standard, for reasons of their own making, let those gardens be brought up to the general standard. We are not afraid of action of that kind. Our only demand is that there should be no action and no legislation except on the basis of a report by people who themselves know something and have seen something of conditions on tea estates. We do not want legislation or measures of any kind framed in an office by people who have never been on a tea estate in their life. (A voice: "Bureaucrats!") I do not mind whether they are bureaucrats or Members of the Assembly. But we do not want legislation by people to whom there is no difference between a tea garden labourer and a factory labourer. That is all I have to say. We in the tea industry admit our responsibility for looking after our labour. We believe that by the large we are discharging that responsibility and we are not in the least afraid of any enquiry. In fact, we welcome such a step taken at the appropriate time and in the appropriate way. Let Government satisfy themselves that we are, in fact, discharging that responsibility.

Sir, I support the Bill.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, in view of the observations which fell from my Honourable friend, Mr. Joshi, it is only proper that I should rise to state the position of Government on the points that he has made. In a certain sense, the remarks of Mr. Joshi might appear to be irrelevant. We are discussing the Tea Control Act and obviously any provisions dealing with conditions of labour would be entirely out of place therein. But looking at it from a larger point of view, it must be admitted that when the State is asked to suspend the laws of supply and demand with regard to any industry, it is fair that those who are interested in labour should ask that their interests should be protected. And it is from this point of view that I say that a reply from Government is necessary.

Sir, the first point which Mr. Joshi made was that it is now more than 12 years since the Royal Commission on Labour reported and that the Government of India has practically done nothing with regard to the recommendations of that Commission. Sir, I agree that 12 years is a long period for any Government to take in order to deal with the recommendations made by a Royal Commission which was appointed to investigate into this matter. But I think on the facts to which I propose to refer in the brief remarks that I am making Mr. Joshi will realise and the House will also realise that much serious blame would not be laid at the door of the Government of India. As the Honourable Member will remember, the Royal Commission on Labour made five recommendations with regard to the tea plantation. First was that the Assam Labour Emigrant Act should be repealed and another Act permitting very much greater fluidity to the labour should be enacted. The second recommendation was to establish a wage board for fixing wages of labourers there. Third recommendation dealt with the appointment of a Board of Health for the welfare of labour in convenient areas with power to make regulations relating to the drinking water, sanitation, drainage, medical facilities and housing. The fourth recommendation was that provisions relating to the regular and prompt payment of wages and deductions to be made for advances made to labour should be applied to plantation labour. The last recommendation was that provision should be made in order that access to public should be provided to gardens.

Now, when the recommendations were made it is important to bear in mind that the Government of India without loss of time examined these recommendations in order to find out which was the proper authority to deal with them, and they came to the conclusion that except the first recommendation which dealt with the repeal of the Emigration Act and substitution of another, all these would legitimately be regarded as fundamentally of local concern. I do not think anybody could contend that the attitude taken by the Government of India, in the matter of dividing responsibility with regard to these recom-

mendations was incorrect. I submit that it was. In pursuance of the decision that the Government of India took on the recommendations of the Royal Commission on Labour they immediately addressed a despatch to the Assam Government informing them that liberty was given to the Local Government to deal with other recommendations, and the Government of India without loss of time, as the Honourable Members know, proceeded to pass the Act which is now on the Statute Book and which covers the first recommendation of the Royal Commission on Labour. Sir, unfortunately, for reasons of which I know very little, the Local Government of Assam did not move in the matter: and if I may say so my Honourable friend, Mr. Joshi also, although he has been in the House right from the date when the recommendations were made, did not or does not appear to me to have taken up the question at all. But, Sir, if I may claim credit for the Government of India the Government of India did move in the matter. I would like to inform the House that in 1938 when the Tea Control Act came up for extension in the Legislature the Government of India did take initiative and approached the planting industry with a proposal for making enquiry into the conditions of labour in plantation. As my Honourable friends, Mr. Griffiths and Sir Frederick James, will recall even a Conference was held between representatives of the Labour Department and the representatives of Planters.

Maulana Zafar Ali Khan: Why did not the Government of India take to task the Assam Government for not moving in the matter?

The Honourable Dr. B. R. Ambedkar: The question may have been answered better by the Honourable Member in charge of the Department at that time. I came only yesterday and I know very little about it. The Honourable friend, Mr. Joshi, referred to the question, I am not prepared to say were being carried as to whether time had not arrived for making enquiries into the terms of the recommendations. Sir, I find that almost at a time when matters were heading for a decision the new Assam Government, which was the Congress Government, thought it fit to step into the matter and by a Resolution appointed a Committee on the 23rd May, 1939. It is quite natural that as a result of the step taken by the Assam Government the Government of India was bound to withdraw from the field which by the terms of original despatch they had assigned to the Local Government for being dealt with. As my Honourable friend, Mr. Joshi, referred to the question, I am not prepared to say what exactly was the reason, but somehow there was a clash between the members who were on the Committee and the clash developed almost to a conflict with the result that the work of the Committee was suspended. Ultimately the Government of Assam took no action. All that they did was to issue a notification as to what happened and why the Committee was suspended. That brought matters to the end of July, 1939. Obviously every one knows, a few months after that war was declared, and it is impossible for anybody, either the Local Government or the Central Government, to have initiated an enquiry into the matter. I am sure these circumstances will convince Mr. Joshi that the Government of India is really not liable to be taken to task for any kind of inactivity on its part.

With regard to the main question as to whether Government does or does not consider the necessity of protecting the interests of labour, I would straightaway begin by saying that Government does regard this question as of paramount importance. I do not wish to go into the question as to the conditions of labour on the plantation. We hear in newspapers various figures given; figures relating to wages in Ceylon, figures given relating to wages on the Assam plantation. I am not prepared to give the imprimatur of Government to either sets of figures as to wages, etc. We have no exact data for the simple reason that so far no investigation has been made in the matter. But I do say one thing that the conditions on tea plantations are unregulated, that they vary enormously from one place to another. There is no common, uniform standard in the conditions of work and the Government of India does think that that is a state of affairs which it can tolerate. It is also clear that we cannot enter

(d) I regret I cannot undertake to compile such detailed information under present conditions.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

†362. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state the increase or decrease of Muslims in the Establishment Offices of the Bengal and Assam Railway on and from the 5th July, 1941, after the General Manager had issued a circular No. 185-E/18 PVI to all the Heads of Departments that 50 per cent. vacancies in the Establishment Offices should be reserved for Muslims?

(b) Is it a fact that in the chain of arrangements in the Intermediate Grades during the period from 1941 to January, 1943 Muslims were not given chances according to 50 per cent.?

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

NON-APPOINTMENT OF PANEL MUSLIMS AS CLERKS IN CERTAIN BENGAL AND ASSAM RAILWAY LOCO. SHEDS.

†363. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that in November, 1941, the General Manager, Bengal and Assam Railway, formed a panel of approved staff from Loco. Sheds and Mechanical Departments and circulated it, vide his No. 470-E/8B, dated the 17th November, 1941, for the guidance of the District Mechanical Engineers while making arrangements for the staff out of that panel at the time of temporary or permanent vacancies under them?

(b) Is it a fact that Muslims borne on that panel are not utilised in vacancies of clerical staff at Calcutta, Naihati and Chitpur Loco. Sheds under the District Mechanical Engineer, Calcutta, and non-Muslims unapproved by the Head Office, Selection Board, and non-matriculantes are always permitted to work in the vacancies?

(c) If the reply to (b) be in the negative, does the Honourable Member propose to state the number of the non-Muslims who have been permitted to work in the clerical jobs at Calcutta, Naihati and Chitpur Loco. Sheds during the period from 1941 to January, 1943, and the number of Muslims at Naihati Loco. Shed who represented their grievances against the action of the Administration in not utilising them in clerical jobs in preference to non-Muslim unapproved candidates?

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

DEFICIENCY OF MUSLIMS IN CERTAIN BENGAL AND ASSAM RAILWAY OFFICES.

†364. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that in the General Offices of the Chief Commercial Manager and the Chief Transportation Manager, Bengal and Assam Railway, Muslims were not employed according to their quota, and in the Statistical Office of the Bengal and Assam Railway, Muslims were only employed as punching clerks during the period from 1938 to 1942?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to give a comparative statement of appointments in these offices during the said period?

The Honourable Sir Edward Benthall: (a) I have no information beyond that contained in the D'Souza Report, which shows that in 1939 the percentage of Muslims in the offices of the E. B. Railway was less than 45. As regards the second part, I have no information.

(b) I regret I cannot undertake the collection of these details under present conditions.

RECRUITED MUSLIM AND NON-MUSLIM TALLY CLERKS ABSORBED IN HIGHER POSTS ON BENGAL AND ASSAM RAILWAY.

†365. *Mr. Muhammad Ahsan: (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway Muslims were ap-

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

pointed more than their general quota in the category of Tally Clerks in the Grade of Rs. 20—1—28 during the period from April, 1936 to December, 1942, and were absorbed in the categories of services carrying grades of Rs. 30—3—45 and 30—3—45—5—60 only at the rate of one-sixth of their general quota?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state comparatively the total number and percentage of Muslims and non-Muslims recruited as Tally Clerks during the said period, and the total number and percentage of Muslim and non-Muslim Tally Clerks who were absorbed in the posts of Assistant Station Masters, Trains Clerks, Number Takers, Signallers, Assistant Booking Clerks, Assistant Parcel Clerks, Coaching and Goods Clerks and other Station Clerks?

The Honourable Sir Edward Benthall: (a) I am making enquiries, but cannot undertake to cause an exhaustive analysis to be made.

(b) No.

MUSLIM AND NON-MUSLIM TALLY CLERKS SELECTED FOR HIGHER POSTS ON BENGAL AND ASSAM RAILWAY.

†366. *Mr. Muhammad Ahsan: (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway all Districts have been given the power of selecting candidates from the cadre of Tally Clerks for training as Assistant Station Masters, Signallers and Coaching Clerks?

(b) Is it a fact that Muslim interests are not safe-guarded in these tests?

(c) If the reply to part (b) be in the negative, does the Honourable Member propose to state the total number of vacancies of Assistant Station Masters, Signallers and Coaching Clerks on each District during the period from 1937 to December, 1942, and the total number and percentage of Muslims and non-Muslims selected for appointments in these posts during the said period after the completion of their training?

The Honourable Sir Edward Benthall: (a) and (c). No.

(b) I have no reason to believe that the position is as stated by the Honourable Member, but I am sending a copy of this question and reply to the General Manager for any action he may consider necessary.

MUSLIM REPRESENTATION IN CERTAIN CADRES ON BENGAL AND ASSAM RAILWAY.

†367. *Mr. Muhammad Ahsan: (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway the following posts are not considered subordinate posts for the purpose of direct recruitment and that Muslims do not get a quota of them:

1. Earth work Munshi, 2. Store Tindal, 3. Head Mate, 4. Coal Checker,
5. Block Signalman, 6. Motor Lorry Driver, 7. Fitters (Power, Mechanical and Civil Engineering), 8. Mistries (Power, Mechanical and Civil Engineering), and
9. Tape Readers?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state comparatively the total number and percentage of Muslims and non-Muslims in the above posts on the 1st January, 1936 and on the 31st December, 1942?

The Honourable Sir Edward Benthall: (a) Posts are not classified as subordinate or otherwise for the purpose referred to by the Honourable Member. I have no information regarding the classification of all the posts referred to.

(b) No.

MUSLIM REPRESENTATION IN CERTAIN INFERIOR POSTS ON BENGAL AND ASSAM RAILWAY.

†368. *Mr. Muhammad Ahsan: (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway the posts in the Mechanical, Engineering and Traffic Departments carrying grades, the maximum of which rises above Rs. 30, are still considered inferior for the purpose of direct recruitment not subjected to communal quota and the posts of Tally Clerks, the maximum of which is below Rs. 30 are considered subordinate for the purpose of direct recruitment just to balance the deficiency of the Muslim quota in other categories of Subordinate Services?

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

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state comparatively the total number and percentage of Muslims and non-Muslims recruited in all the inferior posts, the maximum of which rises above Rs. 30, on the Bengal and Assam Railway, during the period from 1938 to 1942?

The Honourable Sir Edward Benthall: (a) No, but I would point out that Muslims have a reservation in recruitment to inferior service posts as well as to subordinate posts. The classification of staff as inferior and subordinates is not made for the purpose which the Honourable Member states.

(b) No.

PERCENTAGE OF MUSLIM TALLY CLERKS ON BENGAL AND ASSAM RAILWAY.

†369. ***Mr. Muhammad Ahsan:** (a) Is the Honourable Member for Railways aware of the fact that if the posts of Tally Clerks on the Bengal and Assam Railway were to be declared inferior, the percentage of Muslims in the Subordinate Services will stand at 22.5 per cent.?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state the total number and percentage of Muslims recruited as Tally Clerks during the period from 1935 to 1942 as compared with the total number and percentage of Muslims recruited in other subordinate posts during the same period?

The Honourable Sir Edward Benthall: (a) and (b). No.

MUSLIM PERMANENT WAY INSPECTORS, ETC., ON NORTH WESTERN RAILWAY.

370. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Railways please state the number of Permanent Way Inspectors on the North-Western Railway, and how many of them are Muslims?

(b) How many of the Permanent Way Inspectors were promoted permanently or officiating to the rank of an Assistant Engineer in the lower gazetted service during the last seven years, and how many of them were Muslims?

(c) Is it a fact that a works course was started for the selected Permanent Way Inspectors on the North-Western Railway and in a class of seventeen, only three Muslims were considered fit for the course? If so, how many of the Muslims passed the test? How many of such Permanent Way Inspectors were given promotions, and how many of them were Muslims? If no Musalman Permanent Way Inspector was given promotion what were the reasons for that?

(d) What is the number of the Divisional Engineers in all the seven Divisions of the North-Western Railway, and how many of them are Muslims?

(e) Do Government propose to take adequate steps to give a proportionate share of the above services to the Muslims? If not, why not?

The Honourable Sir Edward Benthall: (a) 124; 31 Muslims, of whom 26 are permanent and 5 are officiating.

(b) 7 permanent and 18 officiating from time to time. None was a Muslim.

(c) 17 Permanent-way Inspectors attended a training course, three were Muslims and they passed the course. Five of those who attended the course have officiated as Assistant Engineers, none of them is a Muslim. As regards the last part, communal considerations do not enter into such promotions which are made by selection.

(d) 18—none of them is at present a Muslim.

(e) No, because with the number of Muslims available, it is not practicable to ensure that they are equally distributed in all branches, and in respect of posts filled by promotion, Government cannot agree to promotion being influenced by communal considerations.

Sardar Sant Singh: May I ask the Honourable Member if he will give us the number of Permanent Way Inspectors belonging to communities other than Muslims?

The Honourable Sir Edward Benthall: Obviously Sir, I should require notice of that.

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

MUSLIM EMPLOYEES' GRIEVANCES IN THE RAILWAY PARCEL OFFICE, DELHI.

371. ***Hajee Chowdhury Muhammad Ismail Khan:** (a) Will the Honourable Member for Railways be pleased to state whether the attention of Government has been drawn to the letter published in the *Dawn* of the 28th February, 1943, regarding Muslim employees' grievances in the Railway Parcel Office, Delhi Main?

(b) Is it a fact that all superior posts, such as the Chief Parcel Clerk, Head Parcel Clerk, Luggage Supervisors, Incharge of the East Indian Railway Outward and Inward, Great Indian Peninsula Outward and Inward, North-Western Railway Outward and Inward Offices, Delhi, are held by non-Muslims, and the Head Commercial Clerk and the Divisional Commercial Officer, Delhi Division, are non-Muslims?

(c) Is it a fact that all correspondence clerks of the Chief Parcel Clerk's Office, Delhi, are non-Muslims? If so, why?

(d) Is it a fact that some non-Muslim clerks with less service and meagre experience are working as Incharge of the East Indian Railway Outward and Great Indian Peninsula Inward Offices in the Parcel Office, Delhi, thereby superseding the claims of senior Muslim Clerks?

(e) Is it a fact that some non-Muslim Parcel Clerks of this office, who have been temporarily employed to deal with transit work have been put to work on cash duty against the instructions issued by the Divisional Superintendent, Delhi?

(f) Is it a fact that most of the non-Muslim clerks of this office are continuously working on comfortable local duties, such as luggage booking, parcel booking and parcel delivery, for a long period and especially in the Upper Class Luggage Booking Office for the last ten or fifteen years? If so, why?

(g) What action do Government propose to redress the grievances of the Muslim employees of this Office?

The Honourable Sir Edward Benthall: (a) Yes, I have seen the article in question.

(b) to (g). I have no information concerning these minor details pertaining to a small office of the North Western Railway. I shall, however, send a copy of the question and the reply to the General Manager, North Western Railway, for such action as he may consider necessary.

MUSLIM ELECTRICAL CHARGEMEN AND ELECTRICIANS ON CERTAIN STATE RAILWAYS.

372. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Railway Member please state:

(a) the number of Electrical Chargemen as well as Electricians in the services of the State-managed Railways—East Indian, Assam and Bengal, and Oudh and Tirhut and the number of Muslims in each such service separately;

(b) the number of such men appointed during the last three years and the number of Muslims therein; and

(c) the number of such persons contemplated to be recruited in 1943-44 to meet war contingencies, and whether any State Railway has sent in any proposal to appoint Electrical Chargemen or Electricians to serve as reserve men?

The Honourable Sir Edward Benthall: (a), (b) and (c). I have called for information and a reply will be laid on the table of the House in due course.

ATTACHMENT TO TRAINS OF BOGIES FOR CERTAIN DESTINATIONS.

373. ***Syed Ghulam Bhik Nairang:** Will the Honourable the Railway Member be pleased to state:

(a) whether the bogie carriages that are attached to trains at certain stations for certain destinations are intended for the convenience of passengers between such two stations;

(b) if a carriage is attached to a train at Delhi for Patna; and if so, whether passengers holding tickets from Delhi to Patna will get preference over passengers holding tickets from Delhi to Tundla or Delhi to Cawnpore or Delhi to Allahabad;

(c) whether in such carriages passengers holding tickets from Delhi to Patna will get preference over passengers holding tickets from Tundla to Patna or Tundla to Cawnpore or Cawnpore to Patna;

Abdul Hamid, Khan Bahadur Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Ambegankar, Mr. K. G.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurnath.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Giffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
James, Sir F. E.
Kamaluddin Ahmad, Shamsul-Ulema.
Kushal Pal Singh, Raja Bahadur.
Lawson, Mr. C. P.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): There is another amendment in the names of Maulvi Muhammad Abdul Ghani and Maulvi Syed Murtuza Sahib Bahadur that the Bill be referred to a Select Committee. But no names have been supplied for the Select Committee and, therefore, it cannot be moved.

The question is:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

The Assembly divided:

AYES—36.

Abdul Hamid, Khan Bahadur Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Ambegankar, Mr. K. G.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurnath.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Giffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
James, Sir F. E.
Kamaluddin Ahmad, Shamsul-Ulema.
Kushal Pal Singh, Raja Bahadur.
Laljee, Mr. Hossainbhai A.
Lawson, Mr. C. P.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Deshmukh, Mr. Govind V.
Easak Sait, Mr. H. A. Sathar H.
Farid-Hal Piracha, Khan Bahadur.
Shaikh.
Shamsuddin, Mr. M.
Gupta, Mr. B. R.
Joshi, Mr. N. M.
Kazmi, Qazi Muhammad Ahmad.
Krishnamachari, Mr. T. T.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th March, 1943.

Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shahban, Khan Bahadur Mian Ghulam.
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shahban, Khan Bahadur Mian Ghulam.
Kadir Muhammad.
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Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

NOES—25.

Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muham-
mad.
Mehta, Mr. Jamnadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Parma Nand, Bhai.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

LEGISLATIVE ASSEMBLY

Wednesday, 24th March, 1943

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. Dattatraya Shridhar Joshi, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

†360. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that in all the Establishment Offices of the Bengal and Assam Railway Muslims were employed short of the quota allotted to them at the time of filling up temporary and permanent vacancies of clerks, stenographers and typists from time to time during the period from January, 1940 to December, 1942?

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state the number of Muslims in the said posts in the Establishment Offices comparatively in January, 1940 and in December, 1942 and the number of those Muslims actually appointed in the said posts and kept in the Establishment Offices according to the quota allotted to them at the time of filling of vacancies of the said posts from time to time during the period from January, 1940 to December, 1942?

The Honourable Sir Edward Benthall: (a) No.

(b) I have called for information and a reply will be laid on the table of the House in due course.

REPRESENTATION OF MUSLIMS IN BENGAL AND ASSAM RAILWAY ESTABLISHMENT OFFICES.

†361. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway Muslim representation in the Establishment Offices did not go up commensurately with the forty-five per cent. quota allotted to them for all the temporary and permanent vacancies of office clerks which occurred during the period from January, 1940 to December, 1942?

(b) If the reply to part (a) be in the negative does the Honourable Member propose to give the number of Muslims employed in the Establishment Offices on the 1st April, 1940 and on the 1st April, 1942?

(c) Is it a fact that the backward turn of Muslim representation in the Establishment Offices is due to the removal of Muslims actually appointed according to their quota on the plea of transfers to outdoor jobs and other branches or departments and their unsuitability?

(d) If the reply to part (c) be in the negative, does the Honourable Member propose to state the number of Muslim clerks, stenographers and typists sent to the Establishment Offices of (i) the Superintendent, Watch and Ward, Calcutta, (ii) the District Superintendent, Paksey, (iii) the Works Manager, Saidpur, (iv) the Executive Engineer, Lalmonirhat, and (v) the District Mechanical Engineer, Calcutta, and retained in those offices during the period from January, 1940 to December, 1942?

The Honourable Sir Edward Benthall: (a) No.

(b) and (c). I have called for information and a reply will be laid on the table of the House in due course.

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

(d) whether berths reserved in such carriages for passengers from Delhi to Tundla or Delhi to Cawnpore are subject to such berths not being occupied by passengers from Delhi to Patna;

(e) whether berths in such carriages when attached at Patna for Delhi can be reserved from Moghalsarai to Delhi or Allahabad to Delhi when such berths are occupied by passengers from Patna to Delhi; and

(f) whether such reservations in such carriages from Moghalsarai to Delhi or Allahabad to Delhi are also subject to such berths not being occupied by passengers from Patna to Delhi?

The Honourable Sir Edward Benthall: (a) Yes, but also for the convenience of any passengers on the route.

(b) and (d). The answer to the first portion is in the affirmative. The answer to the latter portion and to part (d) of the question is in the negative. Accommodation is booked in the order of priority of application. As far as possible, passengers travelling to Patna are accommodated in the through carriage.

(c) Yes; preference is automatic, unless passengers booking from intermediate stations choose to pay the fares and reserve as from Delhi station.

(e) and (f). Reservation from intermediate stations is not guaranteed. Accommodation is provided if available on the arrival of the train.

COMMUNAL REPRESENTATION IN CERTAIN TELEGRAPH DEPARTMENT CADRES.

374. *Nawab Siddique Ali Khan: (a) Will the Secretary of the Posts and Air Department please state if the Home Department Circular of 1934, regarding representation of minorities applies to the departmental Telegraph Offices, Telegraph Masters, Superintendents, A and B Grade, and Telegraph Engineers?

(b) What is the quota of each of the Anglo-Indian, European, Hindu, Muslim and other communities in the abovementioned services?

(c) What community-wise is the number of appointments made by direct recruitments and by promotions for the three years ending March, 1942?

(d) If Muslims have not secured their full quota since 1934, what steps do Government propose to take to make up the deficiency?

Sir Gurnath Bewoor: (a) Assuming that by departmental telegraph offices the Hon'ble Member is referring to the cadre of telegraphists, the Home Department orders of 1934 apply only to direct recruitment to the cadre of telegraphists and the Telegraph Engineering Service, Class I. The posts of Telegraph Masters and Superintendents grades I and II and the posts in Telegraph Engineering and Wireless Service class II are filled solely by promotion.

(b) The all India quota prescribed for reservation in respect of the two services referred to in the reply to part (a) is as follows:

Telegraphists. Muslims 25 per cent. Anglo-Indians 40 per cent. Other minorities $3\frac{1}{2}$ per cent. Unreserved $31\frac{1}{2}$ per cent. Since recruitment to the cadre of telegraphists is made on a local area basis, the percentages vary for the different Postal Circles.

Telegraph Engineering Service, Class I. Muslims 25 per cent., other minorities $8\frac{1}{2}$ per cent., Unreserved $66\frac{1}{2}$ per cent. There is no reservation for Europeans or Hindus in either of these cadres.

(c) Information for yearly periods ending March is not readily available but a statement is placed on the table giving the required information in respect of the three calendar years, 1939, 1940 and 1941.

(d) There was no recruitment of Telegraphists from 1930 to 1938. The first examination under the new rules was held in 1938. In the four examinations for recruitment of telegraphists held between 1938 and 1941, out of a total of 418 direct recruits there were 104 Muslims. Thus this community has secured its full quota. As regards the Telegraph Engineering Service, Class I, recruitment to which is made through the Federal Public Service Commission, since 1934 only one vacancy reserved for Muslims has lapsed. This was for want of a qualified Muslim candidate successively for two years, viz., 1938 and 1939. As there has been no lapse thereafter, the question of taking steps to make up the deficiency does not arise.

Statement.

Name of Cadre.	Euro- pean.	Mus- lims.	Anglo- Indians.	Other Minori- ties.	Rest.	Total.
BY DIRECT RECRUITMENT.						
1939.						
Telegraphists	..	17	8	4	20	49
Telegraph Engineering Service Class I	..	..	..	1	2	3
1940.						
Telegraphists	..	14	17	3	87	121
Telegraph Engineering Service, Class I	..	2	..	1	..	3
1941.						
Telegraphists	..	54	25	6	89	174
Telegraph Engineering Service, Class I	..	..	..	..	1	1
BY PROMOTION.						
1939.						
Telegraphists	..	4	1	2	8	15
Telegraph Masters	..	..	22	2	3	27
Telegraph Traffic Service, Class II (Grades I & II)	..	..	13	1	..	14
Telegraph Engineering and Wireless Service, Class II	1	..	2	2	2	7
Telegraph Engineering Service, Class I	1	..	..	..	..	1
1940.						
Telegraphists	..	4	1	1	28	34
Telegraph Masters	..	1	19	1	10	31
Telegraph Traffic Service, Class II (Grades I and II)	..	..	15	..	..	15
Telegraph Engineering and Wireless Service, Class II	..	1	9	..	1	11
Telegraph Engineering Service, Class I	1	..	..	..	..	1
1941.						
Telegraphists	..	10	..	8	36	54
Telegraph Masters	..	2	12	3	24	41
Telegraph Traffic Service, Class II (Grades I and II)	1	..	20	2	1	24
Telegraph Engineering and wireless Service, Class II	1	..	11	..	2	14
Telegraph Engineering Service, Class I	..	..	1	..	..	1

N. B.—The figures in respect of telegraphists represent the number of candidates selected for appointment.

Sardar Sant Singh: With reference to parts (b) and (c) of the question, will the Honourable Member state the number of Sikhs?

Mr. President (The Honourable Sir Abdur Rahim): How can the Honourable Member expect the Government to give the number of Sikhs in these various appointments when there is no question to that effect?

Sardar Sant Singh: The question contains about other minority communities also.

Mr. President (The Honourable Sir Abdur Rahim): Very well.

Sir Gurnath Bewoor: The other minorities include, apart from Sikhs, a number of other communities, such as Parsis, Indian Christians, etc., and I am afraid I have no information regarding the Sikhs; but if the Honourable Member wants the information, if he will put down a question, I shall be glad to give the answer.

Mr. H. A. Sathar H. Essak Salt: With reference to the answer to part (c) of the question where he says he has placed a statement on the table, has he satisfied himself or could he give us the percentage with reference to part (b)?

Sir Gurnath Bewoor: It is rather a long statement; but so far as direct recruitment is concerned, taking 1939, 1940 and 1941, I think the Muslims have got their full quota.

Mr. H. A. Sathar H. Essak Salt: That is what I wanted to know.

Sardar Sant Singh: May I know if this statement includes the number of Sikhs as well?

Sir Gurnath Bewoor: It includes other minorities, in which Sikhs are also included.

Sardar Sant Singh: Does it include any specific heading under Sikhs?

Sir Gurnath Bewoor: There is no specific heading for Sikhs.

Mr. H. A. Sathar H. Essak Sait: With reference to the answer to part (d) where my Honourable friend stated that one vacancy reserved for Muslims had lapsed because no qualified Muslim was available for those two years, will the Honourable Member kindly state who got that appointment—what community?

Sir Gurnath Bewoor: I am sorry I have not got the information here. The rule is that when a member of a minority community for which the post is reserved is not available, the vacancy is treated as unreserved.

ASSAMESE REPRESENTATION IN THE METEOROLOGICAL DEPARTMENT.

375. *Mr. Ananga Mohan Dam: Will the Secretary of the Posts and Air Department be pleased to state the total number of employees in the lower and higher grades in the Meteorological Department, and the number of the natives of the province of Assam employed therein?

Sir Gurnath Bewoor: I lay on the table a statement giving the information asked for by the Honourable Member.

Statement showing the total number of employees in the Higher and Lower Grades of the India Meteorological Department, and the number of natives of the Province of Assam employed in the Department, as on the 15th March, 1943.

	Total No. of employees in the India Meteorological Department.	No. of the natives of the Province of Assam.
Gazetted Staff	87	2
Non-Gazetted Staff	847	6
Inferior Staff	308	1

Note.—Recruitment in the Meteorological Department, is on an All-India basis and not on a provincial or local area basis.

PAUCITY OF MUSLIM OFFICERS IN THE OFFICE OF THE UNITED PROVINCES POSTMASTER GENERAL.

†376. *Mr. Muhammad Azhar Ali: Will the Secretary of the Posts and Air Department please state:

(a) the number of persons, community-wise, who have held the posts of the Deputy Postmaster General and Assistant Postmaster General in charge of Staff Branch, and also of the Special Officers in charge of Recruitment Examinations in the office of the Postmaster General, United Provinces, Lucknow, during the last seven years or as far back as available; and

(b) if it is a fact that no Muslim Deputy or Assistant Postmaster General has held the charge of the Staff Branch of the office of the Postmaster General, United Provinces, Lucknow, for more than ten years and no Muslim has ever held the post of the Head Clerk of the Staff Branch in that office at any time in the past; if so, why?

Sir Gurnath Bewoor: (a) During the last ten years, there have been ten Deputy Postmasters General and seven Assistant Postmasters General in charge of the Staff Branch and two Special Officers for the Recruitment Examination. Of the Deputy Postmasters General, five were Hindus, three Europeans, one a Sikh and one a Jew. Of the seven Assistant Postmasters General one was a Domiciled European and the rest were Hindus. Both the Special Officers were Hindus.

(b) The reply to the first part is in the affirmative but it is not a fact that no Muslim has ever held the post of Head Clerk of the Staff Branch. The posting of officials is not made on communal basis.

UNSTARRED QUESTIONS AND ANSWERS.

SUPPLY OF WAGONS TO BENGAL AND BIHAR COLLIERIES FOR LOADING COAL.

63. Mr. K. C. Neogy: Will the Honourable Member for War Transport be pleased to state:

(a) the total number of coal-mines now working in the Bengal and Bihar coalfields, and the number of coal-mines with a daily bases of ten wagons and under;

(b) on what grounds and order of preference rakes and half rakes are allotted for loading coal;

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

(c) the total number of rakes and half-rakes supplied in the Bengal and Bihar coalfields for loading coal, separately, during the months of January and February 1943, and the number allotted to collieries with a daily bases of ten wagons and under during the said period;

(d) the total number of wagons allotted for loading coal in each of the above months in the Bengal and Bihar coalfields, and the number allotted to collieries with a daily bases of ten wagons and under during the said period;

(e) the total number of special allotment of wagons in the Bengal and Bihar coalfields for loading coal, separately, during the months of January and February 1943, and the number allotted to collieries with a daily bases of ten wagons and under during the said period;

(f) the total number of wagons supplied in the Bengal and Bihar coalfields for loading coal during the months of January and February, 1943, other than for Loco, Shipment and Iron and Steel Factories, and the number allotted to collieries with a daily bases of ten wagons and under during the said period; and

(g) the total number of wagons allotted to the Bengal and Bihar coalfields under the provincial quota system during the month of February, 1943?

The Honourable Sir Edward Benthall: The information is not readily available but is being collected and will be laid on the table.

PERMISSION TO KHUDAI KHIDMATGARS FOR VISITING TRANSBORDER TERRITORY FOR SOCIAL WORK.

64. Sardar Sant Singh: Will the Foreign Secretary be pleased to state:

(a) whether any correspondence took place between Khan Abdul Ghaffar Khan and His Excellency the Governor of the North-West Frontier Province in July and August, 1942, in connection with the former's demand to allow his Khudai Khidmatgars to visit the transborder territory for humanitarian and social work; if so, whether he proposes to place a copy of the correspondence on the table of the House;

(b) the number of parties of the Khudai Khidmatgars which visited the transborder territory; and

(c) whether it is a fact that Mr. Kamdar Khan, M.L.A., a member of one of the parties of Khudai Khidmatgars was detained under the Defence of India Rules on his return from a tour of the transborder territory; if so, the reasons for his detention?

Mr. O. K. Caroe: (a) The answer to the first part of the question is yes, and to the second part no.

(b) The Government of India are not aware of the exact number of Khudai Khidmatgars who visited tribal territory but they were not many.

(c) Yes, because he acted in a manner prejudicial to public safety.

SUPPLY OF WAGONS TO BENGAL AND BIHAR COLLIERIES FOR LOADING COAL.

65. Mr. K. C. Neogy: Will the Honourable Member for War Transport be pleased to state:

(a) the total number of collieries in Bengal and Bihar coalfields with daily bases of five wagons and under;

(b) the total number of wagons allotted to collieries in Bengal and Bihar coalfields with bases of five wagons and under, during each of the months of January and February 1943; and

(c) the total number of priority wagons allotted to collieries in Bengal and Bihar coalfields with daily bases of five wagons and under, excluding provincial quota wagons, during each of the months of January and February 1943?

The Honourable Sir Edward Benthall: The information is not readily available but is being collected and will be laid on the table.

DISCRIMINATION IN RESPECT OF RECENT COAL TENDERS FOR SUPPLY OF COAL TO RAILWAY BOARD.

66. Mr. K. C. Neogy: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that collieries offering the same class of coal at the same rate were allotted different quantities in respect of recent coal tenders for the supply of coal to the Railway Board? If so, what were the reasons for such discrimination?

(b) What were the total contractual arrears against 1941-42 and 1942-43 (upto February) for the supply of coal to the Company and State-managed Railways, and what were the reasons for such arrears?

The Honourable Sir Edward Benthall: (a) Yes, since the quantities taken were related to the quantities offered. There was no discrimination.

(b) For 1941/42.

State Railway contracts—approximately two and a half lakhs tons.

Company Railways—figures not available.

For 1942/43.—as on 1st January 1943 (figures for February are not available).

State Railway contracts—about six lakhs tons.

Company Railways contracts—about three lakhs tons.

The arrears were due to several causes, prominent amongst which is shortage of wagon supply.

COMMUNAL COMPOSITION OF INSPECTORS, AND ASSISTANT INSPECTORS UNDER THE SUPERINTENDENT, WORKS (LOWER), MORADABAD DIVISION.

67. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) the strength of the following categories of staff under the Superintendent, Works (Lower), of the Moradabad Division of the East Indian Railway—

(i) Muslim Inspectors and Assistant Inspectors; (ii) Hindu Inspectors and Assistant Inspectors; and (iii) Anglo-Indian, European and Indian Christian Inspectors and Assistant Inspectors;

(b) the particulars of the Muslim Inspectors and Assistant Inspectors against whom the Superintendent, Works, has made adverse confidential reports during his tenure of the office of the Superintendent, Works;

(c) if those reports are consistent with the reports of the Assistant Superintendents, Way and Works, under whom they served;

(d) if there were any specific instances of failure in duty on the part of those Muslim Inspectors and Assistant Inspectors to justify the adverse reports; and

(e) if the Muslim Inspectors and Assistant Inspectors were afforded an opportunity to explain their conduct before an adverse remark was recorded in their service records?

The Honourable Sir Edward Benthall: With your permission, Sir, it is proposed to reply to questions Nos. 67 and 68 together.

Government have no information of the details asked for and cannot undertake to collect them under present conditions.

APPROVED MUSLIM CONTRACTORS IN THE MORADABAD DIVISION.

+68. Mr. Muhammad Azhar Ali: Will the Honourable the Railway Member please state:

(a) the particulars of the Muslim contractors who were on the approved list on the date the Superintendent, Works, Moradabad Division, East Indian Railway, took over charge, and how many of them are on that list on the 15th March, 1943;

(b) the reasons for which the names of the Muslim contractors were struck off the approved list during this period;

(c) how many Hindu contractors out of a total number of Hindu contractors were struck off during the same period;

(d) if it is a fact that on the death of a Muslim contractor his son's name was not substituted in the approved list nor he was enlisted as an approved contractor by the Superintendent, Works;

(e) if it is a fact that on the death of a Hindu contractor (Vending) his son's name was substituted and he was enlisted as an approved contractor in the Moradabad Division; and

(f) if there is any machinery to check upon the Railway Officers in regard to their activities actuated by communal considerations and in defiance of the Rules and Regulations? If not, the reasons therefor?

+For answer to this question, see answer to question No. 67.

PROMOTION OF RELIEVING GUARDS ON EAST INDIAN RAILWAY DIVISIONS.

69. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) the requisite qualifications required of a Relieving Guard to attain before and after being placed on the panel, in the Moradabad, Lucknow, Allahabad, Dinapore, Asansol, Dhanbad and Howrah Divisions, respectively, on the East Indian Railway;

(b) if these required qualifications differ in those Divisions; if so, the reasons therefor; and

(c) how many Relieving Guards who are devoid of any of the requisite qualifications are continuing on the panel and how many of them were promoted (officiating, temporary or permanent) to the Lower Gazetted Services of the East Indian Railway?

The Honourable Sir Edward Benthall: Information has been called for and a reply will be laid on the table of the House in due course.

PAY INCREMENTS TO AN EMPLOYEE OFFICIATING IN NON-GAZETTED CADRE OF STATE RAILWAYS.

70. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) for how many years an employee can be kept temporary against a permanent vacancy in the Non-Gazetted Cadre of the State-Managed Railways;

(b) if he is entitled to draw increments in the time scale of pay of the permanent vacancy earned under Fundamental Rule 24; and

(c) if the increments are not drawn before confirmation, whether he is entitled to draw the accumulated increments after confirmation?

The Honourable Sir Edward Benthall: (a) There is no limit laid down.

(b) Yes, ordinarily.

(c) This is a hypothetical question.

RAILWAY BOARD ORDERS IN RESPECT OF PAYMENT OF COMPENSATIONS, ETC.

71. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the statement of Objects and Reasons of the Payment of Wages Act (IV of 1936) and state the nature of the orders issued by the Railway Board in respect of the payment of the compensation, and the recovery of costs if and when directed by the authority or the court to be paid by the Railway Administrations; and if no orders have been issued, the reasons therefor?

The Honourable Sir Edward Benthall: No special instructions have been issued as none are necessary.

SHORT NOTICE QUESTIONS AND ANSWERS.

PROTEST AGAINST THE TERMS OF REFERENCE OF THE BROOME COMMISSION APPOINTED IN DURBAN.

Mr. Govind V. Deshmukh: (a) Has the attention of the Honourable Member representing the Indians Overseas Department been drawn to the matter which appeared in the Statesman of March 18, 1943, on page 4, under the heading "Indians' rights violated"; "Protest against Broome Commission terms"?

(b) Is he aware that the restricted scope of reference to the Commission, namely, the investigation of the acquisition of sites of Indians is likely to result in a great loss, financially, socially and from business point of view also, to the Indians living in Durban?

(c) Does he propose to take steps to enable the Indian residents there to put their grievances as to why the lands proposed to be acquired should not be acquired?

Mr. A. V. Pai: (a) Yes.

(b) and (c). I am afraid, Sir, that the Honourable Member appears to be under some misconception about the purpose of the present enquiry in Durban. It is not concerned with the acquisition of lands already in the possession of Indians but with purchases of land by Indians in predominantly European areas since September 1940. The terms of reference of the present enquiry are

"whether and if so to what extent Indians (including companies with predominantly Indian directorates) have, since September 30th, 1940, in the municipal area of Durban, acquired sites in those areas which the Indian Penetration Committee found to be predominantly European on January 1st, 1927". The Natal Indian Association complained that these terms of reference did not include the reasons for the acquisition of these sites by Indians. The Minister replied that the enquiry was designed to elicit facts only and that the inclusion of this further point was unnecessary. As the previous Broome Commission in 1941, commented in detail upon the reasons which induce Indians to acquire property in predominantly European areas, it does not appear that the omission of this point in the terms of reference will seriously prejudice the Indian case before this Commission. The High Commissioner for India did however make a representation on the subject and ascertained that there was no objection to Indian representatives at the enquiry stating their reasons for acquisition. It will be for Mr. Justice Broome to comment on them if he thinks necessary.

Mr. Govind V. Deshmukh: May I know if there were any restrictions imposed in the year 1940 and onwards that Indians should not acquire lands in what are called predominantly European areas, and, if so, what were the reasons for imposing those restrictions?

Mr. A. V. Pai: No restrictions.

Mr. Govind V. Deshmukh: If there were no restrictions over the acquisition of such lands, then why are the lands being re-acquired now in those predominantly European areas?

Mr. A. V. Pai: An allegation was made by the Europeans that after the last Broome Commission reported, Indians were acquiring sites in European areas to a large extent and they made the allegation to the Government. The Minister therefore appointed a fact finding Commission. The object of this Commission is to find out to what extent Indians have acquired lands in European areas.

Mr. Govind V. Deshmukh: Is my Honourable friend aware that the Broome Commission found that there was, so to say, no extension or unnecessary acquisition or penetration by Indians into the areas where the Europeans were residing?

Mr. A. V. Pai: Yes. But that refers to the period up to the 30th September, 1940. Their allegation is as to penetration after that.

Mr. Govind V. Deshmukh: If there were no restrictions imposed in the year 1940, can the Honourable Member say why, if the Indians were allowed to acquire lands, they should be ousted from those lands now?

Mr. A. V. Pai: There is no question of ousting. It is a fact finding enquiry whether the allegations that were made were correct or not.

Mr. Govind V. Deshmukh: The statement that appears in the press is this, —not whether it was unnecessary acquisition or whether it was desirable, they did not wish to go into any facts or reasons for acquiring or not acquiring, it is said that if the lands have been acquired, they ought to be re-acquired. As a matter of fact, the Indians in Durban wanted that the matter should be investigated, as to the causes of acquiring the sites.

Mr. A. V. Pai: We cannot object to an investigation into facts. The complaint of the Indians was that the Commission was not asked to investigate the reasons for that acquisition. We have now ascertained that they are not precluded from presenting their reasons before the Commission, and the Commission will consider what comment they should make on those reasons.

Mr. Govind V. Deshmukh: May I know if the Honourable Member has been approached by the Natal National Congress, or did anybody on behalf of the Natal National Congress approach our Government to impress on the Union Government for a judicial commission to enquire into this matter, and that so far as they were concerned, they wanted that matters, social, economic and franchise, should be enquired into?

Mr. A. V. Pai: It does not arise from this question, but I have seen a report to that effect in this morning's papers. We have not so far received any representation from the Natal Indian Congress.

Mr. Hooseinbhoy A. Lalljee: Why is this enquiry being made? What is the motive of this enquiry as regards Indians penetrating into European areas and so forth?

Mr. A. V. Pai: The enquiry is to elicit facts and to verify if the allegations made by the Europeans are correct or not.

Mr. Hooseinbhoy A. Lalljee: What is the motive of this enquiry, why is it being made?

Mr. A. V. Pai: I have no more to say.

Mr. Hooseinbhoy A. Lalljee: Is there anything like untouchability still prevalent there in South Africa?

Mr. President (The Honourable Sir Abdur Rahim): Next Short Notice Question. Sir Frederick James.

PROPOSED INCREASE IN ADVERTISING RATES UNDER THE NEWSPAPER CONTROL ORDER.

Sir F. E. James: Will the Honourable Member representing the Commerce Department be pleased to state:

(a) if his attention has been called to clause 12(1) of the Newspaper Control Order, 1942 [Notification No. 104-I C(5) 42 published in the *Gazette of India Extraordinary* on the 27th February, 1943];

(b) whether he is aware that the proposed increase in advertising rates is in excess of the requirements of the case, especially in view of increases that have already been put into effect by some newspapers between January 1st and February 28th, 1943; and

(c) if Government propose to reduce the proposed increases; to base them on the rates ruling on the 31st December, 1942; and to make them applicable only to contracts entered into from the 1st April, 1943?

Mr. T. S. Pillay: (a) I have read clause 12 (1) of the Newspaper Control Order, 1942.

(b) On the basis of examination so far made I cannot say we are aware that the proposed increase in advertising rates is in excess of the requirements of the case.

(c) Government are already considering the suggestion made by the Honourable Member and expect to reach a decision at a very early date.

MOTIONS FOR ADJOURNMENT.

NON-CONSULTATION OF INDIA AS REGARDS INTERNATIONAL SCHEMES FOR FUTURE MANAGEMENT OF EXCHANGE AND INTERNATIONAL CURRENCY, ETC.

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. Hooseinbhoy Lalljee, which runs as follows:

I give notice that the business of the Assembly be adjourned to discuss a definite matter of urgent public importance, namely, the urgent necessity to impress upon His Majesty's Government in Britain that their fortunes with regard to the re-establishment of their Exports and the securing of their share, in the augmented world trade, will be greatly influenced not only by the policies of the U. S. A. and of the British Dominions, but also of India and whilst they are doing their utmost to keep in ever closer contact with them, they should also try their utmost to keep in closer contact with India; further whilst they have already put before them and their friends and allies tentative suggestions for the future management of exchange and of International Currency they should also put these, without any delay and before definite arrangements are made, before India, as this country is as much vitally interested, as themselves, their friends and allies in these matters.

When was this published in the papers?

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Only yesterday morning.

Mr. President (The Honourable Sir Abdur Rahim): Why did not the Honourable Member give notice of it in time yesterday?

Mr. Hooseinbhoy A. Lalljee: I read it only at 10 o'clock and I tried to put it in but there was no time. It was physically impossible. I was three minutes late.

Mr. President (The Honourable Sir Abdur Rahim): I accept the explanation. The delay may have been due to circumstances which made it difficult for the Honourable Member to give notice before the commencement of the proceedings yesterday in accordance with the rules but I should like to point out that this notice is worded rather generally and in somewhat vague terms. I do not know if the Honourable Member of Government has any objection.

The Honourable Sir Jeremy Raisman (Finance Member): I would submit that the question of the international discussions

Mr. President (The Honourable Sir Abdur Rahim): I want to know first whether the Honourable Member takes objection to the way in which the motion is worded—that it is too vague for the Government to reply.

The Honourable Sir Jeremy Raisman: It is vague but I would also submit that it is not a new matter. It is in fact a matter which has been discussed on the floor of the House and in regard to which I have answered certain questions.

Mr. President (The Honourable Sir Abdur Rahim): The motion is in respect of an announcement which was published yesterday.

The Honourable Sir Jeremy Raisman: I do not know to what announcement the Honourable Member refers. There was no announcement published yesterday which made any difference to this question.

Mr. President (The Honourable Sir Abdur Rahim): I understood that the announcement was made by Mr. Winston Churchill.

Mr. Hooseinbhoy A. Lalljee: It was announced by Mr. Churchill on the 22nd March as published in a Reuter's Message and contained four years' plan also. The Honourable the Finance Member has dealt with the currency question vaguely in his replies but here is a definite statement made by the Prime Minister and I have tried to give it in his own words, he has put export, trade, exchange and international currency all together.

The Honourable Sir Jeremy Raisman: What the Right Honourable Mr. Winston Churchill said referred exactly to what we knew before about the international discussions. They have been mentioned in this House and I have also in reply to a question yesterday said that the Government of India hope to be able to give an opportunity to this House and the country to consider any arrangements before final commitments are entered into. That relates to precisely the same matter.

Mr. Hooseinbhoy A. Lalljee: Nothing was said by the Honourable Member about their re-establishment of exports and a share in augmented in world trade as stated in my motion.

The Honourable Sir Jeremy Raisman: The whole purpose of the international monetary arrangements is in order to facilitate international trade. The two things are vitally linked together and it is in effect the same proposal. There is no other scheme other than the international schemes which have been mentioned for some days past in the Press for securing this object.

Mr. President (The Honourable Sir Abdur Rahim): Do I understand from the Honourable Member that an opportunity will be given to India to have its say in the matter before decisions are taken? Is it the position that India will be consulted?

Mr. Hooseinbhoy A. Lalljee: The whole question is when. I understand that tentative proposals have gone out and we do not know anything.

The Honourable Sir Jeremy Raisman: I have indicated that at the tentative stage of informal discussion we were consulted and we did participate and I have indicated that we have every hope that we shall be further consulted before any final arrangements are decided upon.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): If India was consulted, then why was mention of India omitted from the speech.

The Honourable Sir Jeremy Raisman: In Mr. Eden's observations, he did mention that both the Dominions and India had been invited to the informal consultation.

Mr. President (The Honourable Sir Abdur Rahim): Having regard to the statement made by the Honourable the Finance Member, I hold that the motion is not in order, as the question sought to be raised is not urgent within the meaning of the Rules and Standing Orders.

The next motion by Mr. Deshmukh relates also to the same matter.

Mr. Govind V. Deshmukh: My motion differs from Mr. Lalljee's motion, in that my motion raises the question of the exclusion of India. Mr. Hooseinbhoy wants to speak in the interest of Great Britain; I wish to speak in the interest of India.

Mr. President (The Honourable Sir Abdur Rahim): It is substantially the same matter.

THROTTLING THE DEBATE ON THE SECOND READING OF THE INDIAN TEA CONTROL (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Mr. Jamnadas Mehta. He wishes to discuss a definite matter of urgent public importance, namely, the action of the Government in throttling the debate on the Second Reading of the Tea Control (Amendment) Bill yesterday by moving a closure after a debate of only 40 minutes of which more than half the time was occupied by Government spokesmen and other supporters of the Bill.

The discussion was not throttled. The closure was moved and I accepted it and the House adopted the closure.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): All right.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member seeks any remedy against the ruling of the Chair, the proper procedure is to move a substantive motion. It cannot be done by means of an adjournment motion.

Mr. Jamnadas M. Mehta: I make a distinction between moving the adjournment and its acceptance by the Chair but I may say that the Honourable the Leader of the House has given me a satisfactory explanation, for which I thank him. I do not want to move it.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member had mentioned this earlier, I would not have brought the matter to the notice of the House.

Mr. Hooseinbhoy A. Lalljee: May I know if the motion is out of order or has been withdrawn?

Mr. Jamnadas M. Mehta: Both!

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 noon on Thursday, the 18th March, 1943, the time fixed for receiving nominations for the Central Advisory Council for Railways, seven nominations were received. Subsequently one candidate 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:

1. Mr. H. M. Abdullah.
2. Hajee Chowdhury Muhammad Ismail Khan.
3. Dr. Sir Ratanji Dinshaw Dalal.
4. Mr. Lalchand Navalrai.
5. Mr. H. G. Stokes.
6. Mr. Hooseinbhoy A. Lalljee.

ELECTION OF A MEMBER TO 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 1943-44, in such method as may be approved by the Honourable the President, of a Member of the Standing Finance Committee in the vacancy caused by the resignation of his membership of the Committee by Mr. Naoroji M. Dumasia."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That this Assembly do proceed to the election, for the financial year 1943-44, in such method as may be approved by the Honourable the President, of a Member of the Standing Finance Committee in the vacancy caused by the resignation of his membership of the Committee by Mr. Naoroji M. Dumasia."

The motion was adopted.

ELECTION OF A MEMBER TO THE CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION OF INDIA.

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

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their number to sit on the Central Committee of the Tuberculosis Association of India."

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

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their number to sit on the Central Committee of the Tuberculosis Association of India."

Mr. E. L. C. Gwilt (Bombay: European): Sir, I understand that the bye-laws of the Tuberculosis Association only provide for one Member of the Assembly to sit on the Central Committee. Tuberculosis is such an appalling scourge in this country and India's resources are so inadequate to meet it that I feel that not only might the Association welcome the representation of the Legislature increased to, say, two or three but possibly also the Member of the Legislature who sits on that Committee might welcome the proposal. I would therefore ask the Honourable Member representing the Education, Health and Lands Department if he would be good enough to pass this suggestion on to the Association.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, this Association is undoubtedly for an important work but I find from my personal experience that there is hardly any work to be done by the Representative Member of this House. The whole year has passed and I have had nothing to do with this Association. At the end of the year a meeting of the Association is held and simply the formality is observed by the Member elected by this House to attend that function and nothing more. If the Association requires a representative from this House, it should also consider the utility of this representative. If they do not like to take any work from the representative of this Assembly, then what is the use of having the representation of this House and that too after a great deal of trouble and canvassing by this House.

Mr. J. D. Tyson: Sir, if I may reply first of all to the point made by my Honourable friend Maulvi Abdul Ghani, I would say this,—that I have no personal knowledge of the working of this Association: I am not a Member of it myself. But I find that the body to whom this Honourable House elects a representative is the Central Committee of the Tuberculosis Association of India and that that Association has branches in all the provinces and a number of States. It may well be that a great deal of the day-to-day work is done by the Provincial and State Branches. In addition, I find that the Central Committee itself has power to work through Sub-Committees for some of its activities and it may be that it works largely through Sub-Committees at headquarters. My Honourable friend's experience is that he has only been called to attend one meeting of the Central Committee. I am afraid that is all I can say on the matter at the moment.

As regards the point made by Mr. Gwilt, the position is that under the Rules and Regulations, as he has quite rightly said, this Assembly is asked to choose one Member only. The constitution of the Central Committee provides for "one member of the Legislative Assembly chosen by that body and a member of the Council of State chosen by that body", but I am very ready to pass on to the Association for their consideration the suggestion that the Legislature should be more strongly represented on the Central Committee.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): One point that was raised by Maulvi Muhammad Abdul Ghani is: Has the Central Committee any real functions?

Mr. J. D. Tyson: These are the functions set out in the Rules and Regulations, I will shorten them. "Without prejudice to the general powers" conferred on the Central Committee, they have the following powers: to collect money and raise funds, to control and administer the property and the Funds of the Association, to appoint staff, to frame bye-laws, to pass the accounts, to encourage the establishment throughout the country of Provincial and State Tuberculosis Associations and "generally to do such things as they may consider necessary and expedient". I am afraid I cannot say more than that.

Sir Henry Richardson (Nominated Non-Official): Is the reason for a representative of this House being put on this Association this that the House or the Government of India makes a grant to the Association? If so, what is the amount of the grant?

Mr. J. D. Tyson: Yes, Sir, the reason is that we do aid the Association. We give them a grant of Rs. 20,000 per annum and we did also help them over the Kasauli Sanatorium. I think we gave them a grant of a lakh and a quarter or something like that. That was a single grant.

Sir F. E. James (Madras: European): Is the contribution of Rs. 20,000 a year the only contribution of the Government of India to the India Tuberculosis organisation?

Mr. J. D. Tyson: I think it is. A certain number of the Government of India officers are ex-officio members of the Association and give their services.

Mr. E. L. C. Gwilt: May I ask the Honourable Member whether he has any idea of the incidence of tuberculosis in this country?

Mr. J. D. Tyson: I must ask for notice of that, I am afraid.

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

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their number to sit on the Central Committee of the Tuberculosis Association of India."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE COMMERCE DEPARTMENT.

Mr. T. S. Pillay (Government of India: Nominated Official): 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 in the Department of Commerce."

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 in the Department of Commerce."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I have always protested against such small numbers of Members being allotted to the Assembly, and on previous occasions at my request the Government saw it fit to increase the numbers of Members. I make the same request here. If the Assembly is to be properly represented on the Committee associated with the Department of Commerce, it is desirable that each of the organised Parties should have one Member on this body and that unattached Members also should have some representation. I, therefore, suggest that the number be raised to five.

Mr. T. S. Pillay: Sir, Government have no objection to increase the number to five.

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, five non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

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, the Central Committee of the Tuberculosis Association of India and the Standing Committee for the Department of Commerce, the Notice Office will be open to receive nominations up to 12 o'clock on

[Mr. President.]

Friday, the 26th March, 1943, and that the elections, if necessary, will be held on Wednesday, the 31st March, 1943. 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 DELHI UNIVERSITY (AMENDMENT) BILL.

Mr. J. D. Tyson (Secretary Department of Education, Health and Lands): Sir, I beg to move for leave to introduce a Bill further to amend the Delhi University Act, 1922.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce the Bill further to amend the Delhi University Act, 1922."

The motion was adopted.

Mr. J. D. Tyson: Sir, I introduce the Bill.

THE INDIAN TEA CONTROL (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Tea Control Bill clause by clause.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move:

"That in clause 2 of the Bill, in the proposed sub-section (4) for the words 'twenty-four months' the words 'twelve months' be substituted."

I would have very much liked that a Bill of this kind ought to have come for its views before the Assembly every year. We ought to know the working of this Bill and we should be in a position to recommend whether it should be continued or should not be continued further. Really speaking I should have moved an amendment for the deletion of the words 'during the war' as well. I would have very much liked to do that, but I did not move this. Just at present I only wanted the representative of the Commerce Department to be consistent with other enactments. May I remind him the other day we passed a legislation about war emergency in connection with the Aligarh Muslim University and there we said clearly that that amendment would be in operation during the war and one year after the war. I request the Government ought to be consistent in their legislation, that is, if they have a measure in which they have prescribed the period as one year after the war, then if a similar measure is to be enacted the same period of one year after the war should be laid down. In other words once the Government has adopted the policy of prescribing one year after the war it should be followed in every case. Actually speaking this Bill ought to have been enacted for the whole period of war and only one year after the war. This particular Bill was really enacted to satisfy certain other countries to have some kind of international understanding in connection with the plantation of tea. One of the important countries was Japan. This country has now become an enemy country and there is no justification for us to have any international understanding about those countries which are not our friends. The only other country about which we are concerned is Ceylon. As we have said the other day Ceylon has not been very fair to Indians in recent years, and to have a legislation of this kind simply to please that country, I think, is not justified. I think the conditions that existed in 1938, when we had this Bill considered and enacted, have altogether changed in the year 1942. Therefore, to my mind even the continuation of this Bill for one year is not justifiable. To have it continued during the war and two years after the war is against the policy of the Government of India adopted with reference to other legislations and is, I think, very much unjustifiable and incorrect.

Now, as regards the working of this particular Bill, I just want to remind the Honourable Member, though I do not know whether he can

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the amendment.

Dr. Sir Zia Uddin Ahmad: I will take up that point at the time of the third reading of the Bill. Now, I would request the Honourable Member in charge of the Bill to reconsider the matter and agree to my amendment, that is, it should remain in force only upto the end of one year after the termination of hostilities, and let this House have an opportunity to express its opinion on the working of the Bill. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved: "That in clause 2 of the Bill, in the proposed sub-section (4) for the words 'twenty-four months' the words 'twelve months' be substituted."

Mr. T. S. Pillay (Government of India: Nominated Official). Sir, I am sorry I have to oppose this amendment. The first reason given by my Honourable friend Dr. Sir Zia Uddin Ahmed is that Government ought to be consistent in regard to their proposals for legislation. I do not know the reasons which led Government to propose only one year in the case of those legislations which he quoted. Sir, in the case of this Bill it is important that we should have sufficient time after the hostilities to review and come to some sort of understanding with all the interests concerned. It is extremely difficult within a period of one year to do all that. Besides, there are several most important matters of public importance such as review by the international Committee, review of the conditions of the different trades at that time, in order to come to the conclusion whether this control should be extended or not and if so, for what period. It is for this reason that we have provided that the Act should continue to be in force for the period of hostilities and two years thereafter. I submit to this Honourable House that this is a very modest period and that is the minimum required for the very examination which the Honourable Member desires should be made in regard to such matters.

Sir, I may refer briefly to the other points which he raised, namely that we are not obliged to come to an agreement with a country which is an enemy country. I do not know whether I followed him correctly. Dutch East Indies is no doubt now in enemy occupation, but we do not admit that it is an enemy country. There is a Government which is now functioning in London and it is looking after the affairs of the Dutch East Indies and it is with that Government and with the industry which is represented in London that we are carrying on these negotiations. The third point which he incidentally mentioned was that we should not enter into negotiations with Ceylon. The point here is that negotiations have been carried on not so much in the interest of Ceylon as in the interest of the Indian tea industry. Therefore, I submit that this amendment is not calculated to carry out the purposes which we have sought to achieve by the amending Bill before the House.

Dr. Sir Zia Uddin Ahmad: The Honourable Member has not replied to my point why the Government are not consistent. In every legislation they fix one year, but now in this case, it is two years.

Mr. T. S. Pillay: I have answered that point already.

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

"That in clause 2 of the Bill, in the proposed sub-section (4) for the words 'twenty-four months' the words 'twelve months' be substituted."

The motion was negatived.

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.

Clauses 8 to 9 were added to the Bill.

Mr. K. G. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move:

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted: '(c) in clause (a) of sub-section (5) for the figures '1938', the figures '1943', shall be substituted.'"

Sir, the House will observe that this amendment relates to clause (3) of section 14 of the Act, under which the crop basis on a tea estate may be redetermined by the Licensing Committee if the application is made by the owner of the estate before the 30th day of September, 1938. The Act of 1938

[Mr. K. C. Neogy.]

will expire on the 31st March next, and this amendment is intended to extend the time for an application of that character to be made, the period fixed being six months after passing of the Bill now under consideration. I understand, Sir, that the Government are prepared to accept this amendment.

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

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

"(c) in clause (a) of sub-section (3) for the figures '1938', the figures '1943', shall be substituted."

Mr. T. S. Pillay: Sir, I have great pleasure in accepting the amendment on behalf of Government.

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

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

"(c) in clause (a) of sub-section (3) for the figures '1938', the figures '1943', shall be substituted."

The motion was adopted.

Mr. K. C. Neogy: Sir, I move:

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

"(c) for clause (b) of sub-section (3) the following shall be substituted namely:

"(b) The Committee is satisfied that there exists some special hardship—

(i) caused by contribution from mature tea in any of the basic years 1929 to 1932 taken or assessed for the purpose of its best crop which is lower than the district average, the district average being such allowance as may be prescribed, or

(ii) arising out of circumstances not under the control of the owner or any previous owner of the estate and relating to condition prior to the 1st day of April, 1933."

Sir, in the first instance I apologise to the House for the language of the amendment which is not my own. I had to adopt this bodily from the recommendations made by the Tea control conference to which reference was made yesterday by my Honourable friend Mr. Pillay. In the course of their report, they suggested different amendments that should be undertaken by the Government. This is one of those amendments. Now, Sir, this amendment is justified on behalf of the weaker section of the tea industry, that particular section which was rather adversely affected by the restriction scheme which was brought into operation under the Control Act of 1933 and the subsequent Act of 1938. Section 14 of Act of 1938 gives power to the Committee to revise the crop basis of a tea estate on the ground of special hardship. In practical working, however, it was found that certain classes of special hardship which are intended to be covered by this amendment that I have moved had not actually been taken into account, and those grievances were voiced before the Tea Control Conference of November last with the result that this recommendation was made by the conference by a majority. When I say that the recommendation was made by a majority, I should like to make it clear that the dissenting minority did not object to the substance of this amendment. What they thought evidently was that the language of the section was wide enough to cover a case of hardship of this character. The dissenting Members thought that the right to apply for redetermination is already sufficiently wide to allow the Committee to give full consideration to all such applications. There was therefore no difference in point of substance at the Tea Control Conference so far as this particular issue was concerned. I very much hope that the Government will be in a position to accept the substance of this amendment, if not by accepting the amendment itself, at least by promising to cover this point by rules which may be framed hereafter. Sir, I move.

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

"That after sub-clause (b) of clause 10 of the Bill, the following be inserted:

"(c) for clause (b) of sub-section (3) the following shall be substituted namely:

"(b) The Committee is satisfied that there exists some special hardship—

(i) caused by contribution from mature tea in any of the basic years 1929 to 1932 taken or assessed for the purpose of its best crop which is lower than the district average, the district average being such allowance as may be prescribed, or

(ii) arising out of circumstances not under the control of the owner or any previous owner of the estate and relating to condition prior to the 1st day of April, 1933."

Mr. T. S. Pillay: Sir, I beg to say that I am unable to accept the amendment to cover the substance of this motion as desired by the Honourable Member. As he correctly explained, it is true that the Tea

Control Conference did agree that suitable amendments should be made in the Act to cover this point. I explained to the Honourable Members in my opening speech the reasons why Government could not support this amendment in order to cover cases of this kind. The Act quite rightly provides that the crop basis of a tea estate may be re-determined by the Committee, where the Committee is satisfied that grounds of hardship exist arising out of circumstances beyond the control of the owner. It is considered, Sir, that it will be unduly limiting, in certain respects, the provisions of the Act if we mention any specific causes. There are several cases of hardship and it is quite possible, we are advised, to deal with all such cases through rules, and instructions, wherever necessary, issued to the Committee. I already announced that I propose, as soon as possible, to go to Calcutta to discuss these very matters in consultation with the Tea industry and make such provision as are considered justifiable in the circumstances of the cases as presented to Government. In view of this assurance, Sir, I hope that the mover of this amendment will not press it.

Mr. K. C. Neogy: I am thankful to the Honourable Member for the assurance he has given and I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

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

"That Clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended was added to the Bill.

Clauses 11 to 21 were added to the Bill.

Mr. K. C. Neogy: Sir, I move:

"That in sub-clause (a) (i) of clause 22 of the Bill, before the word 'for' the words 'after the word 'land', the words 'being a portion of a tea-estate shall be inserted' and" be inserted."

This amendment relates to section 29 of the Act and is really a matter of interpretation. Under section 29 it is permissible to a tea-estate to extend its cultivation if it has suffered from any natural visitation of the character mentioned in clause (a) of section 29 (i). The language is this: "Whether any land which was on the 31st day of March planted with tea....." and so on and so forth. Now I understand that in actual practice it has been interpreted to mean that unless the whole area of a tea-estate suffers from a natural visitation of this character, it cannot qualify for the concession contemplated in section 29. That obviously could not have been the intention of the Legislature, and therefore I seek to make clear that the reference to land is intended to mean any portion of a tea-estate and not the whole of a tea-estate; but for the fact that in actual interpretation a doubt has been cast upon this particular section, I would not have thought it necessary to move an amendment of this kind. Sir, I move.

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

"That in sub-clause (a) (i) of clause 22 of the Bill, before the word 'for' the words 'after the word 'land', the words 'being a portion of a tea-estate shall be inserted' and" be inserted."

Mr. T. S. Pillay: As I read the Act I can say that the interpretation reported to have been put on the word 'land' in this section does not appear to me to be correct. The position as I see it seems to be as follows: For example a tea-estate applies for 100 acres and 10 acres of that estate became wholly incapable of carrying tea for some super-human causes. I take it that if it is proved that those 10 acres have become incapable of carrying tea for some unavoidable cause, or under clause (b) of section 29, then the estate will become eligible under section 29 to plant tea to the maximum extent of ten acres. That I understand to be the correct position as I read the section.

Sir F. E. James (Madras: European): I do not dispute his authority, but I should like to know whether his personal authority is fortified by the advice of the legal advisers to the Government of India.

Mr. T. S. Pillay: The interpretation which I have just now given has been confirmed by the Legislative Department.

Mr. K. C. Neogy: Sir, in the circumstances, 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 Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 to 25 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. T. S. Pillay: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Mr. President, Sir, probably at this stage no useful purpose will be served by the comments that I propose to make, but I think it is absolutely necessary because of certain remarks made by Mr. Griffiths when he was supporting this Bill. There are certain things, Sir, which cannot be explained away, and Mr. Griffiths in spite of assertions and in spite of his best efforts to impress the people that it was in the interests of the consumer, could not probably convince even his own self of any truth contained in his arguments. He said that the total production of tea in India is about 560 million tons, whereas our consumption in India is about 147 million tons, and he wanted to impress the House that there was a danger of over-production without a regular control measure and in that event both the consumers and the producers stand to lose and suffer. But he could not explain away the rise in prices or give any satisfactory explanation of, the factors which have been responsible for the tremendous rise in the price of tea recently in spite of increased production which is calculated to be above the requirements of this country, and this defeated the principle of supply and demand, the elementary economic principles for regulation of prices. If Mr. Griffiths tried to learn this he would have known that there were no other factors except the anxiety of vested interests to earn high profits for which this control legislation was being brought. Why is the Government anxious to control tea alone? Because the producers are the people belonging to vested interests whom Mr. Griffiths is representing. He said: "If I find that it is not in the interest of the Indians and the consumers as a whole, I will go to the Commerce Department for repealing this Bill". I do not know for how many things we are going to accept this word of honour. He has given us his word of honour many times before also. He said that if His Majesty's Government did not give self-Government to India after the war he would go and lead a sort of revolution. He said more or less like that. He has now given another word of honour when he says that if he did not find this control to the benefit of the people of this country, he would go to the Government department concerned for repealing it. We are not concerned with the word of honour of any individual even if he be a Member of this House. What we are concerned with is that the Government has made out a wrong case. The Bill as has been amended is not in the interest of the consumers. As Dr. Sir Zia Uddin has very ably pointed out with all his knowledge of mathematics, it is not in the interest of consumers but it is all in the interest of producers who belong to the vested interests. If those planters had not come from other countries of the world, the Government of India would not have thought of this control at all and Mr. Griffiths would not have championed the cause which he is trying to champion in this House as representative of European interests.

Further he wanted to know the reasons and factors responsible for raising the prices of rice and wheat or other commodities before he would give reasons for increase in the prices of tea. In regard to that, I would submit that the factors are too well known for wheat and rice. The elementary principle of supply and demand clearly shows that the production in India has not been

sufficient to cope with the requirements of this country. In the words of Mr. N. R. Sarker, the Ex-Commerce Member, even on paper it was short by 4 per cent. on liberal calculation. If Mr. Griffiths had remembered that, probably he would not have asked this question. If the Government is anxious to have this Tea Control Bill passed and allow the producers to make huge amounts of money, well they may do so. The House, as it is, can pass any sort of Bill if Government so cares to do. Why not make a clear confession that you are doing it for the producers and tea planters who have vested interests. It certainly does not make any difference to the Indians if this land is put under tea plantation or something else is grown there when consumer is not being benefited. You remember when coffee was burnt up in order to raise the price in Argentine. Mr. Griffiths forgot to introduce that analogy, but I will tell him that I know instances in which in independent countries like Argentine it has been done. It was done in the interest of the consumers and the producers both because both happened to be of the same soil, whereas in the case of tea produce in India and the consumers here they are not the same. We feel that India is producing more than we require and, as such we have no reasons to pay a single pie more than we used to pay before 1937. That is the issue. There may be some mysterious factors to Mr. Griffith's knowledge which may be responsible for the shooting up of prices, but we believe this to be this control protection.

I do not wish to detain the House any longer because the Honourable Dr. Ambedkar made a very lucid speech so far as the labour question is concerned; I will only say that even labour organizations are not allowed to exist by these planters of vested interest. There are no labour unions and these producers and planters will not allow the existence of labour unions. That is the position. If Mr. Griffiths had cared to know these things he would have easily found out but he was not interested in these things.

A very simple amendment was moved by my Honourable friend, Dr. Sir Zia Uddin and it was that

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into all that again.

Mr. Muhammad Nauman: I only wanted to say, Sir, that what Dr. Sir Zia Uddin suggested was only an innocent amendment. In the case of many other Bills which have been passed recently the Government has proposed to keep them in force for only one year after the termination of hostilities, but in this case they are committing us to two years after the war is over.

Mr. President (The Honourable Sir Abdur Rahim): The House has already accepted that clause.

Mr. Muhammad Nauman: Anyway, under the circumstances in which we are placed, we have no other alternative except to oppose the passing of this Bill.

Mr. P. J. Griffiths (Assam: European): Mr. President, I did not propose to make any further remarks at this stage of the Bill, but in view of the rather pointed remarks made by my Honourable friend, Mr. Nauman, I must make three brief comments.

Mr. Nauman seems to take the strongest objection to tea control on the grounds that it would, in effect, protect vested interests.

Mr. Muhammad Nauman: Yes, yes.

Mr. P. J. Griffiths: I must confess, Sir, that I find it very difficult to follow Mr. Nauman's logic. Is Mr. Nauman's point that no industry even when it employs Indian labour should be given any measure of protection or assistance merely because certain portions of it happen to be in the hands of what he calls 'vested interests'?

Mr. Muhammad Nauman: Majority of it.

Mr. P. J. Griffiths: If this is so, which industry in this country could receive protection? Surely, every industry is to a very considerable extent in the hands of what he would call 'vested interest', and Mr. Nauman's argument amounts to this that you must never protect any industry

Mr. Muhammad Nauman: Because of consumers' interests which you do not take into account.

Mr. P. J. Griffiths: I must confess that it is a logic of a kind which cannot be answered because it is not based on reason.

Then, Mr. Nauman goes on to say that he is not prepared to accept my word of honour. I do not want him to. I never gave a word of honour; I gave a word of prudence. I never told Mr. Nauman that I shall go to the Commerce Department and say on high moral grounds "put a stop to this state of things because it is wicked". I said, as a representative of businessmen, I knew that it would not pay them to have a shortage of tea in this country, and it would not pay them to see a forcing up of prices in this country and, therefore, I say, not as a matter of honour but as a matter of prudence, that I should do my best to insist that sufficient tea was kept in this country to supply all the tea that India could possibly consume. (Interruption by Mr. Muhammad Nauman.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already made his speech.

Mr. P. J. Griffiths: Let my Honourable friend not confuse questions of honour with questions of prudence.

Finally, I say this. Mr. Nauman's speech, I say with due respect, was as extravagant as his figures. He gave you figures of the consumption of tea in India and he put that figure at 147 million tons, whereas the consumption of tea is 147 million lbs. If what he had said was correct we should not bother to discuss tea control at all.

Mr. Muhammad Nauman: I did not say that.

Mr. P. J. Griffiths: I can only say that what he said was as extravagant as his figures.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, during the war we are asked to increase production and to decrease consumption. The tea industry seems to be the only industry in which control of production is favoured and that too to prevent other countries from underselling us in foreign markets. This sounds to me a very curious reason. Leaving alone the case of Ceylon, where is the Netherland's tea industry now? Where does it exist? With whom the agreement is being made? Does London grow tea? Therefore, I am not satisfied that this Bill is at all necessary. I do not think it is in the interests of India at all, particularly when the only interests protected by the Bill, are the interests of the producers. I do not say that an existing industry should be allowed to dwindle. That is not my point. An existing industry, if it needs support, may be saved; but it does not follow that it should be allowed to charge prices as heavy as the Bombay Millowners and Ahmedabad millowners are charging for supplying cloth or as the hoarders are charging for food. What is the reason for prices of tea being allowed to soar so high? Why are the prices not controlled? The high prices clearly show that profiteers are at work and for this the full support of the House is asked. I am afraid in addition to white planters there are also brown planters who are profiteers; and when the white and brown mix, God knows what is the brew: My fear is that this Bill is not merely in the interests of the white planters but there are Indian vested interests as well who would rather work with the white planters to starve the Indian of tea and maintain heavy prices, than agree to cheapen tea.

My friend, Mr. Griffiths, is anxious to tell us that there is more tea in this country than has ever been consumed. May I tell him that if with double and treble prices that are prevailing today (*An Honourable Member*: "Four times!") the tea that is consumed in this country is 100 million pounds the consumption would be doubled if prices were cheap.

Mr. P. J. Griffiths: I hope so.

Mr. Jamnadas M. Mehta: It is not a question of hope; it is a question of testing. Do not allow any tea to be exported. Why do you allow it to be exported when the country is forced to pay three or four times the original prices? Would any national Government do that. Would any national govern-

ment deliberately allow 400 million lbs. of tea to be exported in order to maintain prices? I have never heard of such a thing. The Government of India has absolutely no ground for fathering this Bill as a national Government. Not only has the population grown since the first Act was passed ten years ago; but the tea-drinking habit has grown; and but for the extraordinarily heavy price level it would have trebled. So my friend Mr. Griffiths' view about this 137 million lbs. being absolutely sufficient for this country is untested by evidence of normal prices. Give us normal prices and do not allow export; the prices will go down and the tea consumed in this country will not be 137 million lbs. but double. Until Mr. Griffiths goes through this test, I cannot accept his argument that this country has got all the tea that it needs. It has not got it. I could not get tea last year in July, until a friend in Calcutta obliged me by giving me 10 packets. If I could not get that when I was willing to pay even a heavy price what will be the lot of the ordinary consumer of tea? Therefore, this Bill is entirely against the consumer of tea in this country. This capitalistic device to maintain prices by putting down production is the most discredited device in the history of economic progress of this country. In times of war, production should be maintained, as high as possible and prices should be maintained at as low a level as possible. Government allow export of four-fifths of our tea in order that prices may be maintained: for whose benefit? The producers' benefit, not for the consumers' benefit; and the Government of India has still to prove that they are not shares in the ill-gotten wealth of the producers of articles which are necessities of life today . . .

Mr. N. M. Joshi (Nominated Non-Official): They are getting 66 per cent. excess profits tax.

Mr. Jamnadas M. Mehta: Therefore I cannot accept the logic of this Bill and I am surprised that any elected Member or any Indian Member for the matter of that, can for a moment lend support to this Bill, which is entirely against the interests of the consumer.

I am also saying that it is not at all in the interests of labour. What does labour get? My friend Mr. Griffiths gave us a very poetic picture of the solicitude of the planters for labour. My friend, we know this much longer than you can do even as secretary of the tea committee. I remember the harrowing tales of the tyranny of Assam planters who had pinned down labourers to their plantations, even to the extent of separating them from their wives and children; the harrowing tales of persecution are not forgotten; and today you are keeping labour under swaddling clothes there. You will not allow the fresh breeze of trade unionism to penetrate there. How can anybody accept your assurance that the tea labour in plantations is at all like average labour in other parts of the country? I do not mind the tea industry flourishing. I have no spite or malice against any tea planter. But I do want that if this tea industry is to be maintained by such artificial means—I can understand pre-war control because production was unrestricted and what may be called chaotic and therefore the tea producing interests coming to an understanding in pre-war days—that according to capitalistic traditions; but during the war, this reduction of production is a thing for which the Government must give greater justification than my Honourable friend Mr. Pillai has been able to give. I do not blame him. He must be doing it under orders. I do not blame him at all; but as an Indian I do not understand this Bill. In the interests of labour, in the interests of the consumers, this Bill is entirely reactionary, oppressive and must be rejected.

Mr. Hoeseinbhooy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, it was not my intention to speak on this Bill; but after the speech that I have heard from my Honourable friend, Mr. Jamnadas Mehta, I feel as a business man I must say a few words. I entirely agree with him when he says that it is not advisable to control production of tea in the interests of the people. But let me tell him that it is only in the instance of tea and probably some other article that we find that the Government of India have taken this course to protect the industries and industrial labour in the manner in which civilised nations of the world are doing. In these days we want a lot of tea and food

[Mr. Hooseinbhoy A. Lalljee.]

stuffs; but ordinarily we know very well that every country tries to produce more and more, export more and more; and it is only those countries who can manage with trade agreements by conference or sometimes by caucuses privately made to protect the industries against undue competition from abroad. It is not like ourselves stopping sugar exports even when our industry was shaky. As regards tea, when Java and Ceylon began producing large quantities, our industry was threatened, and it is only in case of tea that an international agreement has been made. That was probably due to the influence of the planters or of those who are looking after the tea industry, who may be associated with the European people and European nations. Let me tell my Honourable friend, Mr. Jamnadas Mehta, that until the whole of the civilised world agree that there should be no dumping, there should be no protection, there should not be any exchange manipulation, it is advisable in the interests of both the industry and labour that international agreements and cartels should be had. I really feel that the condition of labour must be improved. Mr. Joshi has been fighting the cause of labour for the last 30 years and Mr. Jamnadas Mehta who has taken up the cause of labour recently,—with their help I am sure we shall be able to place the condition of labour in a much better position than before. I appeal to my friends who represent the planters in the tea gardens that it is but fair and equitable that they should improve the condition of labour to a much larger extent than they have done hitherto. Recently and for some time, they have been providing foodstuffs. One of my friends who was also a Member of my Party explained to me that foodstuffs and other facilities were being provided. But compared to what ought to be done, it is very little and something must be done in that respect. With these words I leave the question to the House to decide.

Dr. Sir Zia Uddin Ahmad: There is a fundamental difference between the members of the European Group and the Commerce Department and us ourselves on this side of the House representing the consumers, as regards the connotation of the words "protection of industries". The protection of industries is primarily intended to provide work for labour; that is the first object. The second object is to benefit the consumers. We should get these commodities made in our own country, at a reasonable price, and they should be cheap and as good as possible. These are the two objects I have in mind when I support any motion for protection of industry; that is, it benefits labour and is advantageous to the consumer. On the other hand, my Honourable friend, Mr. Griffiths, has got an entirely different and opposite object when he uses the words protection of industry. By that, he means to make the rich people richer still. That is the only object which he has in mind, and on this issue I fundamentally differ from him. I would refuse protection to any industry whose object is simply to make rich people richer, in utter disregard of the consumers and labour. Looking at the question from this point of view, I should like to know in what way this protection has benefited the labour. I have heard in reply that a number of these tea gardens had been closed and the closing of these tea gardens meant a shortage of labour; or it is implied therein. Is it or is it not a fact, I ask, that you are paying the owners of tea gardens a sufficient amount, a very handsome amount as a kind of bribe to them not to plant their tea and keep the garden in abeyance? I am waiting for a reply from the Honourable the Commerce Secretary who has made all possible enquiries—whether it is a fact or not that certain individuals—I can give the names—were paid for not planting tea in their own gardens and keeping the garden uncultivated in order to restrict the production of tea? Is it or is not a fact?

(The Honourable Member resumed his seat for a reply.)

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member (Dr. Sir Zia Uddin Ahmad) had better continue his speech.

Dr. Sir Zia Uddin Ahmad: The Commerce Secretary never examined the problem, he has got no reply. Then he admits it is a fact. I can give names

of those to whom this money has been paid, if any one will challenge my statement. You call it protection of industries when you pay persons for keeping their tea gardens in uncultivated condition and for not producing tea? When you pay people for not growing tea, you call it protection? My Honourable friend calls one man non-mathematical, another non-logical, and all kinds of things. I shall examine his arguments later on, but he calls it protection when he pays people not to grow tea, when he pays in order to keep the tea gardens barren. And when the Commerce Department comes forward to protect the industry by means of this Bill, it is not for the protection of the industry but for the destruction of the industry. Again, My Honourable friend, the Commerce Secretary, has given a note that after full consultation with the various interests affected,—what are the various interests affected? The first interest which is affected is that of the consumer. Did he ever consult any consumer on this particular point? I would pause for a reply.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should go on with his speech.

Dr. Sir Zia Uddin Ahmad: He has no reply.

Mr. T. S. Pillay: I shall reply when my turn comes.

Dr. Sir Zia Uddin Ahmad: He has probably consulted himself because he is also one of the consumers. You never consult the interests of the consumers or of labour. What is the condition during the last two years? We used to get good tea here in Delhi at eight annas a lb. After this protection, we cannot get tea even at Rs. 2 a lb. Mr. Griffiths says that the price of tea has gone down by four annas. But it has not gone down in Delhi.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Nor in Calcutta.

Dr. Sir Zia Uddin Ahmad: It has not gone down for the consumer. It may have gone down for Mr. Griffiths, and in future I will get my requirements of tea through him. The price has not gone down. As regards the quality of tea that you get, I take very great interest in the quality of tea. I had a special blending of tea when I was in Cambridge so much so that when I was walking one day in the streets of that town, a lady belonging to a very high family, thinking that I came from India and must be accustomed to good quality tea, asked me where I could get good tea. I gave the lady the address of my own house. She thought that probably it was a kind of a small restaurant. She went there but I had gone in advance by a shorter road and informed my landlady that if any lady came in and asked for tea, she should give her the best kind of tea and it should be served very nicely. Which the landlady did. When the lady demanded a bill, the landlady said that it was not a restaurant but my private house. Thereupon the lady wrote to me thanking me extremely.

Mr. M. Ghiasuddin (Punjab: Landholders): Was that a device to invite her to your house?

Dr. Sir Zia Uddin Ahmad: I never saw her face. She asked me about the prescription. I gave the prescription and I afterwards got a letter from her that this was the best tea that she ever got. Now, if I want to blend the tea in the manner I like, I find that tea is not available in the market. The good varieties of tea which were available in the market are no longer available and I say that this is because of the tea protection which has come in. My friend says that there are so many million pounds of tea available. They may be all of inferior quality. They may be good enough for the labour in the plantations but not for those who are accustomed to have good tea. The quality of tea has certainly deteriorated. The price has gone up four times and what is the object of having this protection. And moreover, you pay a person for not producing tea. This is really an unheard of thing.

Somebody was advancing the argument—I can give you the argument but cannot give you the brain to appreciate them. This is really the position of my friend, Mr. Griffiths. He tells me that I am unmathematical. He says that

[Dr. Sir Zia Uddin Ahmad.]

Mr. Nauman is illogical, because a good argument will never be appreciated by him except when it supports his own views which are the views of Thugs. I can understand if this protection is for the benefit of labour. We can understand it if it is for the benefit of the consumers. I say that this protection is for the benefit of the capitalist and nobody else and is not in the best interests of the country. Those persons who really come to rob the people and who have no interest in the consumers are not the persons who ought to be protected by any legislation of this kind.

My friend the Commerce Secretary will get up to reply and will he tell us on the floor of this House without any reservation whether it is or is not a fact that you are paying persons subsidies for not growing tea.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has put that question already.

Dr. Sir Zia Uddin Ahmad: I want a reply to this question. He should also tell us the acreage of tea which has been left out and which has not been brought under cultivation and what would be the result if this acreage had also been brought under cultivation. The third thing is whether the quality of tea has substantially deteriorated on account of this restriction. On these three grounds, I see no reason for giving additional concessions, until a chance is given to us to see the working of this particular industry.

Before I finish, I would again like to say that whenever protection of this kind is given and a restriction is placed, we ought to examine every year the result of this protection. This privilege was not given to us, though it was promised last year when I discussed some other Bill. I should like to know whether the Commerce Secretary will give this opportunity to the House to examine the effect of the protection which he has provided for in this Bill.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): This Bill which is proposed to be passed by the House is not in the interest of the consumer. That has been made abundantly clear by the Members, having regard to the prices which the consumer has to pay. It has been shown that the control will affect the consumer adversely. It will raise the prices and not lower the prices of tea and it is not in the interest of the consumer to have prices so high. Similarly, it has also been made clear by the Members who take interest in labour matters, and that was also gathered from the speech of the Labour Member, that the conditions of labour on the tea plantations are not satisfactory and what is more the elementary principle of having unions to safeguard the interests of labour is denied to it. Under these conditions, when the consumers' interests are affected adversely, when labour is not allowed to protect its own interest and when producers do not themselves guard the interests of labour in a satisfactory manner, we consider it inadvisable to grant this protection. We are not against the industry. That should be made clear and by not allowing this control, I do not think that this industry will go to dogs or that it will in any way suffer. All that will happen is that very likely prices will come down. It has not been proved by statistics or evidence that the interests of the producer will suffer. In these circumstances, I oppose the motion.

Dr. P. N. Banerjee: Sir, I rise to say only one word in order to make the position of my Party perfectly clear on this question. My Party is not opposed to the principle of tea control, but my Party holds the view that the application of this principle should be made in the proper manner. Unfortunately, in this Bill, the interests of the consumer and the interests of labour have not been properly safeguarded. Therefore, my Party will have no option but to vote against this Bill.

Mr. T. S. Pillay: Sir, I hope that my friend, Mr. Jamnadas Mehta, will concede that I am now speaking with my own voice. The first thing that I should like to take up is the point made by my friend, Mr. Nauman—that there has been no justification made out at all for this Bill because the present tea

prices are unduly high. May I in a few words remind Honourable Members of this House that the purpose of this Bill is to have some sort of control over exports and to have control over, not the entire production of tea but the extension or the cultivation of the acreage of tea gardens. If I succeed in showing my Honourable friend, Mr. Nauman, that these two measures, namely, the control of exports, if any, and the extension of cultivation have nothing at all to do with the present high prices, I hope he will agree with me that there is no objection to the Bill.

Mr. Muhammad Nauman: If you stifle the growth of a certain product, then does it not amount to the fact that the stocks will be diminished in this country and the prices will go up?

Mr. T. S. Pillay: In theory it is so but may I beg all the Honourable Members to listen to certain citation of facts which I want to place before them. In regard to the tea industry, the production of Indian tea crop ever since the year for which I have got the figures has been, 380 million lbs. to 569 million lbs. The consumption in 1933-34 in India was only 57 million lbs. If you take the present year, 1942-43, the expected production is 569 million lbs. and the most optimistic estimate of Indian consumption is about 130 million lbs. My point is this. If the argument is that we are endeavouring to maintain or to raise internal prices by introducing control over production, I submit that however valid that argument might be as a sort of general economic argument, it cannot be applied to the facts of this case. The facts of the case plainly are that there is production in abundance. In fact, it is much more in abundance than this country can ever hope to consume. I have said that in 1933-34 380 million lbs. of tea was produced and in this country only 57 million lbs. was consumed. The internal price of tea in those years was only 4 annas and 10 pies. In the year 1934-35 400 million lbs. of tea was produced and the level of price was 5 annas and 2 pies and we could not consume more than 58 million lbs. What I was trying to point out to my Honourable friend, Mr. Nauman, is that if the Bill tries by any measure to cut out the supply to the Indian market by whatever means, I agree then the Bill must be thrown out. I have said in my opening speech and I repeat categorically that the Government of India have full powers and intend to use those powers to see that adequate amount of tea is retained in this country for Indian consumption.

Mr. Jamnadas M. Mehta: At what price?

Mr. T. S. Pillay: The price control and the course of the present level of prices are quite different problems. I would beg of the Honourable Members not to take me away from the scope of the Bill. I am trying to argue and point out that the scope of the Bill is to restrict exports and to restrict under certain conditions, the expansion of cultivation. I am arguing that there is no attempt at all to control production to such a degree as to affect the Indian supply for Indian consumption. If that is conceded and I think it must be conceded on the facts I have furnished to the House, I submit that it has no relation whatever to the present level of prices.

Before I leave that topic, let me say a word or two about the present level of prices. It was pointed out yesterday that the prices have already begun to fall. Under the present war conditions in this country there are several factors that go to raise the prices. I repeat once again that it is not the lack of the supply of tea to the Indian market. It may be that in certain cases there is lack of transport from local areas. It may be that the cost of labour has increased in certain places. It may be that the material which go to produce tea have increased. There are one hundred and one causes for the rise in the price of tea, under war conditions, but I urge that it is not due at all to the lack of the supply of tea to the Indian market in terms of total quantity. And if at any time it can be demonstrated to the Commerce Department that it is because of the lack of supply, then I say we have got ample powers to increase the supply and we shall not hesitate to do so.

Mr. Hooseinbhooy A. Lalljee: Can you give us some auction sale price?

Mr. T. S. Pillay: The latest average I have got in my possession is about rupee a lb. some time ago. It has since fallen by 6 annas and during the last two days it has further fallen.

Sir F. E. James: May I ask a question, Sir? The Honourable Member has argued that the level of prices is not directly connected with this particular Bill and he has suggested that there might be other reasons. If that is so, I think the House would like to be assured—certainly my constituents would like to be assured—that the Government of India will make inquiries to find out the reason for the exceeding high prices of tea and also take such action as they can either directly or through the Provincial Governments to effect a better control of prices of tea.

Mr. T. S. Pillay: I have no hesitation in giving that assurance because the Government of India have already instituted inquiries. We are actively examining the problem and to the best of our ability we are trying to inquire into the reasons why the present tea price has gone up and to take all measures possible to bring down the level of prices. I hope my Honourable friend, Sir Frederick James, will admit that the fall in prices which has been noticed during the last two weeks has been the result of the action already taken by the Commerce Department in this respect.

I was endeavouring to point out, Sir, that the Bill and the measures for which we are seeking legislative sanction under the Bill have no necessary connection with either the rise of prices or maintaining the prices for Indian tea at a very high level. I have quoted some figures to show that the Indian production is so high and the power of the Government of India to retain as much part of the production as is required for Indian consumption is so unlimited that there need be no apprehension in any quarter of the House that the Bill will in any way encourage any interest to push up the price of the tea in the Indian market. That, I hope, will convince my Honourable friend, Mr. Nauman, that we have no sinister motive in promoting this Bill. He also referred incidentally to a point made by Sir Zia Uddin Ahmad on the amendment which he moved and said that it was a very innocent amendment. I agree that it is a very innocent amendment but I explained that for the reasons which I gave the Government of India could not possibly give adequate consideration to all problems involved in this very important industry within a period of one year after the war and it is very necessary that we must have two years at least to review and to make very close examination of all the factors involved. I gave this reason and since the House accepted my reason, I need not refer to them any more at any great length.

Now, I come to one or two arguments of Mr. Jamnadas Mehta which he advanced to convince the House that this measure is entirely in the interests of the producers and not at all in the interests of the consumers. Sir, the first point he made was that it is in some way connected with the question of rise of prices and that if the price of tea was very low then not only 100 million lbs., but even up to 150 million lbs. will be consumed. May I give some figures in this respect? In the year 1939-40 the price of tea was round about 4 annas per lb. and yet the consumption of tea in that very year in India was about 94 million lbs. only. In the present year when the average price has even reached the limit of rupee a lb. the consumption is 180 million lbs.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It is Rs. 2-12-0 a lb.

Mr. T. S. Pillay: I am endeavouring to show at this stage that Mr. Mehta made a point that if prices of tea were to go down and down we will consume more and more. Our experience has not been exactly the same. At a time when it was four annas a pound, I have indicated consumption was not more than 95 million lbs.

Mr. Jamnadas M. Mehta: It was an increase of two hundred per cent. within two years.

Mr. T. S. Pillay: I only wanted to show that if prices have not remained at one rupee or twelve annas there would have been immense increase in consumption. I also wanted to show, as I have already indicated, that our production is so high, whatever you may say, it is impossible for this country to consume the whole of it. We were producing from three hundred to six hundred million pounds and we have never consumed more than one hundred and thirty million pounds. That is my answer to Mr. Joshi. I have shown that it does not necessarily follow that lower the prices of tea the higher the consumption. It may be theoretically true, to say that. If you decrease the prices to a certain level, you will increase consumption, but generally speaking, it has not been our experience in the tea industry.

The other point Mr. Mehta made was that at a time at which the Government of India is asking for an increased production of food, we are trying to restrict production. May I say to him that the scope of the Bill is not to restrict the production of tea crops. I claim that India has to depend upon the export to the extent of about 75 per cent. or 80 per cent. But I may tell my friend that there is no restriction on the production of crops as such. I can quote some figures. In the year 1933-34 the total production of India tea was 518 million pounds. In the year 1941-42 we produced 501 million pounds. In the year 1942-43 we expect to produce 569 million pounds. You will observe that the Indian tea crops have been progressing. We have only taken up the question to restrict extension of cultivation, but we have been consistently increasing production. So far as this industry is concerned. I should like to point out again that we are producing a crop of about 569 million pounds and even in the best of time we have to depend upon export to the extent of at least 75 per cent. of the crop. This is the main reason for the Bill.

Now, I come to Sir Zia Uddin Ahmad. He raised some points about the labour to which the Honourable the Labour Member had already replied. He said whether I am prepared to deny whether actually money was not paid to certain tea planters not to plant tea in their estates and to simply keep quiet. I can say categorically that no money was paid at all. I cannot imagine any person going to a tea planter and telling him "here I am, I shall pay you one hundred or one thousand rupees, if you do not plant tea in your estate". So far as my information goes it is not so.

He then asked me whether any consumer was consulted before we decided to continue this tea control. I have already given a great deal of information on that point. We invited Provincial Governments. The Government of India consulted the Government of Madras, the Government of Assam and other Governments.

Mr. N. M. Joshi: You invited the producing Governments and not the consumers Governments.

Mr. T. S. Pillay: Sir, in spite of my being in the Commerce Department I do claim that we have considered carefully the interests of the consumer, before we decided to introduce a measure of this type.

The next question which Dr. Sir Zia Uddin Ahmad put to me was whether I am satisfied that the quality of tea is the same or not. He went on further to say that tea control has something to do with tea crop. I am afraid he had a very unfortunate experience of the tea shop or the tea merchant he went to. I can say that tea control has not in any way affected the quality of tea. My Honourable friend, Dr. Zia Uddin's experience must have been very unfortunate. As far as I am concerned I always get excellent tea. Sir, I have nothing more to add to this discussion. I hope I have met the various points mentioned during the discussion. I hope I have made a fairly convincing case, to show that this Bill is not in the interest of the producers alone. As far as all of us are interested in drinking tea and in getting it at a reasonable price and as far as all of us are interested in the maintenance of the industry, not its annihilation, this Bill, I submit, should be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill, as amended, be passed."

The Assembly divided:

AYES—41.

Abdul Hamid, Khan Bahadur Sir.
Aiyar, Mr. T. S. Sankars.
Ambedkar, The Honourable Dr. B. R.
Ambegaonkar, Mr. K. G.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Chettiar, Dr. Rajah Sir Annamalai.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Gray, Mr. B. L.
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasjee.
Joshi, Mr. D. S.

Kamaluddin Ahmad, Shamsul-Ulema.
Kushal Pal Singh, Raja Bahadur
Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shahban, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

NOES—31.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Benerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Maulvi Muhammad Hussain.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Gupta, Mr. R. R.
Ismail Khan, Hajee Chowdhury Muham-
mad.
Joshi, Mr. N. M.

Kazmi, Qazi Muhammad Ahmad.
Krishnamachari, Mr. T. T.
Lalchand Navalrai, Mr.
Liaquat Ali Khan Nawabzada Muhammad.
Mehta, Mr. Jammadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Naumnan, Mr. Muhammad.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Siddique, Shaikh Rasuddin Ahmad.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

The motion was adopted.

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.

THE HINDU CODE, PART I (INTESTATE SUCCESSION).

The Honourable Sir Sultan Ahmed (Law Member): Sir, I move:

"That this Assembly do recommend to the Council of State that the Bill to amend and codify the Hindu Law relating to intestate succession be referred to a Joint Committee of this Assembly and of the Council of State, that the Joint Committee do consist of 16 members, and that it be authorised to meet at Simla."

Sir, as the motion stands, we are taking the authority for the Select Committee to meet at Simla, but the normal place of sitting is Delhi and if certain circumstances stand in the way, we will not be able to go to Simla. With that explanation I proceed to make my submissions. But there are certain amendments and I do not know whether you would like them to be moved now so that the Bill and the amendments may be opened through a general discussion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I think, the amendments may be moved at a later stage; the Honourable the Law Member may begin his speech.

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

"That this Assembly do recommend to the Council of State that the Bill to amend and codify the Hindu Law relating to intestate succession be referred to a Joint Committee of this Assembly and of the Council of State, that the Joint Committee do consist of 16 members and that it be authorised to meet at Simla."

Mr. Nilakantha Das may move his amendment now.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I move:
"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1945."

THE HINDU CODE PART I (INTESTATE SUCCESSION)

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Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:
"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1945."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I have also given notice of an amendment which I want to move.

Mr. Deputy President (Mr. Akhil Chandra Datta): I think that this motion is out of order unless I can be convinced otherwise.

Mr. Jammadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): What is out of order?

Mr. Deputy President (Mr. Akhil Chandra Datta): His amendment is that the consideration of the motion be postponed till after the cessation of hostilities.

Babu Baijnath Bajoria: It is not hostilities between man and woman.

Mr. Deputy President (Mr. Akhil Chandra Datta): . . . Or the hostilities between reformists and sanatanists?

I think that this motion is out of order, but if on that point the Honourable Member has got anything to say, I am prepared to hear him.

Babu Baijnath Bajoria: Sir, I want to know why it is out of order?

Mr. Deputy President (Mr. Akhil Chandra Datta): It is out of order because the only permissible amendment to a motion for Select Committee is a motion for circulation and no other.

Standing Order No. 39, part (2) is absolutely clear on this point. It reads:

"At this stage no amendments to the Bill may be moved, but:

(a) if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated etc., or

(b) if the member in charge moves that his Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion."

These are the two exceptions and, subject to these two exceptions, it is laid down in the Standing Order that at this stage no amendments to the Bill may be moved.

Babu Baijnath Bajoria: Sir, I am not a lawyer; I do not know much about law and these rules and orders and disorders. But, Sir

Mr. Deputy President (Mr. Akhil Chandra Datta): But you cannot create disorder in the "Standing Orders", even if you are not a lawyer.

Babu Baijnath Bajoria: Sir, my motion is that these are emergent times.

Mr. Deputy President (Mr. Akhil Chandra Datta): You are speaking on the merits of your motion. We are not discussing that. The question is whether it is in order.

Dr. P. N. Banerjee: We want to hear the Law Member now.

The Honourable Sir Sultan Ahmed: Sir, the Bill before the House is, I hope, one of a series of legislations which will form the constituents of a comprehensive code of Hindu Law and simplify the rules laid down under that system by different commentators from time to time of the original codes, and give the same a statutory basis.

Mr. Deputy President (Mr. Akhil Chandra Datta): I am afraid, the Honourable Member is speaking on the merits of the matter. We are now concerned with the question as to whether this particular motion for postponing is in order.

An Honourable Member: That has been ruled out of order.

Mr. Deputy President (Mr. Akhil Chandra Datta): On that point the Honourable Members wanted to have your view.

Dr. P. N. Banerjee: Sir, you have declared it out of order.

Mr. Deputy President (Mr. Akhil Chandra Datta): I have said that it appears to me that the motion is out of order. At the same time I was quite willing to hear the Honourable the Mover and I said distinctly that, if not otherwise convinced, it is out of order. I only gave him an opportunity.

Babu Baijnath Bajoria: I accept your ruling.

Mr. Deputy President (Mr. Akhil Chandra Datta): Mr. Bajoria's motion being out of order, I call upon Sir Sultan Ahmed to make his speech.

[Sir Sultan Ahmed.]

of the best elements in the different schools of Hindu Law, and evolve a system which, while retaining the distinct characteristics of Hindu Law, will satisfy the needs of any progressive society" and "which, generally speaking, shall be a blend of the finest elements of various schools of Hindu Law; a code, finally, which shall be simple in its language, capable of being translated into the vernaculars and made accessible to all".

This Preliminary Report was widely published and was on the whole most favourably received. Government, therefore, called upon the Committee to prepare draft Bills for Intestate Succession and Marriage. The Committee then prepared Memoranda on the Intestate Succession and published them just in the same way as the Preliminary Report; a large number of suggestions were received and an examination of the criticisms showed that on the whole the proposals contained in the Memoranda were well supported in principle. In the light of the criticisms received, the Committee prepared this Bill which, with certain necessary drafting changes, has been brought before the House. The Committee also prepared another Bill on the Law of Marriage which, as the House knows, I have already introduced but with which I do not propose to proceed further till a more propitious time arrives. In all social legislations, caution is desirable and undue haste is fatal.

I now proceed to discuss the main structure of the Bill. The salient features are (1) that it embodies a common law of intestate succession for all Hindus in British India; (2) that it removes the sex disqualification by which Hindu women in general have hitherto been precluded from inheriting property in various parts of India; (3) that it abolishes the Hindu women's limited estate.

In order to understand the desirability of the first of these objects, it is necessary to go back to the history of evolution of Hindu Law. This history has been correctly divided by Sir Hari Singh Gour into three parts. The first period starts from the earliest times down to the Mitakshara, which means a period of about 2,500 years; the second from the Mitakshara to the British rule which brings us to about the latter part of the 18th Century; and the third which marks its development in the British courts. All laws of Hindus are nominally traceable to the Vedas which according to the Hindus are the only record of direct revelation. It is unnecessary to go into the various Vedas, but Maxmuller holds the view that the Vedas alone constitute the Sruti or what was directly "heard", that is, revelation, as distinguished from the Smriti or what was "remembered" that is, tradition. There were supplementary treatises appended to them called the Brahmanas and the Upanishads. But all these are more interesting to the student of theology and philosophy rather than to the student of law. The only part of the Vedas which is interesting to lawyers is that which contains the Dharma Sutras which deals with the customs of everyday life. From their very nature, the Vedas, however, cannot be expected to contain any legal principles nor in fact they contain any. But they do give a clear idea of ancient manners which more or less constituted the then laws; regulated the lives of the people, and which are nominally the parent of all laws of the present day. In the first period, however, we have got the Smritis which are of undoubted interest to the lawyers, and it is from the period of Manu that the lawyer's interest comes in. The three principal Smritis are (1) the Code of Manu; (2) the Code of Yajnavalkya; and (3) the Code or Institutes of Marada. The remotest sources of the Hindu Law, that is, the Smritis, are common to all the different schools, but wide differences have occurred in the interpretation of them, the commentator putting his own gloss on the ancient text, his authority having been accepted in one part of India and rejected in other parts of India. Originally, two schools of law were developed, the Mitakshara School and the Dayabhaga School. The latter prevailed in Bengal, and the Mitakshara prevailed in other parts of India and in some respects also in Bengal. The Mitakshara is the leading commentary upon the Code of Yajnavalkya. The Dayabhaga is

the digest of all the Codes. Again, the Mitakshara School came to be divided into four sub-schools by reason of the difference of interpretation put in different parts of India on the text of Vigneshwara, the author of Mitakshara. So far as intestate succession is concerned, there is not much difference between these sub-schools of the Mitakshara. But there are patent differences between the Dayabhaga and the Mitakshara Schools, and it is our claim that the Bill embodies a common law of intestate succession for all Hindus in British India by adopting a compromise which does not in any degree cause violence to either School. The Bill provides for the adoption for the most part of the Dayabhaga scheme for near succession, that is, near relations enumerated in clause 5 of the Bill, while the distant succession is regulated mostly by the Mitakshara scheme. From every point of view, political or otherwise, the assimilation of the two Schools in matters of succession is to be welcomed, and indeed so far as the Mitakshara jurisdictions are concerned, the Legislature has already, by the Act of 1929, given a higher place to the son's daughter, the daughter's daughter, the sister, and the sister's son, and under the circumstances, it would not be fair to suggest that any violent change has been made which would shock the conscience of even the orthodox sanatanist, such as my Honourable friend, Mr. Bajoria.

An Honourable Member: And Pandit Nilakantha Das.

The Honourable Sir Sultan Ahmed: . . . and my Honourable friend, Pandit Nilakantha Das.

Pandit Nilakantha Das: No, no. You have not heard me. I am not of the same school.

The Honourable Sir Sultan Ahmed: Before I take up the question of the removal of sex disqualification, I should like at the outset to offer my humble tribute to the ancient and the illustrious authors of the Hindu Codes. It is these Codes which more than anything else have maintained the existence and unity of Hindus' social fabric and cultural life throughout the historic centuries of ups and downs. But for the basic unity preserved in these Codes, circulating all over the land from Mansarower to Kanyakumari and from Amar Nath to Chandar Nath, there could be no talk to-day at this distant date of evolving a universal code for all Hindus of India. It is to the supreme genius of these ancient law-givers that we owe the inspiration of constructing a common statute for Hindu India, and the task has been approached with no vanity but with reverence and anxiety to enter into their spirit of dealing out justice from the perspective of changed conditions that now obtain. Let us make no fuss that any secular laws are unchangeable, that they are as eternal as the spiritual laws. Man to-day stands in relation to his Maker as he stood on the day when creation began. Not so, however, in regard to his social, economic, and political setting; the setting undergoes variation, the external picture tends to be varied and kaleidoscopic. In so far as he has to cope with this setting, man has often to adjust his equipments. In fact, the compilation of codes at different periods of ancient Hindu history, which I have already mentioned, is itself proof enough of the belief on the part of the law-givers themselves that humanity needs occasional alterations and adjustment of laws to regulate its secular behaviour. There are, for instance, remarkable novelties in Devala Samhita that could not arise in Manu. Then again, the well known injunction that in case of a conflict between the Srutis and Smritis, the view of the former shall prevail, indicates plainly enough that Smritis are not so immutably divine and may not always represent fundamental realities.

Far be it from us to say that the Bill in question seeks to give woman the justice that she was denied by the ancient law-givers. The ancient Hindu who inculcated the hearty homage to motherhood and the complete oneness of love between husband and wife, who was the first in human history to conceive of female deity in his Vedic pantheon could never have intentionally slighted women and deprived them of the right of succession. His ancient law did not considerably entitle women to possession of property simply because the social

[Sir Sultan Ahmed.]

and economic atmosphere of those days did not suggest such provisions as have become necessary in our extremely materially minded times. And indeed the Hindus were not the only people to deny such rights. The contemporary Roman and Greek histories are full of extraordinary denial of personal and precious rights to women. We have, however, tried to offer these rights to women only by way of extension in the directions hinted by the old masters. On one point, we are perfectly clear, and it is that the well recognised Smritis do not anywhere expressly debar women holding an absolute estate. Dr. Dwarkanath Mitter, Sir M. Venkatasubha Rao and Dr. Jayaswal, all men of international repute, firmly hold that there is nothing in the Smritis to support the theory of limited estate for women in inherited property. Even those who find some Smritis limiting a woman's estate admit that others are merely silent on the point.

Those who seek to withhold rights and privileges from women do so on the grounds that:

- (1) women are incompetent to manage estates; and
- (2) some Smritis are against it.

To withhold rights and privileges from women on the ground that they are incompetent to manage estates can hardly be supported either by logic or by commonsense. There is no want of illiterate men on the countryside. If they can be considered competent, why should their equally innocent womenfolk be branded as altogether incompetent? Moreover, to open up opportunities to them and to let them cultivate competence should be a far wiser and healthier attitude than keeping them permanently under such a serious disqualification. At one time, Sudras were not admitted into the studies of revealed literature. But when the gates were opened to them, it did not take very long to produce a Vivekananda than whom very few Brahmins could claim greater spiritual acquisition, an Acharya Brojnath Seal more than whom few Brahmins could claim Shastraic learning, a Sir Rash Behary Ghosh more than whom few Pandits could gain an insight into the Hindu Law. It will come as a surprise to some of my Honourable friends in the House that in the Bombay Presidency, the daughter gets an absolute estate while the widow gets a limited estate! On what rational principle this can be defended I do not know, and the anomaly of it will be clear if the same individual happens to be a widow and a daughter. She will get the father's estate as an absolute estate, and the husband's estate as a limited estate! How can one reconcile the plea of incompetence in a case of this kind? The plea of incompetence, therefore, is a poor plea and must be rejected.

Mr. Jamnadas M. Mehta: May I ask the Honourable Member whether he will say that Swami Vivekananda was a Sudra?

The Honourable Sir Sultan Ahmed: I think so; that is, as far as I know.

Dr. P. N. Banerjee: The term "Sudra" is used in two different senses. "Sudra" may mean a non-Brahmin, or a "Sudra" may mean a person belonging to the fourth caste. Swami Vivekananda was a non-Brahmin.

Mr. Jamnadas M. Mehta: If he is a Sudra that makes his greatness all the better.

The Honourable Sir Sultan Ahmed: As far as I know, he was a Sudra, he was a non-Brahmin in any case.

The plea that some Smritis are against women having rights in property is equally futile. I have already shown that the preponderance of authorities are against this view. Sir Thomas Strange, the Chief Justice of the Madras High Court about 100 years ago, gave his appraisal of the commentators and the texts as follows:

"To those who have made the Hindu law any part of their study it cannot appear strange that it is so unsettled and contradictory. Many of the opposing writers are in pairs of credit equal to each other and regardless of consistency texts are adapted by each for the purpose of sustaining some particular doctrine. The obsolete is confounded with the acknowledged law; the context is often omitted and passages which ought to be relatively considered are quoted as if they were absolute and independent in themselves."

We cannot, therefore, wonder that so little satisfaction is to be obtained from authority, nor can we but lament that some effort has not long since been made to distinguish and separate those which are, from those which are not, rules of action."

No wonder then that we find legislatures and courts intervening to give effect to the slow evolution of Hindu society and the secularisation of their law. The Legislature, though unwilling to introduce social reforms, was at times compelled to the overpowering pressure of the public opinion. The Freedom of Religion Act of 1850, the Hindu Widow's Remarriage Act of 1856 and the Special Marriage Amendment Act of 1923 are some of the important Acts which removed injustice caused by the too narrow application of the Shastraic law. Courts also have not been slow to give effect to the same principle and have modified the Hindu law in accordance with the precepts of justice, equity and good conscience, and have freely given their own interpretation of ambiguous or contradictory texts or commentaries. As a matter of illustration, I can here refer to the case of the rule which made the son and the grandson liable as a matter of pious obligation or religious duty to repay the debt of his ancestors. According to the commentators, the obligation to repay was independent of the existence of any assets which came into his hands from his parents, because it was his duty to pay. The injustice of this could not be supported and the Courts limited his liability to the extent of the parent's assets in his hands. Another inroad on the pure Shastraic doctrines was made by the doctrine of Custom and Custom has now very forcibly impressed itself in different localities and attached itself to particular classes of people. Our aim and endeavour, therefore, should be to apply the true Hindu spiritual outlook to the task of keeping the Hindu society to move on with the march of time. It is not foreign to that culture if we attempt to blend stability with movement, eternal truth with external evolution. The Avatar Vada of the Puranas shows how vital and general is the faith among Hindus that the order of the world is far from being static. It is, I hope, *sanatan* not in the sense that it is static, but that it maintains the same inherent character while running its course of development. The unity of Hindu history must be preserved not only in letter but mainly in its spirit and its essentials. So, while the Vedas urge on the Hindus to go on with the work of 'path making', it also enjoins to lay out the new path on the track of the old ones. Says the Rig Veda: "Prepare the forward paths in ancient manner for the new hymn". It is wholly in this spirit that the Bill proposes to take the first step in the task of preparing and compiling a new Hindu Code in conformity with the ancient laws, a Code that should be at once essentially Hindu in its outlook but suited to the present world conditions.

I will conclude this topic by quoting one passage from the explanatory note of the Committee:

"In India, Muslim women, Christian women, Parsi women, and Jaina women, all take a full estate. It is difficult to maintain that Hindu women alone are incompetent to enjoy full rights. Whatever may have been the case in the past, a general possibility of this kind can hardly be defended at the present day when we have women legislators (and I am glad to say that there are two in this House) women lawyers and women ministers."

I challenge men holding contrary views to give us a rational answer. I have every hope that the presence of two of our women colleagues in the House today would add stability and reality to the discussion, and if the House can satisfy them as to why they should be denied rights which are conceded to their sisters of other religions, I may have nothing to say, but if they cannot, and I am sure that they cannot, the case for the Bill is established.

Before I finish, I may refer to two matters in the Bill. The Preamble explains the expediency of amending and codifying in successive stages the whole of the Hindu Law now in force in British India. It is an ambition which any Legislature should be proud to encourage. But codification has naturally to be slow and it may take years before a full code is ready. As the Committee has pointed out, we cannot afford to be impatient; the preparation of the Swiss Civil Code, for instance, actually took about fifteen years. If a good Code is to be brought on the Statute book, it must necessarily mean time and labour.

The Honourable Sir Sultan Ahmed: Before I say anything further it is necessary to give the background to the immediate necessity of promoting the Bill which is now before the House.

The House will remember that there were two Acts passed by this House, one in 1937 which was amended by another in 1938. The main Act is more commonly known as the Deshmukh Act; and by those Acts important changes were made in the Hindu Law of succession. Their main features are:

In the case of separate property,—

- (a) the widow along with the sons was entitled to the same share as the son;
- (b) a predeceased son's widow inherits in like manner as a son if there is no son surviving of such predeceased son; and in like manner as a son's son if there is surviving a son or son's son of such predeceased son;

(c) the same provision applies *mutatis mutandis* to the widow of a predeceased son on a predeceased son's son.

There was another feature and it was this, that in the case of a Mitakshara joint family, the widow takes the place of her husband.

Broadly speaking, therefore, the Act puts the three female heirs mentioned in sub-section (1) to section 3 on the same level as the male issue of the last owner along with the male issue or in default of them. The Act was not the only one which conferred new rights of succession; prior to it in 1920, the House will remember, the Legislature had already given a higher place to the son's daughter, the daughter's daughter, the sister, and the sister's son. While the Act of 1937 as amended by the later Act of 1938 enlarged the rights of females, the Act was found to be defective and wholly unworkable. Lawyers and courts were baffled at the proper interpretation to be put on the second and third sections of the Act. In spite of the laudable intentions of the sponsor of that Act—and that must be acknowledged on the floor of this House—the debates relating to the Acts of 1937 and 1938 did not disclose that the different implications of those sections were clearly apprehended. The rules of inheritance are, as the House knows, inseparably connected with the rules of exclusion from inheritance; and unless both the subjects are considered together, there is always the danger of enacting, even by inadvertence, something to which the Legislature had not applied its mind at all.

Before I proceed further, I would like to refer only to some of the important defects that were found in those enactments.

The estate which was granted to the predeceased son's widow by the proviso to section 3 (1) of the Act of 1937 was supposed by at least one standard work—Golap Chandra Sastri's Hindu Law—to be an absolute estate and not a Hindu woman's estate, though possibly the latter was intended. By the introduction of the daughter-in-law, the interest of the daughter's reversionary rights were seriously affected, and until the ambiguity was removed, it was not possible to say to what extent the Acts prejudiced the rights of the daughter or indeed of any remoter heir. It was again not clear whether the daughter-in-law's right depended upon the survival of her mother-in-law. There was also considerable doubt as to the precise nature of the interest conferred on the widow by section 3(2). There was also an ambiguity as to what was to happen when one of the widows succeeding under section 3 of the Acts of 1937 and 1938 died. Various interpretations could be put and indeed in the opinions which have been received and which have been printed, each of these interpretations has received support from lawyers. But apart from the drafting defects there were other defects of greater substance. All these have been collected by the Rau Committee in their preliminary report of 1941.

I have mentioned only some of the defects which were found. Having mentioned those defects and in spite of the faults which those Acts certainly possessed, there is no doubt that those enactments marked an important stage in the evolution of women's rights. Because of these defects the necessity for a full revision of the Acts became urgent and necessary. So much so, that the following amending Bills were promoted or notice of some were given to us:

(1) The Hindu Women's Rights to Property Amendment Bill by Mr. Akhil Chandra Datta and others. This Bill sought to remedy the adverse effect produced upon the rights of succession of a daughter under the Hindu Law by Act XVIII of 1937.

(2) The Hindu Women's Right to Property Amendment Bill by Mr. A. N. Chattopadhyaya and others. This Bill sought to extend the right of inheritance to daughters and had the same object as Mr. Datta's Bill.

(3) The Hindu Women's Rights to Property Amendment Bill by Dr. G. V. Deshmukh and Mr. Kailash Behari Lal. This Bill proposed to give retrospective effect to the 1937 Act from the 26th September, 1935.

(4) The Hindu Women's Property Bill by Mr. N. V. Gadgil. This Bill sought to remove some of the inequities under which Hindu women were suffering, that is, to give the Hindu women absolute right to property in respect of inheritance, partition, etc., and to bring them on an equality with men.

(5) The Hindu Women's Estate Bill by Dr. G. V. Deshmukh. This Bill sought to amend the Hindu Law so as to enlarge the interest of the Hindu widow in the property inherited by her from her husband, and proposed to give her absolute interest in one-sixth of the corpus of the property inherited by her from her husband.

(6) The Hindu Law of Inheritance Bill by Mr. Santhanam. It sought to widen the scope of the Hindu Law of Inheritance Amendment Act of 1929 by providing that a son's daughter's son, son's son's daughter, daughter's son's son, son's daughter's daughter, and daughter's daughter's son, shall be entitled to rank in the order of succession immediately after a daughter's daughter, and that a sister's son's son shall rank after a sister's son.

(7) The Hindu Women's Right to Separate Residence and Maintenance by Dr. G. V. Deshmukh.

Along with these, notices of a number of Bills relating to Hindu Marriage were received.

Faced with such a barrage of private Bills, Government had no alternative but to intervene and take responsibility for further legislation. The urgency of the problem, therefore, became acute, and in spite of obvious difficulties of promoting such legislation during War time, Government could not remain idle and allow such piecemeal legislation of defective kinds either to remain on the Statute book or to be pursued further by private Members, and decided to have all these matters carefully examined, and accordingly appointed a Committee consisting of Sir B. N. Rau, a brilliant Judge of the High Court of Calcutta, as Chairman, with three distinguished Hindu lawyers as Members. Sir B. N. Rau combined in him a rare scholarship, great respect for old institutions and clear conception of the requirements of the changing times. Dr. Dwarkanath Mitter, a distinguished *ex-Judge* of the Calcutta High Court who is now a practising lawyer in the Patna High Court, was one of the Members of the Committee. Apart from his experience as a lawyer and as a Judge, he is the author of a standard work—"The Position of Women in India". The second Member of the Committee was Mr. Gharpure, the Principal of the Law College, Poona, and an undoubted Hindu Law scholar of great reputation, and also the author of a learned Treatise on Hindu Law. The third Member of the Committee was Rajratna Vasudeo Vinayak Joshi, a Lawyer of Baroda, who, apart from being a reputed Hindu lawyer and author of several treatises on Hindu Law, had great experience of the working of a Hindu Code in that State. The Committee issued questionnaire as widely as possible. They addressed High Court Judges, distinguished lawyers and citizens, Members of the Central Legislature, High Court Bar Libraries, Heads of the religious institutions, Women's Associations, Social Reform Associations, Pandit's Associations, and others, and after considering their views very carefully issued a Preliminary Report on the 19th of June, 1941. They very strongly advocated the preparation of a Hindu Code "which will, without laying violent hands on the ancient structure of Hindu Law, be a judicious selection and combination

[Sir Sultan Ahmed.]

But a beginning has to be made, and this Bill, I submit, is the first step in the right direction.

The second matter to which I want to draw your attention is that the Bill has to come into force on the 1st of January, 1946. The main reason for this is to give Governor's Provinces sufficient time to pass complementary legislation in respect of agricultural land which is a Provincial subject and any enactment relating to it has been held by the Federal Court to be outside the competence of the Centre.

Sir, I have reviewed the whole prospect from the earliest effort at legislation in this direction to the presentation of the Bill now in hand. Also, it has been clearly indicated how well does the present Bill agree with past tradition and is linked up with future progress. Of course, to have an open mind must ever be a prominent feature of a Legislature, and due attention must be paid to the voices of Opposition where that Opposition has the force of reason behind it. I am told that this Bill should not be proceeded with because of "poor attendance of Hindu Members in present Legislature". Sir, this Bill after all, to a great extent, gives effect to the various private Bills which had the support of the Party which unfortunately is absent today. We do not desire to unduly force the pace and that is why I am not proceeding further with the Marriage Bill for the present. But I do hope the House is fully convinced not only of the moral purpose but the extreme urgency and legal utility of this Bill. Once its principle is accepted, any reasonable modification which may be considered necessary may be made by the Select Committee, where I hope all elements in this House interested in the Bill will be represented. Sir, it is hardly a reform worth the name that has little storm to steer through just as it is an ill-conceived reform that has little respect for the old foundations. I have every confidence that the House will be guided all through by a consideration of the net benefit that the Bill is able to confer, by a sense of the solemnity that we are here to forge a great social betterment that will enable India to be in line with the progressive world. Humanity is amove; that is no figure of speech. Its foot-fall is echoing all over: let it by no means be said of this House that it heeded not the sound of advancing nations and prevented India from going out on the high road. Let it not be complained by posterity that this House held back the hands of the clock at a most eventful hour and failed to lead India to join in the great march of equity, equality and emancipation.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, I rise to raise my humble voice against the principle of this Bill.

Honourable Members: We can't hear. Please raise your voice.

Dr. P. N. Banerjee: We can ask the Honourable Member to come forward in order to make himself heard.

Mr. Deputy President (Mr. Akhil Chandra Datta): Either the Honourable Member should speak in a louder tone or he can come forward.

(Bhai Parma Nand then occupied a seat in the second row.)

Bhai Parma Nand: Sir, I have very great respect for the authors of this Bill, namely, the Rau Committee. I also feel great appreciation for the labours and for the hard work they have undergone. But, at the same time, my objection is mainly to the attitude of the Central Government. I do not understand where was the urgent necessity of bringing in such a Bill? It is quite true that certain private Bills were brought before this Honourable House during some previous Sessions. It is also true that a Bill of Dr Deshmukh was passed giving women the right to property and as certain difficulties were experienced in Dr. Deshmukh's Act, other private Bills were introduced by yourself, Sir, and by my Honourable friend, Mr. Chattopadhyaya. My view is that the best course for the Government was to allow these Bills to go on in this Assembly and have their fate decided. The Government, on the other hand, thought that as private opinion was in favour of certain principles on this matter, they appointed a Committee of eminent persons to draw up a Code on the Hindu Law. We have heard the most learned discourse by our Leader of the

House. He is a great lawyer of very great repute and it would look very strange on my part to oppose his views in this matter. Although his discourse on Hindu law is really learned, yet there is a fundamental difference between the views that we hold and the views he holds as representing the Government. His idea is that the Rau Committee has tried to study all the ancient books and has tried to frame a Code on Hindu law on this subject in conformity with the Smritis and other Hindu law books. Our view is that it is not in conformity with the Smritis or the ancient Hindu law givers but it is simply with the object of making a new Code on Hindu law. It is a sort of a revolutionary Bill and requires a great deal of thought and discussion. My first objection is: What was the urgency that the Government had taken it upon itself to frame a Code for the Hindu society? Whenever any such social or religious reform is needed, it is always preceded by an agitation on the part of the people for it. But as long as there was no demand and no cry for a change, it was not fit for the Government to have taken this responsibility upon itself. We do understand that there is a class of people among us who are Westernised in their thoughts by the modern education and they want to apply those thoughts to the Hindu society. That may be the case, but the question is whether so many crores of Hindus also want such a change for themselves.

Mr. N. M. Joshi (Nominated Non-Official): They all want it.

Bhai Parma Nand: Your labourers might, but they have no idea of what this Bill contains. We should remember that the people who are very fond of having this kind of change in the Hindu law, can have resort to the Civil Marriage Act. They can very easily go to a civil court and have their marriage performed according to that Act and have the Succession Act applied to themselves. What right have they to force all the Hindus to act according to a new Code of which as yet they know nothing? I will give an example. We had a certain feeling with regard to caste system. There was a religious reform movement called the Arya Samaj in the Punjab. The Arya Samajists do not believe in the prevalent system of castes. They thought that inter-caste marriages should be allowed. They went on propagating the idea for 20 years or so and succeeded in getting a number of inter-caste marriages performed. Then there was the necessity for them to have a law on that point. The law was made here by this Assembly, but it was confined only to those people who belonged to the Arya Samaj. Afterwards when Dr. Bhagvan Das, a Member of this Assembly, brought in another Bill for universal application to Hindus, it had to be dropped. There was a fundamental difference between the two. Well, Sir, if there are certain newly educated ladies and gentlemen among us who want to bring in this change in the Hindu society, there is a way open to them. As when there was Dr. Deshmukh's Bill wanting divorce for Hindu women the question for us was whether we should change Hindu law to allow divorce to all or to enable such persons for getting divorce by performing marriages according to the provisions of the Civil Marriages Act. In case there grows up a large number of people and there appears a universal demand, then surely the Government becomes duty bound to take up the question of a change in law.

I am not a lawyer. I claim no authority on law matters. But we have got opinions of persons well-versed in law. The Honourable the Leader of the House has told us that the principle of the Bill has been looked upon with favour. Sir, with your permission, I could read not only one, two, three or four but dozens of opinions of eminent lawyers and of certain societies, and show you that the principle of the Bill is not looked upon with favour. It is on the contrary most disliked and strongly opposed. I do not know whether the Honourable the Leader of the House has gone through those opinions.

The Honourable Sir Sultan Ahmed: I have gone through every one of them.

Bhai Parma Nand: Then I say, Sir, you are not correct in saying that the principle is looked upon with favour. We take some opinion:

The President of the Bar Association, Purulia says:

"I am not in favour of the abolition of the limited estate of the Hindu females. This point has been elaborately dealt with in the Explanatory note, but the reasons alleged for the abolition do not appear to me to be sound."

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Again the Secretary of the Bar Association, Purnea, says: "This association does not approve of the Bill to amend and codify the Hindu Law relating to intestate succession."

The Assistant Secretary of the Maithil Mahasabha says that the Sabha was opposed to the Bill. The Sanatan Dharma Sabhas are almost all opposed to the Bill. The District Judge of Allahabad says:

"The attempt to codify Hindu Law relating to various subjects is a very laudable one. But there seems to be no justification for introducing changes therein which are fundamentally opposed to Hindu concepts of law and religion. Coming to the law relating to intestate succession there seems to be no harm in enlarging the rights of a Hindu widow. But in my opinion there seems to be no justification for changing the law which gives only a limited right in the property inherited by her."

Again in the second column in second paragraph the District Judge, Gorakhpur refers to the difficulties which are likely to arise similarly in the cases of small traders and businessmen. He is opposed to the intestate succession and to giving property to daughters, therefore, he writes that difficulties are likely to arise similarly—just as those of the agriculturists, and says:

"Immediate partitions of the business concerns are sure to ruin them. With very few exceptions daughters get married and go into a family which maintains them, and, even if they are deprived of all share in the assets of their fathers, it does not make it impossible for them to continue to live properly. On the other hand, if shares are given to daughters, sons would often find it impossible to carry on their work at all and this would happen in a large majority of cases in this country."

Then the Honourable Chief Judge and Judges of the Chief Court of Oudh, with regard to the question whether the provisions of the proposed Act should or should not be subject to custom, say that in the province of Oudh considerable difficulties have arisen owing to conflict between statute law and customary law, and that section 3(b)(ii) of Act XVIII of 1875 provides that the law to be administered by the Courts of Oudh shall, in questions regarding succession, special property of females, etc., be according to the custom applicable to the parties concerned. The District Judge, Hardoi, is not in agreement with some of the important provisions of the Bill and is unable to view the Bill with favour. The Advocate General, United Provinces, Allahabad, says:

"I am in favour of the codification of Hindu Law regarding these two subjects. At the risk of being called a conservative and old-fashioned man, I am not in favour of giving daughters a share in the estate of their father along with the sons nor am I in favour of allowing absolute estate to the succeeding to the property of their male relations."

The Munsif of Bijnor says: "If we carefully analyse the Bills we find that the authors had only one definite aim and purpose to accomplish and that is to put into actual practice the slogan of Independence for Women. There is nothing else of any practical utility in these Bills. Had it been a mere question of codification of Hindu Law much controversy would not have arisen for there the Legislature's business would only have been to marshal the rules of Hindu Law from out of the Smritis and Nibandhas and from case laws far established by the High Tribunals of the land."

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

My point is they have not proposed this codification of Hindu law on the basis of Smritis, but it is just in violation of the principles laid down by them.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Bhai Parma Nand: I am reading from the list of opinions.

Mr. President (The Honourable Sir Abdur Rahim): All these opinions are before the House. They cannot be read *in extenso*.

Bhai Parma Nand: I am not reading them at length. I am only taking out one or two remarks from the opinions. They are all opposed to the Bill.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Why has the Honourable Member chosen only to read the opinions of Munsifs?

Bhai Parma Nand: This Bill had been sent only to a few men for their opinion. Public opinion has not been called for. I can read only from the opinions received, be they from Munsifs or others. Some of them have written more than eight pages against the Bill criticising the same. There is the opinion of Mr. L. S. Misra, Bar-at-Law, Lucknow.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all that.

Dr. P. N. Banerjee: He is not reading the whole of it, he is mentioning only the names of different persons who have sent their opinions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can read only a sentence or two if he likes.

Bhai Parma Nand: I am only giving the names. Then there is the opinion of Sardar Bahadur Sardar Kartar Singh, District and Sessions Judge, Jullundur. He is opposed to any share being given to daughters and sisters because it will root out mutual love and would create jealousy among them. Then there is the opinion of the District Judge, Montgomery, who says that as far as the Punjab Province is concerned, the codification of Hindu law was not likely to prove of much practical value as the new measure proposed to be enacted would not affect the existing customs.

The Honourable Sir Sultan Ahmed: My Honourable friend is mixing up the question of intestate succession with the Bill for marriage. For instance, the Honourable Member drew the attention of the House to the opinion of Mr. L. S. Misra, Bar-at-Law. In fact, he says with respect to this that the first of these changes is in his opinion salutary and removes the divergence that prevails under the law of inheritance between Dayabhaga school on the one hand and the Mitakshara school on the other.

Bhai Parma Nand: The Honourable the Leader of the House has himself quoted the explanation given by the Rau Committee. In that we find that they give three main features of the Bill, first, the abolition of the Hindu women's estate, second, giving inheritance to daughters and other relations and thirdly, it removes sex disqualification for all Hindus in British India. I am quoting the opinion of these persons who are opposed to the abolition of the Hindu women's limited estate. They are also opposed to the Act applying generally to all Hindus, men and women. The Sessions Judge of Wardha says that the change of personal law proposed by the two Bills is so radical in nature and far reaching in their consequences that in his opinion it is not desirable to introduce them at a time like the present. The Sessions Judge of Amraoti says that it is really unfortunate that the subject should come before the Legislature in these abnormal times and he hopes that wisdom will dawn upon the legislative body to accept the motion for postponement of the Bill till after the war is over.

There are also other objections to the Bill. The main objection is that this Bill does not touch agricultural lands. This Bill cannot have any effect unless the Provincial Legislatures pass laws affecting agricultural property. As the House is aware, in India more than 80 per cent. of the people possess agricultural lands: they possess property only in land. If this Bill cannot give the right to the daughters or widows to have a share in agricultural property where is the use of having two different kinds of codes, one applying to agricultural property and the other to other kinds of property. This is admitted by the Rau Committee itself. That committee says that this Bill shall come into force in 1946 and until that time the Provincial Legislatures will be asked to pass their own laws. It is doubtful whether provincial legislative bodies would agree to pass similar Bills in the form which the Rau Committee had decided upon.

Sir, the main question, as has been suggested by my Honourable friend, Mr. Nilakantha Das, is whether this Bill should be passed at this time or not. Babu Baijnath Bajoria also proposed that this is war time and, therefore, it should be postponed till after the cessation of hostilities.

The Honourable Sir Sultan Ahmed: Hostilities between man and woman?

Babu Baijnath Bajoria: I did not say that.

Bhai Parma Nand: Although it is guessed that Congress members might have voted for it, but because the Bill is of such a fundamental importance, this Assembly, with such a small number of Hindus should not deal with this Bill. This concerns the whole Hindu people and such a small number of members representing the Hindu population in this House are not in my opinion fit to pass such a revolutionary law for the whole people. The best way, if we

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have to pass it, would be not only to postpone it till the new election, but have the new election fought on this issue: Whether the Hindu society wants to have this measure or not. Its fate should only be decided when the election takes place on this issue. Therefore, whether the hostilities cease or not, if there is a general election I will put this as an issue before the voters, and then this Assembly would be in a right position to give its decision on this Bill.

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): In that case there will be a civil war in your house!

Bhai Parma Nand: If women are prepared for it, let them have it.

The other point is that most of the provinces have opposed this Bill. The remarks of Judicial Commissioner, Chota Nagpur, are against the Bill. Sind Government, Bengal Government, Central Provinces and Berar Government, i.e., five or six of Governors' provinces are also opposed to the introduction of this Bill.

The greatest defect in the Bill is that it interferes with our religion. My Honourable friend, the Law Member, said that the Rau Committee has not laid any violent hands on the religious views of the people. This is another mistake. We have got here the opinions of Sanatan Dharam bodies. There are more than dozen bodies which are opposed to this Bill on the ground of its interference with religion. May be, all of us are not Sanatanists but the point is why should a great body of people, who are opposed to this Bill, should have this change thrust on them. Again, most of these people do not know what it is. As I have said before, it has had a limited circulation and very few people have had an opportunity to see and comment upon it. It has not been translated in different vernaculars and, therefore, the common people have no knowledge as to what a change is being proposed in the matter of their religion. Therefore, it is not right and proper for us even on religious grounds to support this Bill.

Sir Syed Raja Ali: Religion in Danger!

Bhai Parma Nand: If there had been a measure in respect of your Shariat law, you would have done the same.

Sir Syed Raza Ali: I said simply "Religion in danger". That is the cry.

Bhai Parma Nand: When it is changed by a legislative body which has nothing to do with religion, it is of course in danger.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Why did you not consider that question at the time of Sarda Bill?

Bhai Parma Nand: I was not here then. That Act is a dead letter now. All the Muslim Members opposed it because they thought their religion was in danger. Even long after that they were carrying on agitation. In several Sessions we had the proposal that the Mussalmans should be exempted from the operation of the Sarda Act.

Sir, even the Jain Association of Fyzabad, although they allow their women the right to property are opposed to this Bill simply because this Body has no right to interfere in other people's religion. This is what the Honorary Secretary, High Court Bar Association, Cuttack, wrote:

"We emphatically oppose the idea of codification of the kind to affect the personal laws of the Hindus. It is against the declared British Policy not to interfere with the personal laws of British subjects. The Hindus have their different schools of law in different provinces in India; by introduction of the Legislative measures of the kind, it seriously affects their personal law and traditional culture."

The same objection was raised by the Judicial Commissioner of Chota Nagpur: I will read his view also:

"I have the honour to say that whether the Hindu Law requires codification and amendment is a matter which primarily concerns the Hindus. I enclose copies of the opinions of two Hindu officers, etc., etc., dealing with this point. I sympathise with their criticism regarding introduction of married daughters as heirs. Personally I am opposed to the dividing of property between several heirs. This leads to the creation of a large number of small estates, and is an inducement to younger sons of the family not to attempt to make a living for themselves."

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has taken enough time of the House in reading out quotations. The Honourable Member had better advance his own arguments.

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Bhai Parma Nand: Sir, I will not quote now. But there are so many who are against the Bill—District Judges, Allahabad; Benares; Gorakhpur; Cuttack and so on.

My chief objection is that it will destroy the family system. The question is whether with us the unit of the society should be the individual or the family. According to the old Smritis, the family is considered to be the unit of the society and in that unit husband and wife are considered to be one body. This feeling that the women should have separate property and should become absolute owner of that property is sure to create rivalry between the husband and wife. In the same way if you fix a share in the property for daughters, there will be a sort of jealousy between the brothers and sisters. The main trouble arises because of the fact that daughters are married to another family. When they go to another family they become practically a part of that family and have nothing to do with the family of their father. Now, this principle is altogether given up if the daughter is also given a part of the father's property in addition to her rights in the husband's family. This will create much bitter feeling. Brothers will naturally think that their sister has taken away much and there will be a feeling of jealousy among them.

The point of difference is that the old custom among the Hindus as well as among the Muhammadans is that at the time of marriage, the daughters are given a dowry, and this dowry is almost the share of the daughter in the property of the father, and not only is it given but it is shown to the public that so much is being given to the daughter as her share in the property of her father. If the father gives too little he fears that the public would blame him for being an unworthy father who does not care for his daughter so much as for his sons. Therefore, he thinks that it is his duty to give a proper share to the daughter, it is strange that again she will want a certain share in the property of the father. This Hindu law is based on social morality. It is all a matter of trust and confidence. Full confidence is placed in the parents that they will give the proper share to their children. Now, it is to be replaced by law which wants one-half or one-fourth to be given. If this property is divided, the sons won't have anything left to begin life anew, since the greater percentage of middle-class people possess very little property. The idea is meant to create a feeling among wives and also among daughters that they are being treated unjustly, that they have not been given rights so far, and in the case of widows that they do not get anything. When the widows get maintenance according to the law, what else do they require? I, as an ordinary man, cannot see what more they want if maintenance is guaranteed. If the widow has recourse to re-marriage, then the question is solved. If she does not marry, then she has no other needs except her maintenance, and this is provided for by law. There may be one or two instances in thousands, of maintenance being refused, and the parties concerned would, of course, have recourse to law. Generally, there is no Hindu who would not give, if he could, proper maintenance to his son's widowed wife. He is bound in honour to support her if she becomes a widow. If she remains in the family she is supported. And what is there that you can give her by law except the 1/6 or 1/5 share of the property. Actually that amount would be so small that she may not be able to maintain herself out of that sum. The parents or her guardians have a duty to maintain her for her whole life. This Bill is meant to be an act of condemnation for the Hindu parents. Therefore, Sir, the creation of this feeling among the women of a family, and a feeling of jealousy between two parties, men and women, is altogether a new stunt of this modern so-called progress or these new socialistic ideas. Well, in case of agricultural property it will be almost impossible to give the daughter a share in the immovable property in land. Naturally, she will bring in altogether a stranger in the family, and I know from experience of the Punjab that the Muhammadans and agriculturist-Hindus have no liking for it. According to the Shariat the Muslims have to fix a certain percentage to their own daughters, but according to the customary law in the Punjab, no agriculturist is willing, nor would

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ever be willing, to give a share to the daughter in land because she will bring in a new man into the family. In the case of Hindus their daughters are married at great distances. A new man comes to that family. How can he manage to cultivate the agricultural land? If he cannot manage it, he will have to sell it and he might sell it to anyone at any price, which will lead to breaking up of the family system altogether. Therefore, I say, Sir, taking the family as the unit of society, this Bill would be destructive of the family and also of society as a whole.

No doubt about five or six of women's associations, who have given their opinion in favour of the Bill, say it is most welcome and that it should be passed at once. That is natural for these women because as I have said they have got a peculiar attachment to their own self. They think that they have acquired a separate individuality and they must have a status for themselves; naturally, having got modern education and modern ideas from persons like my friend, Mr. N. M. Joshi, they think they have a right to exclusive ownership of property. I do not understand what the absolute ownership of any portion of property will do to help the wife or the daughter. According to us the mother is the mistress of the whole household. She controls everything. In most cases the fathers of families are the wage-earners. They bring their earnings or salaries and place them at the feet of their wives: so that the wife is the real controller of the household. Supposing she is given a certain part of the salary, what good will it do to her? She cannot make any use of it without the consent of her husband or the other family members if she is attached to the family. She has to look after her children and she must also satisfy their needs. Suppose she has separate property and the husband has his own separate property. Then must they hold meetings to decide what has to be given to a son and what has to be given to a daughter! So far as I can see such a notion would be abhorrent to the Hindus. It may be all right for others; and if a man has no family, for him this all is immaterial.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): I guarantee that Mr. Joshi has got a family.

Bhai Parma Nand: I did not know that. It is the natural instinct of man if you appeal to his sense of selfishness he likes it. In this way you appeal to the fair sex, and tell them "We are going to guarantee you certain property and give you certain proprietary rights over certain things", and they are pleased that the Honourable Members of this Legislature are going to give them their rights. This is a natural feeling in these women, specially because they are led by a class of women who become their presidents and secretaries and they tell them to pass a sort of resolution for the Assembly saying "You please accept it" and they all pass the resolution. Therefore about 5 or 6 women's societies; they have recommended that this Bill is very welcome and should be accepted at once. But there is one society—I like it because they agree with my views—the Hindu Mahila Samiti of Poona.

Mr. N. M. Joshi: They are orthodox.

Bhai Parma Nand: That is right; I am orthodox too; I am not like you. I want to read one or two lines from the opinion of one Mr. Barendra Narayan Chaudhury, M.A., B.L., who is the principal of a women's college. He says: "The Bill is a mischievous hybrid of two contradictory ideals, the individual and the individuals or families."

Dr. P. M. Banerjee: He was a member of this Assembly till last year—Barendra Narayan Chaudhury of Sylhet.

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

Bhai Parma Nand: I must quote from the opinion of this Mahila Samiti of Poona. They sent a letter to the Government also. They say:

"This will have the effect of breaking up the Hindu society. This principle of Hindu law ought to be kept intact as a principle. Therefore this departure is not justified. This

is economically unsound with respect to immoveable property, especially agricultural land; and it has also introduced further complications. The point has not been considered by the Committee. Apparently they seem to have taken a cue from the Muhammadan law; but without going the length of proposing a new scheme they could have proposed that the personal law should be abolished so far as the Hindus are concerned and the Indian Succession Act made applicable to them. The Hindu Mahila Samiti for this reason oppose the principle of the Bill of simultaneous succession of several heirs as being opposed to Hindu law."

Mr. President (The Honourable Sir Abdur Rahim): I must again ask the Honourable Member not to go on reading the opinions. The Honourable Member must advance his own arguments.

Bhai Parma Nand: This is the view of a women's society; therefore, it is important.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has read that.

Bhai Parma Nand: Therefore, I submit that as this Bill is most controversial and as our society and people have to be protected in their social customs and in their religion and laws and as this Bill interferes in the religion of the Hindus and tries to introduce a fundamental change in the Hindu Law by means of framing a new code which they think is the best for us. It is most urgent that the people ought to know what this Bill is, so that they could see it in its true colour. This new code which is proposed by Rau Committee is not intelligible to most part of the Hindus, and because it interferes with our religion and breaks up the social system of the Hindus by breaking up the family, I think being such a controversial measure, it should either be postponed as I said till the time of new elections when it should be made a point of issue before the voters; otherwise it is better to agree to the opinion of my friend that the Bill should be circulated for eliciting public opinion. I support this motion for circulation.

Mrs. Renuka Ray (Nominated Non-Official): Sir, in spite of what the Honourable Member before me has said, a narrow suffragist outlook, a theoretical claim of rights as such is not the motive power behind the Indian women's movement. When first pioneer Indian women, awakened to a realisation of their duties and their responsibilities to society and the state, it was an ideal of service that inspired them, and this today is the dominant factor behind the women's movement in India. I do not think that this Bill could have come as a surprise to any one. The Honourable Member before me has quoted from this voluminous record of reports received. I think I am right when I say that the Honourable the Law Member mentioned that the majority of opinions were in favour of the Bill—he did not say that all opinions were in favour of this Bill. If I were to do what the Honourable Member did before me, I think it would take the rest of this Session of this Assembly to read out every opinion in this voluminous report that is in favour of the Bill. Apart from these opinions, in 1941, a questionnaire was sent out by the framers of this Bill; and the majority of those opinions were entirely in favour. They included the opinions of eminent Sanskrit scholars and of eminent Hindu lawyers from various parts of India. What purpose can be served now in circulating this Bill for opinion again or putting it off till the new elections? Apart from all this, so far as the women are concerned, the All-India Women's Conference and various other women's organisations have from their very inception agitated, worked for, created public opinion and roused—or tried to rouse I should say—because evidently, the social conscience of every legislator has not been roused to the nature of this reform.

The women realised, and I think the Honourable the Law Member has vindicated this opinion in his speech, so have the framers of the Bill, that piecemeal legislation was not of much avail. Though women are eternally grateful to those champions of the women's cause—and I see more than one before me, who have from time to time sponsored and brought forward measures of reform—they still feel that it is not possible for piecemeal legislation, which creates anomalies in law, to be a success. It was with this end in view that ten years ago in 1938 there was a countrywide agitation and a demand from the women

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of India asking for the appointment of a commission of enquiry into the legal system and asking that a comprehensive code should be drawn up. During this time meetings were held throughout the country, not only in towns and cities, not only among the educated women, but in the heart of remote villages. Thousands of women attended, and amongst these women there were many who would be called the less educated, or I would rather call them less articulate amongst our sisters. Silence on their part by no means means consent to the existing order of things. Hundreds of cases came to us at this time which convinced us all the more of the justice of our cause,—hundreds of cases of untold misery to women, when they had to go to law courts but could not get redress. They thought we might be able to do something for them, but unfortunately it was impossible, as the law of the land as at present administered was against them.

Sir, I maintain that it is not necessary to wait for the new elections. But if a referendum is taken in this country to-day of Hindu men and women, the majority of Hindu opinion will show without any doubt that Hindus are not only willing to abide by the principles of the measure before this House, but that they will go very much further.

So far as the motion before the House is concerned, it is a motion for referring the Bill to a Select Committee. So there is no need for going into the details of the Bill. It is not always easy to decide what is principle and what is detail in a Bill, but the framers of this Bill have made them clear. The first principle involved is this, the enactment of a common law of intestate succession for all Hindus in British India. Whatever justification there might have been in ancient times for various schools of thought in different parts of India, to-day there can be no justification with easy means of communication and with frequent migration, which bring about many legal complications if the law varies. Culturally, socially and economically Hindus all over India are alike to-day, and I will not go into an exhaustive survey, for I think the Honourable the Law Member has put the case very well before the House.

In regard to the removal of sex disqualification, in ultimate analysis we find that this is based on a text which has been misrepresented,—an old obscure Vedic text which has been misrepresented. The text is this: Women are incapable of holding Soma and, therefore, should not be given any. Soma is a potent drink, and we have the authority of Madhavacharya for the interpretation of this Vedic text. Later commentators have misrepresented the text and said that it was property which was concerned, and that women should not hold property. Thus, on such flimsy pretexts, women in many parts of India to-day are considered incapable of holding property. Besides, though this Bill does remove sex disqualification, it does not by any means bring in sex equality; it is quite a conservative measure. The Honourable Member who spoke before me elaborated on the disintegration of property if the daughter's rights were recognised even to half a share of the son in the father's property. This is one of the bogeys which are always brought in whenever such questions are raised. When a man has only ten sons, each of them can inherit a share and can go in for a partition of the estates but no question of disintegration comes up. But if a man has a son and a daughter, if the daughter inherits, it will be terrible because there will be disintegration of the family! What should one say of such a mentality!

The third and last principle involved in this Bill is the abolition of Hindu woman's limited estate. Those who have criticised this have quoted certain texts. Most of the texts are like the one that I am going now to read to you. Manu is purported to have said: "The wife, the son and the slave have been declared to be without property". Sir, slave in the old sense at least does not exist, son is given an unqualified share. Then, is it only the woman who is to be bound down by texts such as this?

But I will now turn to the practical aspect of the case. Every one knows that widow's estate has led to a great deal of litigation in this country. I should

think that the majority of Hindu opinion would be only too glad to do away once and for all, with this thing, which is commonly known as widow's estate. I will quote one famous case. The Wadhwan case in 1830 when the widow sold her estate. But the estate changed hands many times. In 1900, she died; 12 years after her death, the reversioners questioned this and there was a case against the unfortunate owner, who then held the property. The District Judge upheld it, so did the High Court. Later, it went in the year 1920, 90 years after the original transaction, to the Privy Council who upheld the owner on the ground that it was too late to give adequate proof. But what value can we expect a woman to get for her estate when she sells it for a legal necessity, as recognised in the doctrine of limited estate for a real necessity, if this sort of transactions over such a long period of time can be questioned?

There are many who hold that Hindu Law is of divine origin and should not be tampered with by courts of law. Do they realise that the doctrine of limited estate is the creation of the courts of law, of man-made courts of law? We have the authority of many eminent lawyers including Sir M. Venkatasubba Rao for this. Hindu women were entitled to absolute estate, and it is only the man-made courts of law which have brought in limited estate for women. To those who always oppose all reforms in the Hindu law on the ground of divine origin, I would like to say that the history of Hindu law is really the best answer to their argument. The Honourable the Law Member has given the House an exhaustive survey, I will not go into details, but I will merely mention that law can never remain static in a dynamic society. And Hindu law was never an exception to this. From Vedic times and post-Vedic times, right up to the advent of the British period, Hindu law has changed with changing times. In Vedic and post-Vedic periods women were given a great measure of equality. We have the texts of Jaimini and Upastamba to support the claim that woman has a position of equality in law. Later, due to a multitude of causes, women lost their position in society and this was reflected in law also. During the period of the *smritis*, there was a continuous and long struggle between different law makers who held different views in regard to women's rights in law but it was when the law was applied in the beginning of the British period that women's rights were still further curtailed and almost nothing was left of them, because the pandits and priests who were asked to expound the laws gave the most reactionary interpretation. At this time in England, British common law did not allow women the right to hold property and so the British jurists of the time did not think there was anything very strange that Hindu women too possessed no such rights, but the result has been that it has not only deprived Hindu women of their just rights but has taken away from the law of the Hindus some of its finest and most progressive elements. The Honourable Member who spoke before me questioned the unrepresentative character of this Legislature. I do not know whether he considered himself unrepresentative of Hindu opinion or not. I am glad that he has mentioned the subject but if he was talking of those who are absent to-day, I might mention that those who are now in the vanguard of the struggle for freedom for the nation can never be against the freedom of women. (Interruption by Mr. Nilakantha Das) I will not enter into any abstract generalisations. Suffice it is for me to say that it is those people who are absent to-day who drew up almost revolutionary changes in regard to women's rights in the National Planning Committee. Those changes go far ahead of anything that this conservative Bill has got in it. It is they who appointed the first woman minister in India and the only woman elected Member of this House has come in on the general ticket of the Congress constituency. Can you say that if they had been present to-day they would not have supported but opposed this Bill. Rather they would have supported it and in fact, it would not have been necessary for me to be here, because there would have been a woman already in the legislature to support the Bill on her own rights.

Now, this measure, as I have said before, is really a very conservative one. Although women are grateful to the Rau Committee for the infinite trouble that

[Mrs. Renuka Ray.]

have taken and for bringing in the progressive outlook, we must not forget that they have only brought forward what is already there in Hindu law. The Bill is inspired wholly by the Hindu law itself. It does not bring in any revolutionary reforms. Then, as the Honourable Member who spoke before me pointed out, agricultural land is not included as it is beyond the jurisdiction of this House. Of course, we hope that agricultural land will be included and the Governors' Provinces will follow suit and I do not think either that any of the complications which have been feared will arise, because many of the Provinces have already followed suit in this matter in regard to legislation regarding agricultural land, in connection with the Deshmukh Acts. So, I do not think that the complication is likely to arise in this case. This Bill is really a conservative measure and should certainly not have found objection from the conservative Members of this House.

Now, before I conclude, let me acknowledge on behalf of Hindu women the debt of gratitude we owe to the Honourable the Law Member who has not only taken so much interest but has appointed one of their representatives to voice their opinion in the House to-day. He has actually brought in a new policy and a new outlook on the part of the Government, because it was the policy of non-intervention in social matters by the Government of India pursued for so long, which has proved very fatal in the past. To-day courts of law have not the elasticity of the *Smriti* makers of old and it must lie with the Government and the Legislature alone to make changes. But now that this new policy has been introduced, let us hope that it is the beginning of a new era of social reform for India.

Pandit Nilakantha Das: Before I begin my speech on the motion before the House, I wish to say that I am surprised to find how very big lawyers can deceive people by fallacies. With all due respect to my Honourable friend, Sir Sultan Ahmed, I wish to say this. He said that there were many Bills in this House to reform Hindu law and had those friends been present on those empty Benches today, they would have passed this Bill. I will point out that they could not swallow a gnat but this camel is being presented in their absence. He was telling us that they would have swallowed it. In 1938, Deshmukh Act was passed and Dr. Deshmukh had proposed absolute estate for women. What did we do? What did those friends do? They did not pass the absolute estate, though many of us desire that absolute estate should be given to the widow. Of course, the daughter is a different being in this case. The widowed daughter is the widow of some husband and she will get her share from that husband. But the relevant point here is that the Members of the Assembly did not pass absolute estate for women. My friend has perhaps forgotten that his predecessor in office was the first man to oppose and he successfully opposed absolute estate for widows and the Bill was passed accordingly. Only limited estate was provided for in the Act. Then came some measure of reform by my esteemed friend, Dr. Bhagwan Das. We did not look at it. Then came other measures, about four or five of them. And I remember that only to avoid the controversial measures our friends then said, as it were, "Throw all this into the dust bin. They will all be taken up when the time comes and a Code will be framed." I will presently come to the framing of Codes, which is not an easy thing.

Before I come to the motion itself, there is another thing which I want to say. The Mover of the motion for the Joint Select Committee says that it is to come into force from January, 1946, because in the meantime other Provincial Legislatures would have passed supplementary enactments. Does he really mean it? Will the Governors pass supplementary legislation? They can for a limited number of years, but is that the idea of the Government of India? Is it his idea that this Act will be passed here and the Governors in seven or eight provinces will be asked to pass supplementary laws so that the whole thing may be complete? I am even opposed to a definite date like January, 1946. It may come earlier or it may come later, for these are abnormal times.

Then another thing must be made clear in the very beginning. The words "religion and reform" are very much talked about in this connection. Is religion a sin?

Mr. N. M. Joshi: Ask yourself.

Pandit Nilakantha Das: I should rather ask those Honourable Members who think that it is a sin. Are we going to repeal Manu in this Code?

The Honourable Sir Sultan Ahmed: Certainly not.

Pandit Nilakantha Das: Are we going to repeal the Vedas?

The Honourable Sir Sultan Ahmed: Vedas have nothing to do with it.

Pandit Nilakantha Das: Because it is from Vedas that women's estates have sprung up in the Hindu law. Of course, I am not a practising lawyer.

The Honourable Sir Sultan Ahmed: That is obvious.

Pandit Nilakantha Das: But religion is rather a scientific expression of organised relations of men in society. That is religion. There may be ever so many names for it. But it always represents the organised relation between individuals in society. It is always evolving according to customs and circumstances. In our Sanskrit literature there is a very good word for it. It is *Sanatan*. The word has been very much misunderstood of late years, but let us go to the root of it. We, the Hindus, know it very well. *Sana* means always, *Tana* means born. It means born always; it is ever-evolving and ever adapting itself to circumstances. *Sanatan* means ever progressing. *Sanatan* does not mean something like a stone or stock of wood. In the Gita, where soul is described, it is said:

"*Nityah Sarbagatah stamuracitoyam sanatanah*" i.e. it is eternal, it is everywhere, it is static, it is unmoved, it is *sanatan*.

These are different qualifications. *Sanatan* is not static. It is ever evolving, ever progressing and ever adapting to circumstances. So the commentators interpreted in view of circumstances. They did not, as my Honourable sister, Mrs. Ray, said, simply misinterpret things. We have got six schools of philosophy and each and every school is based on same Upanishads. They all are said to be six different interpretations according to what is called *Adhikara*, or aptitude or grasping capacity of the disciple. It was a fact that from *Daya* came property. According to *Rigveda*, soma wine offered to Gods was *Daya*. It was not given to women; women were not allowed any intoxicants. Now, of course, intoxicants are allowed to women. So, this fact was interpreted to mean law of inheritance adapted to circumstances. Very few of our great men thought of being prophets themselves; they were all interpreters. So, they kept up the *Sanatan* character of our religion. Hence it is that though even now we say that we follow the Vedic religion and the religion of the Vedas or the Upanishads, we have now changed it out of all recognition in our practice. This is the one unbroken line of tradition which still influences us and, therefore, we are a nation and, therefore, we are Hindus today. Do not unnecessarily hurl bad criticism on the heads of these commentators. They were sacred authorities. They were much better representatives than we are. Manu in the forests with students around him and perhaps not getting two square meals a day could study and understand the society much better than we do as representatives in this House. Realise how he did represent the society. A line from him could influence the Emperor. He was not paid. Are we here to criticise them and call them sacrilegious, interpreting something for their own purpose. If a woman is not given share in the property it is due to particular set of circumstances. In Bombay they are given. If properly studied it will be evident that in that society where the absolute share of the daughter has developed it has developed there on account of a set of circumstances. We do not wait and we do not pause. We jump to conclusions borrowed generally from others. This is stamp of slavery. Here I give you an instance. When I was a young boy...

An Honourable Member: Were you ever young?

Pandit Nilakantha Das: I am still young; that is my mistake. Anyhow, when I was a young boy I remember to have read that King Henry the Eighth claimed divine right. He demolished all churches. We wanted to see if there was a similar thing in our books and then somebody found out in Manu: "*Mahat dharma hyeka nama rupaena stithah*" (King is a God in human form.)

(e) Government have under consideration a scheme for making a fair and equitable distribution of newsprint among consumers.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether, when this new system of giving licences comes into force from the 1st of April which is said to be the date from which this system will be given effect to, those persons who have not got the quotas previously will be given quotas, or not?

Mr. T. S. Pillay: Where did I say that a new system will come into force from the 1st of April? Is the Honourable Member referring to my answer to part (e) of the question? If so, I said that Government have under consideration a scheme for making a fair and equitable distribution of newsprint among consumers.

Mr. Lalchand Navalrai: I learnt that new licences will be given from the 1st of April. Is that a fact, or not?

Mr. T. S. Pillay: New licences for what?

Mr. Lalchand Navalrai: For getting newsprints from such sources with whom orders had been placed previously. I have learnt from a reliable source that a new system of giving licences for getting quotas from certain dealers to whom the Government will consign newsprints will come into force from the 1st of April. Is that so?

Mr. T. S. Pillay: Sir, I have already answered that a scheme is under consideration and will come into force very soon. I cannot say whether it will be from the 1st of April.

Mr. Lalchand Navalrai: What do you mean by

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is arguing. **Mr. Muhammad Ahmad Kazmi:**

Qazi Muhammad Ahmad Kazmi: May I know with regard to part (b) of the question, whether Government have any information as to how many persons placed orders with their dealers for importing newsprints?

Mr. T. S. Pillay: Sir, we know that some persons did place orders, but how many, I do not know.

Qazi Muhammad Ahmad Kazmi: As regards part (d), in cases where orders had already been placed with newspaper dealers for newsprints and stocks have been received by them, may I know from the Honourable Member the reasons why the Government are not prepared to allow the persons who had placed orders to purchase those quantities from their dealers?

Mr. T. S. Pillay: Sir, I do not know whether it arises from part (d), but if I may refer my Honourable friend to my speech in reply to the debate on the Finance Bill. I had explained the reasons why Government thought it necessary to issue these orders.

Qazi Muhammad Ahmad Kazmi: How do the Government know that financial obligations have not been incurred in respect of the orders which were placed with newsprint dealers?

Mr. T. S. Pillay: Sir, I have said that Government have no information on this point.

Mr. T. T. Krishnamachari: May I ask the Honourable Member what is the position of newspapers that have been started after the Government has introduced this quota system? What is the procedure they follow in regard to fixing the quotas for such newspapers?

Mr. T. S. Pillay: May I refer the Honourable Member to my answer to part (a) of the question. I have said there that for such newspapers as were started after the year 1940, the basic period was from the date of first issue to 31st August, 1941.

COMPULSORY INCREASE IN THE ADVERTISEMENT CHARGES OF NEWSPAPERS.

378. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member representing the Commerce Department please state if it is or it is not a fact that a notification has been issued by Government on the 27th February compulsorily increasing the charges for advertisements in newspapers by 50 per cent.?

(b) Have Government taken any steps to compel traders to continue giving their advertisements to their old papers at those rates also?

(c) If the answer to part (b) be in the negative, do Government propose to consider the advisability of withdrawing their notification with respect to advertisements and not unduly interfering in this business, which would result in the stoppage of many newspapers?

Mr. T. S. Pillay: (a) Yes, Sir.

(b) No, Sir.

(c) Government have noted the suggestion of the Honourable Member for consideration.

Qazi Muhammad Ahmad Kazmi: May I know whether it is not a fact that in respect of many papers the advertisers have already asked them to discontinue their advertisements? In respect of *Din-Duniya*, one of the weeklies, *Aspro*, *Lux*, *Sunlight Soap*, *Life Buoy Soap*, *Dalda Vanaspati*, *Asiatic Pictures* and other traders have asked to discontinue their advertisements on account of the high prices that have been fixed?

Mr. T. S. Pillay: I am not aware of that, but I am prepared to take it from the Honourable Member that that is so.

Qazi Muhammad Ahmad Kazmi: Will the Government withdraw their orders in respect of prices of advertisements?

Mr. T. S. Pillay: Sir, I cannot say anything more than what I have said in answer to part (c) of the question, namely that Government have noted the suggestion.

Maulana Zafar Ali Khan: In the matter of advertisements, may I ask why are the restrictions one-sided? The newspapers are required to increase the rate of advertisements, but there is nothing to prevent the advertisers from not taking up the contract.

Mr. T. S. Pillay: It is a matter of opinion, Sir, as to whether a particular action is one-sided or not.

Sardar Sant Singh: May I know from the Honourable Member if it is a fact that the price of newspapers has also been increased by the same standing order by which the advertisement charges have been increased?

Mr. T. S. Pillay: I believe, that is so.

Sardar Sant Singh: May I know what is the policy behind this order increasing the prices of advertisements and prices of papers?

Mr. T. S. Pillay: If the Honourable Member would wait for a short time, he will find the answer to it in my reply to question No. 379.

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

FIXATION OF MINIMUM PRICES OF NEWSPAPERS.

379. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member representing the Commerce Department please state the principle on which Government have fixed the minimum prices of newspapers?

(b) Have they or have they not considered that some of the newspapers, especially vernacular monthly Journals and weeklies, used to be sold below their actual cost price, as the main source of income was from advertisements which depended upon circulation?

(c) Is it or is it not a fact that some other papers were sold at a price which was above the cost price and which gave profit to the newspaper proprietors even without advertisements?

(d) Is it or is it not a fact that by this compulsory fixation of price the former class of papers have suffered very seriously?

(e) In view of the hardship caused by these orders, do Government propose to consider the advisability of changing their policy of fixation of minimum prices of newspapers?

Mr. T. S. Pillay: (a) Government have not fixed prices of newspapers but have only fixed the maximum number of pages for newspapers in relation to their sizes and prices.

(b) and (c). Government have no information on these points.

(d) and (e). Do not arise.

Qazi Muhammad Ahmad Kazmi: May I know that when they fixed the price of newspapers they considered the profits that are suggested in (b) and (c) of the question?

[Pandit Nilakantha Das.]

We, therefore, came to the conclusion that in our literature we have divine right of Kings. We do not understand that is quite a different thing than this. Here there is the other line of the same verse: "*Astanam lokapalanam Matravih nityon-pah*". Here Narpa (King) is defined to mean one who does every thing for the good of his people. That man should be looked upon like a god. That is not a divine right, no king ever claimed it. When Dushyanta entered the hermitage even Sakuntala was not afraid. It was the duty of the King to see to the comforts of the hermitage. All great men of our society performed their duties in the best way they could. They devoted themselves to learning the culture in the forest. If a teacher's disciples could not get any thing to eat, then it was the duty of others to see that they get enough, for culture must be preserved and maintained. Religion, if it is properly understood, is this. It is never stagnant. You can apply all your laws even more drastic laws than this, if you really feel that there is a necessity for it and all the Hindus want that law.

You have got the means and mechanism for making law. It is this Legislature with men and women representatives. A woman from the All-India Women's Conference is nominated. She is to speak for Hindu women; but is cosmopolitan in her outlook. I say she can speak for women of the world, she may claim her right to speak for all the women of India. I have every respect for her. But are all women of India Hindu women? She should give no opinion on Hindu law as such relating to women.

An Honourable Member: Because there are no Muslim women in that Conference.

Pandit Nilakantha Das: I have always been pained for many years when a change in the Hindu Law with respect to women was being voiced by the wife of an Honourable non-Hindu colleague of mine of this House in the name of Delhi Women's Conference, which is a branch of the All-India Women's Conference. So Jankibai known as the leader of the only Hindu organisation was being alluded to by my friend and no less a Hindu than Mr. Iqshi said that she belonged to a conservative body. What is this conservative and non-conservative, I really do not understand.

Let me come to the Bill, I mean to my motion. Let me straightaway come to the opinions. I have made a complete analysis. Let me begin with that. Then I shall come to the main discussion on my motion. I have read these opinions between the lines. Many of them have, of course, begun with the words, 'we have in general no objection to the Bill'. But there are three things in the Bill. To put existing laws in one place, to which there may be no objection. Then woman's estate and daughter's share. Those who are opposed to these two or one of the latter principles I have counted them among those who are against it. So, in that way I have counted it. I counted in all 175 opinions, 102 against, 66 for and 7 neutral. That is my analysis. I am open to correction, if my Honourable friend can help that way. I do not think it would vary much this way or that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read the opinions.

Pandit Nilakantha Das: Sir, I am not going to read them in *extenso*. I am reading them simply to show how many Provincial Governments, High Court Judges are for or against. I will mention their names. Madras Government gives no opinion. All the Hindu Judges of the Madras High Court say that the Bill cannot affect agricultural land because the

Central Legislature cannot deal with it and, therefore, the Bill should not be proceeded with. Justice Chatterjee of the Patna High Court is not in favour of the Bill. Justices Mulla and Das of the Allahabad High Court say that it would not be right to make changes in the existing Hindu law. Justice Mathur says that the changes proposed in the Hindu law would be cause of interminable litigation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not proposing to finish his speech today. So the House will now adjourn. The Assembly then adjourned till eleven of the Clock on Thursday, the 25th March, 1943.

LEGISLATIVE ASSEMBLY

Thursday, 25th March, 1943.

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.

PROHIBITION ON IMPORT OF ALLOWED NEWSPRINT QUOTAS.

377. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member representing the Commerce Department please state if it is or it is not a fact that the quota for newspapers fixed at their full requirements was reduced from September 1941 to December 1941 by 25 per cent., from January 1942 to June 1942, from July 1942 to December 1942 by 50 per cent., and has now been reduced to $\frac{1}{4}$ th of the full requirements?

(b) Is it or is it not a fact that a large number of papers placed their orders for the supply of newsprint according to the quotas allowed to them for import from foreign countries?

(c) Is it or is it not a fact that some of the papers have not yet been able to receive the goods ordered by them for January 1942 and June 1942 quotas, and most of them have not received it for the quota of the next six months?

(d) Is it or is it not a fact that a notification has been issued on the 18th February, 1943, by which the newspaper proprietors are prohibited from purchasing more than $\frac{1}{4}$ th of their requirements from any source, and are thus unable to receive even the goods ordered previously according to the sanctioned quotas and for which they have incurred financial obligations?

(e) If the answer to part (d) be in the affirmative, do Government propose to consider the advisability of removing this hardship and allowing the newspaper proprietors to make up the quantities previously granted and receive the goods for which they have incurred financial obligations?

Mr. T. S. Pillay: (a) The consumption of newsprint by newspapers in the year 1940 was taken as the basis for determining their quota allotments of newsprint. For such newspapers however as were first published in 1941 the basic period was from the date of first issue to 31st August, 1941. The quotas for the different periods mentioned by the Honourable Member were allotted on the following scales:

(i) For the quarter ending December 1941—100 per cent. of the proportionate basic consumption.

(ii) For the half year ending June 1942—75 per cent. of the proportionate basic consumption.

(iii) For the half year ending December 1942—50 per cent. of the proportionate basic consumption.

(iv) For the quarter ending March 1943—12.5 per cent. of the proportionate basic consumption.

(b) The answer is in the affirmative. It may however be explained that the practice so far has been for only a few of the newspapers to place orders direct for the import of newsprint from North America and for the others to take delivery from the stocks available with dealers through surrendering their quota allotment certificates to such dealers. All such surrenders enabled the dealers in their turn, to recoup their stocks by obtaining licences for importing the corresponding quantities of newsprint from abroad.

(c) Yes, Sir, it is a fact that on account of shipping difficulties there was a large carry over of unutilised import licences at the end of the periods mentioned.

(d) The Notification mentioned by the Honourable Member prohibits the sale to and purchase or acquisition by the proprietor of a newspaper, of newsprint in excess of the quantity specified in the quota allotment certificate issued to him for import of newsprint in the six monthly period ending June 1943. Government have no information about the financial obligations incurred by quota holders.

Mr. T. S. Pillay: I am afraid my Honourable friend has not caught my answer. I have stated Government have not fixed prices of newspapers.

Qazi Muhammad Ahmad Kazmi: I know that. When they fixed the maximum number of pages at the minimum price, did they consider the implications involved in parts (d) and (e) of this question?

Mr. T. S. Pillay: Yes, Sir. They very carefully considered the implications involved.

Qazi Muhammad Ahmad Kazmi: But the Honourable Member was pleased

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is arguing. Bhai Parma Nand.

Sardar Sant Singh: May I ask one question. May I know the policy underlying this order by which the newspaper pages were restricted and which actually resulted in the raising of prices to a higher level than that at which we can get newspapers today?

Mr. T. S. Pillay: I am afraid my Honourable friend did not give me the honour by listening to a very detailed statement I made on this question. This action was necessitated on account of the need for conserving the available stock of newsprint for the use of newspapers for as long a period as possible.

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

REVISED RULES FOR ALLOTMENT OF QUARTERS TO MINISTERIAL STAFF IN SIMLA/DELHI.

†380. ***Bhai Parma Nand:** (a) Will the Honourable the Labour Member be pleased to state whether the rules for the allotment of quarters to the ministerial staff in Simla/Delhi have been revised for the duration of war? If so, are the new and old rules analogous to each other? If not, why not?

(b) Have Government made any provision in the rules to protect the interests of those lien-holders who have been temporarily located in Simla and Delhi in the interests of war? If not, why not?

(c) Is it a fact that when the allotment of quarters in Delhi for the summer season 1942, was made, it was contemplated that the rules will be revised for the duration of war and the seniority in the allotment will be based on the length of service? If so, why was the allotment for the current winter season made on the basis of seniority in enrolments, when the allotment for the summer season, 1942, had already been made on arrival seniority?

(d) Is it a fact that quarters surrendered by those lien-holders who have been located in Simla for all the year round have been allotted without lien? If so, was it the intention of Government to make these allotments permanent for the duration of war as now provided for in the revised rules? If so, were all affected informed accordingly? If not, why has this provision been introduced now?

(e) Is it a fact that Government has received several representations against the above point? If so, what do Government propose to do to remove the grievances of those affected?

The Honourable Dr. B. R. Ambedkar: (a) Yes. The new and the old rules are not analogous to each other and the reason is that the new rules have been framed to meet the situation created by the stoppage of the Simla exodus.

(b) Yes, so far as the staff located in Simla is concerned, the case of the staff located in New Delhi will be examined.

(c) The summer allotments for 1942 were made on an *ad hoc* basis to meet the situation arising from a decision of the Government of India not to move to Simla. At that time the question of revising the allotment rules was under consideration but no final decision had been arrived at. A final decision had not still been arrived at when the allotments for the winter season were made, and these were accordingly made under the old rules which were still in force. Revised rules have now been approved, establishing the principle of arrival priority and will take effect from the summer season 1943.

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

(d) Yes. The present rules are meant to be kept in force for the duration of the war. The publication of the rules is considered sufficient information for all affected. These rules are in the opinion of Government the fairest and the most practicable that could be devised.

(e) Certain representations have been received and are under consideration.

DESIRABILITY OF MAKING FULL STATEMENT ON WAR SITUATION IN THE LEGISLATIVE ASSEMBLY.

381. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Leader of the House be pleased to recall the suggestion of the Chair made in the House on the 12th February, 1943, with respect to the method by which full information on the war situation be given to the House instead of making a long statement in answer to a question?

(b) Do Government propose to consider the desirability of making a full statement on the present war situation in an open or secret session of the Legislative Assembly?

(c) Does the Honourable Member responsible for Defence or the Leader of the House propose to take the House into his confidence and give it an opportunity to discuss the progress of the war? If so, when and in what manner?

The Honourable Sir Sultan Ahmed: (a) Government have taken careful note of the Honourable the President's observations.

(b) The Secretary in the War Department made a full statement on the occasion to which the Honourable Member refers, and Government do not anticipate that any occasion for a further statement in the course of the current Session will arise. Should a statement appear at any time to be desirable, the Secretary in the War Department would follow the procedure indicated in the replies given to Dr. Sir Zia Uddin Ahmad's starred question No. 46 asked on the 11th November, 1940, and to the supplementary questions arising therefrom.

(c) Government have not been made aware of any general desire to discuss the progress of the war, and they do not think that any useful purpose would be served by such discussion.

Mr. Lalchand Navalrai: May I know from the Honourable Member which way should the House declare that they should be kept informed of the present situation? Is it that some Member should put a question to be followed by supplementary questions from other Members?

The Honourable Sir Sultan Ahmed: Not by one Member putting a question: but if the Leaders of the Parties sat together and they informed the Leader of the House, then certainly arrangements could be made for a further statement being made by the Secretary in the War Department.

Sardar Sant Singh: May I ask the Honourable Member if it is not the duty of the Government as such to take this House into confidence as to the war situation and from time to time to give it the details of the progress of the war?

The Honourable Sir Sultan Ahmed: I think the best that can be done has been done by the replies given by the Honourable the Secretary in the War Department, because he made a full statement on the occasion to which the Honourable Member refers in the question itself.

Sardar Sant Singh: May I submit that the mere reply to a question will not enable the Government to get the views of the House? May I ask whether it is the duty of the Government as such to take the House into confidence and discuss the war situation with them?

The Honourable Sir Sultan Ahmed: Well, that is a matter of opinion. We are prepared to place our services at the disposal of the House at any time there is a general desire for it. The House will also remember that our timetable has not been working satisfactorily and it appears that this Session will be prolonged to a much later date than we had anticipated and therefore I doubt very much whether there will be any time for making any full statement.

Mr. Lalchand Navalrai: May I draw the Honourable Member's attention to the fact that the statement made the other day was not full and it was therefore thought that a suggestion had been made that a fuller statement would be given to the House at another time?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given his reply.

HOUSING SCHEME FOR THE POOR BY THE DELHI IMPROVEMENT TRUST.

†382. *Bhai Parma Nand: (a) Will the Secretary of the Education, Health and Lands Department be pleased to state what the Housing Scheme for the poor by the Delhi Improvement Trust is?

(b) How far has this scheme been carried out?

(c) Does he propose to lay the scheme on the table of the House?

Mr. J. D. Tyson: (a) and (c). A note giving an outline of the scheme of poor class re-housing designed by the Delhi Improvement Trust is laid on the table.

(b) Under the scheme 527 houses have already been constructed.

Note on Delhi Re-housing Scheme.

1. *Financial Basis.*—The initial capital cost of building houses for poor class re-housing will be met from loans from Government which would be repayable with interest in equated instalments in 20 years. It is recognized that a poor class re-housing scheme cannot be self-supporting, i.e., that it must be subsidized by Government or by the local authorities concerned. In Delhi the subsidy will be found from the proceeds of the Entertainments Duty imposed from 1st January, 1940.

2. *Scope.*—The scheme embraces families displaced by the execution of slum clearance schemes by the Delhi Improvement Trust—

(a) Whose monthly income does not exceed Rs. 30 per mensem; (b) Who wish to be rehoused; and (c) Who are willing to accept the terms offered.

3. *Types of dwelling.*—There will be three types of dwelling. Allotments will be made on the basis of number in family as follows (two children under 10 years of age counting as one adult).

One roomed	Number in family.
Two roomed	Not exceeding 3 adults.
Three roomed	Over 3 but not over 5 adults.
	Over 5 adults.

The one and two roomed dwellings are capable of expansion into the three roomed type.

4. Details of dimensions.

Total area of each plot $20' \times 40' = 800$ square ft. or 88.8 square yards.

Living room.

One roomed $10' \cdot 9" \times 9' \cdot 6" = 102$ square ft.

Two roomed $10' \cdot 9" \times 9' \cdot 6"$
& $13' \cdot 3" \times 7' \cdot 9" \} = 204$ square ft.

Three roomed—

One room of $10' \cdot 9" \times 9' \cdot 6"$
and two of $13' \cdot 3" \times 7' \cdot 9"$ } = 307 square ft.

Cooking verandah $10' \cdot 9" \times 6' \cdot 9" = 72$ square ft.

Bathing platform $4' \times 4' = 16$ "

The remaining area will be courtyard. The bathing platform will be connected via the outside surface drain to the sewage system. The cooking verandah will be provided with a fire place and fuel.

5. *Allotment and terms.*—Allotments will be made in accordance with the actual requirements of each individual family to be rehoused and will be approved by the Improvement Trust Board.

It is intended that there should be fixed monthly rents for each type of house, viz., Rs. 1/12, 2/4/- and 2/12/- for a one roomed, two roomed and three roomed house.

Those able to pay not less than a stated monthly sum, viz., Rs. 3/4, Rs. 3/10 and Rs. 4/- for a one-roomed, two-roomed and three-roomed house, will be entitled to hire-purchase terms under which they will become owners of the house after 20 years.

6. Financial details.

Cost of the houses: One roomed —Rs. 564.

Two roomed —Rs. 711.

Three roomed—Rs. 875.

Taking a concrete scheme, viz., the Paharganj Circus Re-housing Scheme, 142 houses are now under construction to accommodate 515 persons whose existing houses are being acquired in the Paharganj Circus Improvement Scheme.

The total cost of the new houses is

= 94,600

The "pooled" (or average) cost per house is

= 666

The equated hire-purchase instalment ordinarily payable for a house of "pooled" cost Rs. 666 is composed of:

(a) Equated instalment of principal (Rs. 666 + interest at $4\frac{1}{2}$ p.c.) Rs. 50-2-0 p.a.

(b) Ground rent at Rs. 1 per 100 square yards per month. Rs. 10-11-0 "

(c) D.—The plot unit for this scheme is $88 \cdot 8$ sq. yards.

(d) Maintenance at 1 p.c. of pooled cost

Rs. 6-11-0 "

Total. Rs. 67-3-4 p.a.
Or Rs. 8-10-0 p.m.

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

Assuming the family to be re-housed is capable of paying not less than the fixed hire purchase instalments, the balance is met from the subsidy (proceeds of Entertainments Duty).

If the family to be re-housed is not capable of paying the fixed hire purchase instalments, it will occupy the house as an ordinary tenant and the amount payable for an ordinary tenancy (not carrying ultimate right of house ownership) is calculated as under:—

Interest on pooled cost at $4\frac{1}{2}$ p. c.	Rs. 28-5-0 p.a.
Ground rent	Rs. 10-11-0 "
Maintenance	Rs. 6-11-0 "

Total Rs. 45-11-0 p.a.

Or Rs. 3-13-0 p.m.

The family to be re-housed under ordinary tenancy terms will be subsidized from the proceeds of the Entertainments Duty to the extent of the difference between the fixed monthly rents and the actual monthly rent as calculated above.

DELHI IMPROVEMENT TRUST'S SCHEME FOR BUILDING MODEL HOUSES.

†383. *Bhai Parma Nand: (a) Will the Secretary of the Education, Health and Lands Department be pleased to state if Government have received any scheme from the Improvement Trust, Delhi, for building model houses and making them available for sale to middle class people on the hire-purchase system? If so, does he propose to lay the said scheme on the table of the House?

(b) Have Government accepted the scheme? If not, what are the difficulties of Government for accepting the same?

Mr. J. D. Tyson: (a) The reply to the first part of the question is in the negative. The second part does not arise.

(b) Does not arise.

SCHEME OF CONSTRUCTION OF A CIRCULAR ROAD PASSING THROUGH GHULAM MOHIUDDIN KHAN GARDEN, DELHI.

394. *Maulana Zafar Ali Khan: Will the Education Secretary please state:

(a) whether it is a fact that under a scheme of the Improvement Trust, Delhi, a Circular Road is to be constructed which will pass through the four hundred year old Moghal garden, called "Ghulam Mohiuddin Khan Garden" in Sadhora Kalan, Delhi;

(b) if it is a fact that the authorities of the Improvement Trust ordered the cutting down of trees in this garden without informing the owner, and without paying him any compensation;

(c) if it is a fact that the Land Acquisition Collector has proposed to give an award of Rs. 1,500 for the portion of the garden acquired for the Circular Road, whereas the trees of this part of the garden have been auctioned for Rs. 6,000 and later on re-auctioned for Rs. 10,000;

(d) if it is a fact that two years ago a portion of the same garden was acquired by the Trust for constructing a channel from the Western Jamna Canal under the Malaria Institute Scheme and 200 big fruit trees valued at Rs. 20,000 approximately were cut down and only the award of the land acquired was paid;

(e) if it is not possible to construct a straight road, as originally proposed, instead of a curved one in order to save a historical garden from destruction; and

(f) if Government propose to pay an adequate compensation to the owner for the losses hitherto sustained; if not, why not?

Mr. J. D. Tyson: (a) The Trust's West Circular Road will pass through a garden called 'Ghulam Mohiuddin Khan Garden'. It is not known how old the garden is.

(b) No.

(c) Compensation for the land, including trees, acquired from this garden has been assessed at Rs. 1,025-9-6. Trees auctioned for Rs. 6,500, some months ago, included those from several other gardens. No information is available whether the auction purchasers have resold them or, if so, for what price.

(d) No.

(e) I understand that the garden in question is of no particular historical importance.

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

(f) Government have no reason to believe that the compensation assessed and deposited is not adequate.

Maulvi Syed Murtuza Sahib Bahadur: Is it a fact that the proposed road was originally designed otherwise and it ran almost straight, but now it has taken a zig-zag shape so that many trees belonging to that old historical garden (though not according to Government, but at least according to public opinion) have been unnecessarily cut and the owner has been put to unnecessary loss, and the beauty of the road has been spoilt? Will the Government please enlighten the House on this point?

Mr. J. D. Tyson: It is rather a long question. I understand the original proposal was to take the road right through the middle of the garden, cutting the garden in two, and the present alignment does not do that at all events.

Maulvi Muhammad Abdul Ghani: May I know from the Honourable Member what is the total price for the trees removed from the garden out of this Rs. 6,000 odd?

Mr. J. D. Tyson: In the case of garden lands, I understand that the value of the trees is not separately assessed, and I can only say that the part of the garden acquired, including the value of the trees on that part, has been assessed at Rs. 1,025.

Maulvi Syed Murtuza Sahib Bahadur: May I know if it is a fact that according to Government account the extent of the road taken possession of by Government is only two bighas whereas actually they are in possession of six bighas, more than three times for which the award has been given?

Mr. J. D. Tyson: I understand that they have acquired two bighas and odd and I have no information that they have occupied more.

Maulvi Syed Murtuza Sahib Bahadur: Will Government be pleased to enquire?

Mr. J. D. Tyson: I will certainly enquire.

Mr. H. A. Sathar Essak Sait: Arising out of the answer to part (c) of the question, will the Honourable Member tell us what proportion the number of trees destroyed bear to the trees which were auctioned for Rs. 6,000?

Mr. J. D. Tyson: Well, I have not got that information, and I doubt very much if it will be available.

ADMINISTERING OF OATHS TO MUSLIM WITNESSES.

385. *Nawab Siddique Ali Khan: Will the Honourable the Law Member be pleased to state:

(a) whether it is a fact that under section 6 of the Indian Oaths Act (No. X of 1873) a Muslim is exempted from taking an oath when examined as a witness in a court;

(b) whether it is a fact that oaths are administered to Muslims by the courts in spite of the provision of Law referred to in (a); and

(c) if the answers to parts (a) and (b) be in the affirmative, what steps do Government propose to take to put a stop to this prevalent illegal practice?

The Honourable Sir Sultan Ahmed: (a) Section 6 provides *inter alia* that where the witness is a Hindu or Muhammadan he shall, instead of making an oath, make an affirmation.

(b) and (c). I have no reason to suppose that the requirements of the law are not observed but if the Honourable Member will furnish me with evidence to the contrary I will be glad to consider whether any action is required.

ADMINISTERING OF OATHS TO MUSLIM WITNESSES.

386. *Nawab Siddique Ali Khan: Will the Honourable the Law Member be pleased to state:

(a) whether as a matter of Law an oath whereby a Muslim witness swears by the Holy Quran or swears by holding a copy of the Holy Quran in his hand, is authorised or covered by section 8 of the Indian Oaths Act (No. X of 1873);

(b) whether as a matter of actual practice many courts administer oaths to Muslim witnesses in the form mentioned in part (a); and

(c) if the answer to part (a) be in the negative, and the answer to part (b) be in the affirmative, what steps do Government propose to take to prevent the illegal practice of the courts?

The Honourable Sir Sultan Ahmed: (a) Yes, but an oath of this or any other nature can only be tendered if the party or witness offers to give evidence on such oath.

(b) and (c). I have no reason to suppose that the requirements of the law are not observed but if the Honourable Member will furnish me with evidence to the contrary I will be glad to consider whether any action is required.

Maulvi Muhammad Abdul Ghani: May I know in case a party does not agree to take a special oath, whether the courts are empowered to make any remarks regarding the attitude of the party?

The Honourable Sir Sultan Ahmed: The answer is in the negative.

FOOD POSITION OF THE EASTERN ZONE OF INDIA.

387. *Mr. Ananga Mohan Dam: Will the Honourable Member representing the Food Department be pleased to state:

(a) the decisions arrived at the conference held in Calcutta to consider the food position of the Eastern Zone of India;

(b) the reasons why there should be a single food grain purchaser for the provinces of the Eastern Zone;

(c) the difficulties of appointing different food grain purchasers for different provinces under the direction of the Government of India; and

(d) the measures proposed to be adopted for maintaining a regular supply?

Mr. K. G. Ambegaonkar: (a) It is not in the public interest to disclose the details of the decisions taken. The general discussions have already been announced on the radio.

(b) There is no such appointment or arrangement made or at present contemplated.

(c) Government are not aware of the difficulties to which the Honourable Member refers.

(d) The measures form part of the Central Government scheme that was explained during the recent three days' debate in this House on Food.

Mr. K. C. Neogy: With reference to part (a), the Honourable Member stated that the general decisions had been announced over the radio. Will the Honourable Member care to repeat those decisions, because every one of us is not a radio "fan"?

Mr. K. G. Ambegaonkar: Yes; certainly. The first announcement was made on the 21st March and it ran as follows:

"The Central Government have made arrangements for the import into Bengal of substantial quantities of rice which will start to arrive within the next few days. Apart from this over 15,000 tons of wheat will arrive in Calcutta during the same period."

That was the first announcement. Last night another announcement was made and it ran as follows:

"The Central Government has now made arrangements to import substantial quantities of rice into the Bengal presidency to ease the difficulties at present being experienced, and it is intended that this assistance will continue as long as is necessary. But the peoples of the provinces and states from which this assistance is being drawn may rest assured that the rice being supplied will not be at the expense of their own domestic needs and will be replaced to the extent necessary, should any signs of shortage begin to arise in their areas."

Mr. K. C. Neogy: Is it a fact, Sir, that an acute situation has arisen in Bengal due to shortage of supplies and soaring prices?

Mr. K. G. Ambegaonkar: It was because it was realised that the position in Bengal was difficult that this conference was arranged and these decisions have been taken.

Mr. K. C. Neogy: Is it a fact that a deputation representing the colliery owners of Bengal and Bihar is going to wait upon the Honourable the Labour Member for the purpose of bringing to his notice the serious difficulties that are being felt with regard to the supply of food stuffs to labour employed in collieries, difficulties which may ultimately lead to considerable curtailment of the supply of coal?

Mr. K. G. Ambegaonkar: I am not in a position to reply.

The Honourable Dr. B. R. Ambedkar: That is so.

Mr. K. C. Neogy: Will the Honourable the Labour Member be pleased to make a statement on this subject after he has received the deputation?

The Honourable Dr. B. R. Ambedkar: Yes, I will.

STATEMENT REGARDING NATIONALISM BY JUSTICE MUHAMMAD MUNIR OF THE LAHORE HIGH COURT.

388. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Leader of the House be pleased to state whether the attention of Government has been drawn to the following statement made by Justice Muhammad Munir of the Lahore High Court at the annual prize distribution of the Islamia College on the 2nd March (as reported by the Associated Press of India and published in the *Statesman* of the 5th March, 1943, Northern India Edition):

"Nationalism as understood in India will be destructive of corporate Muslim existence. Our national consciousness is drawn not from the country in which we happen to live, but from faith which determines our whole conduct and attitude towards life. We, as Muslims, believe that our mode and code of life are superior to others. The fusion of Muslims with non-Muslims, which nationalism implies, will sever the cord of faith."

(b) Are Government aware that such statements on the live political and communal questions of the day made by a Judge of the High Court undermine the faith of the people in the impartial administration of Justice?

(c) What step, if any, do Government propose to take to prevent the recurrence of such statements being made in future?

The Honourable Sir Sultan Ahmed: (a), (b) and (c): The subject matter of this question does not concern the Governor-General in Council.

Mr. Govind V. Deshmukh: May we know whom does it concern, as a matter of information?

The Honourable Sir Sultan Ahmed: I do not know; it does not concern us.

Mr. Ananga Mohan Dam: Have Government any responsibility in this?

(No answer.)

RESOLUTION RE GRIEVANCES OF OFFICIALS AND SECRETARIAT ASSISTANTS EMPLOYED IN RAILWAYS—contd.

Mr. President (The Honourable Sir Abdur Rahim): Further discussion of Mr. Jamnadas Mehta's Resolution.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, when on the last occasion the discussion on this Resolution was adjourned, I had mentioned two cases, one was that of an unfortunate ticket collector who, while honestly discharging his duty of excessing an European lady, incurred the displeasure of the authorities, was first suspended, then restored, then prosecuted, convicted, dismissed, conviction quashed by the High Court, restored, and then given notice of discharge again after a month. Such is the kind of uncertainty and absurdity of railway service to the subordinates. That poor man lost four thousand rupees because in order to get justice he had to sell his wife's ornaments of that amount. It is not an easy thing to go right up to the High Court and establish one's innocence. I have forgotten the name of the man and am unable to supply to the Railway Member the name of the particular person; he came before the Railwaymen's Federation for justice years ago and we were unable to do anything.

The second case I gave was that of an Anglo-Indian, who was charged at Jhansi with having done something wrong, namely, according to the orders of his superior he had delivered some waste stores to a contractor who had purchased them. That was absolutely in order, but a case was made out against him; the charge sheet was given; he sent his reply by way of defence; and instead of considering that defence which was in the possession of the authorities, they called him to Bombay and told him "The case is going to be decided against you: why not resign? You will get your provident fund; you will not lose anything else; but if you are dismissed you will lose everything". This happened after the man had submitted his defence which was in possession of the authorities; instead of adjudicating on the case he was

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coerced into resignation and then the case was dropped; and I know the parties for years together. They came to me, the husband and the wife and the mother of the wife and they said that they were socially disgraced in Bombay among their own community; nobody liked to meet them and everybody pointed the finger of scorn against them as they passed into some theatre or some communal gathering. But no justice was done. Happily, after years and years, this man is now employed somewhere.

The third case is perhaps the worst that you can imagine. I am not going to cite many cases, because I have to make some general criticism also—I shall only cite six cases. The third is that of a secretariat assistant. This gentleman was employed in 1915 as a secretariat assistant under the orders of the Government of India, Railway Department. From 1915 to 1935 or even a little longer, this gentleman was promoted from one post to another, holds very complimentary testimonials, and his supporters even went to the length of writing him congratulations—here is one letter written by Mr. P. C. Young, Secretary of the Railway Board, to Mr. Jain—the gentleman whose name I am giving now.

"I congratulate you heartily on having been appointed as permanent secretariat assistant. You have now an assured position and I am sure that you will strive to better it. I hope your efforts will be successful."

This was in 1915. He was appointed a secretariat assistant. I am not going into the long history of this case, except to say that a secretariat assistant can be only appointed by the Secretary to a department of the Government of India and can only be removed by him. No other authority has any right to remove him, subject to minor punishments; here also I will quote the Home Department notification dated the 27th February, 1932:

"subject to the condition that no officer may be removed or dismissed by an authority subordinate to that by which he was appointed," and this applies to the secretariat assistant. This gentleman was clearly designated as a secretariat assistant, appointed by the Secretary to the Government of India in the Railway Department. Now who can remove him? Only the Secretary to the Government of India in the Railway Department which means the Chief Commissioner of Railways. But in the Railway Board, in spite of the very powerful electric current, the darkness is supreme, the difference between a Secretary to the Government of India and a Secretary to the Railway Board was overlooked, and this gentleman, after twenty years of honourable service, was suddenly found to be incompetent because he was likely to rise higher. At that stage his incompetence was suddenly discovered, petty, absolutely worthless charges were trumped up against him, and without even a proper hearing, he was treated unjustly and was unceremoniously removed. Not only that, but the worst that can be done was done to him, the lowest pension was given. The vindictiveness of the people who dealt with that case is scandalous. It will fill a volume. What happens? He appeals to the authorities who are provided under the rules, and one authority after another regrets "We cannot interfere". He appealed to the Honourable the Railway Member. It began with Sir Sultan Ahmed; also it continued with three more Railway Members, each stamping obediently and loyally the order of the Secretary of the Railway Board. I ask whether they ever had time to look into the inequity of this case. They never had it. There is a proverb that when people are simply doing something according to form they will do the most absurd things; if the form is there, substance does not matter. And when a copy is to be made of the original, if there is a fly in the original and there is none in the copy they will kill a fly and attach it to the copy. *Copy ka copy, makhi ka makhi marna*. Four Honourable Members stamped the removal of the secretariat assistant without looking into the merits of the case, and to-day after 20 years of honourable service that unhappy gentleman walks the streets of New Delhi disconsolate wondering whether there is any justice in the Railway Board or in the Government of India. But the worst of it is still to come. This Secretary of the Railway Board was not the proper authority to initiate any case against him. Whether under the

[Mr. Jamnadas M. Mehta.]

Fundamental Rules, or under the Railway Discipline Rules—I am giving only a summary—or under the Government of India Act or the Home Department notification, any person who can take action against Mr. Jain is the Secretary of the Government of India in the Railway Department and no other. So, initially there was an illegality. Mr. Jain's case was dealt with by an authority who had no business, who was disqualified, and yet after this illegal action took place, not one Member—absolutely there is no getting out of it, with all due regard to the Honourable the Law Member, four Executive Councillors have stamped. Yes. The Honourable the present Railway Member won't give me an opportunity to prove the illegality. I have invited him. Ultimately he escaped by saying, "Don't please write to me again. I shall not reply". But he never answered my point. I know he did not mean any discourtesy, he meant he had nothing to add. I realise, he was so upset by what I wrote to him that he said, "I must now tell you that no notice will be taken of what you will write hereafter". But I took notice of it and have given him a case, which I ask him respectfully to challenge. He won't be able to challenge. Everything is against the Railway Board in this matter and everything in favour of Mr. Jain. Not only is there an initial illegality but the procedure pursued was such that Mr. Jain was not given even a proper opportunity. When he was given an opportunity, what was done was, he was called by the officer who was holding the enquiry and told, "You seem to be impertinent. You seem to be legalistic. I have gone with your case. You are discharged". This is the enquiry. Sir Sultan Ahmed, you were not present at that time.

The Honourable Sir Sultan Ahmed (Law Member): Nor had I anything to do with this case.

Mr. Jamnadas M. Mehta: That may be, but it is my information. For a short time you were a Railway Member. The case may not have come before you.

The Honourable Sir Sultan Ahmed: No, nothing.

Mr. President (The Honourable Sir Abdur Rahim): I must remind the Honourable Member that the question that is raised by the Resolution is a general one as to the advisability of having an appellate tribunal for these cases. The Resolution does not permit any Honourable Member to discuss individual cases, by way of an appeal on the floor of the House to Government for redress.

Mr. Jamnadas M. Mehta: I am referring to them in order to prove my general thesis.

Mr. President (The Honourable Sir Abdur Rahim): By way of illustration the Honourable Member can mention some cases; I can quite understand that. But I do not think that he ought to mention names.

Mr. Jamnadas M. Mehta: I am sorry I gave the name; there was no intention to give the name. Suddenly, in the course of the argument, in order to identify the case—otherwise, in the last two cases I have not given the names. I won't give the name. I close this case with an earnest appeal to the House that the Railway Board for many reasons are unable to deal fairly with cases of this kind.

The fourth case that I am going to mention is of a E. I. Ry. clerk. Overnight he had Rs. 1,600 in cash with him probably against the next day's requirements. But he had asked for leave the next day and the clerk who was to take charge of his work for the day was handed over the papers and the money and whatever else remained, by the clerk who was going on leave. Next day when the man was on leave the Rs. 1,600 were lost. What happened? The man who was on leave, who never came within the railway precincts or inside his office that day, was charged with the theft of the money. No case was instituted in law courts nor was he convicted. Simply because the previous day he was in charge and the next day in his absence the Rs. 1,600 were lost, he was removed. You give vicarious punishment by dismissing the

man who had a long service, because the railway lost Rs. 1,600 in his absence. He was not a guarantor, he was not a guarantee broker that in his absence also things must remain at his risk. I will probably be able to give the Railway Board if they want the name of that gentleman; it is a three-year old case.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Please.

Mr. Jamnadas M. Mehta: I shall be able to give because the railway representatives are here. That man tried his best, I tried my best, but nothing doing. And ultimately the man is without a job, either unemployed living on the charity of friends, or living moodily and eating his heart out in private with the feeling that no justice is possible in the railways.

The fifth case which I will give is a case from the B., B. & C. I. Railway. An Indian Officer and two Indian officers subordinate to him in the Audit Department, all senior with first class record, with appreciation of services, not once, nor twice, but many times over. When the Chief Auditor was going to retire he suddenly took a fancy to somebody who was entirely junior to these three and they were all passed over and their junior is now fixed on their head, to their great disappointment and disgust. Appeals to the Agent brought no relief. I am not giving the name. I have gone through their cases with as much care as is possible for a public worker to do in the discharge of his duty, and I say, never was a more scandalous supersession of qualified, experienced, honest, loyal officers in the B., B. & C. I., than the supersession in favour of this junior man of a Hindu, a Muslim, and a Parsi. The great merit of the case is that the authorities were imparital in their injustice; So long as you are a Hindu, a Muslim, or a Parsi, the justice that you get is of the B., B. & C. I. Railway type. My Honourable friend, Mr. Sankara Aiyar, will be able to spot the case immediately, but I do not want to embarrass him. In my reply if the Railway Board try to challenge this thing, I shall be able to prove it.

The Honourable Sir Edward Benthall: When was this?

Mr. Jamnadas M. Mehta: About two years ago.

Last year another injustice was about to be done to one of the officers and happily the Railway Board at last woke up and he was saved the ignominy of a second injustice and the last time he met me he told me 'Here at least the Railway Board have done me justice' but the greater injustice of being superseded by a junior man, junior not merely to him but two other Indian officers, a Parsi and a Mussalman, is rankling in their hearts and they can see no way out of it to get justice.

Well, Sir, I have concluded representative cases from almost each Railway, except the two southern railways—not that I have not got cases of injustice there but my time is finished and I have to summarise the result of my submissions and make out a general case for the proposition that I have placed before the House. The last point I wish to refer to is the general character of the railway service. The remuneration and the salaries of the humbler railwaymen are not too generous. I am free to say that the Railway Board is on the whole better than some private employers; but it is not giving a living wage to a majority of its employees and even those who may be getting a reasonably good wage in often find themselves unable to make both ends meet and get into debt; one of the rules is that a man who becomes insolvent on account of heavy indebtedness may not be allowed to remain in service or a man who is very much indebted and against whom decrees have been passed may be discharged from service. It is a good rule. I do not deny it. A man who is not able to look after his own finance may not be able to look after the interests of the railway but they know that very often the indebtedness and the subsequent insolvency is the result of lower pay, some serious illness in the family or to some misfortune. In this country the illness of wives is more frequent than it is elsewhere and the husband is simply torn with anxiety between his affection for his wife and his obligation to his employer. He is often on the verge of bankruptcy. Such men are dismissed but the men who

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have incurred debts for drink, for races and other kinds of dissipation, although they are indebteded, although decrees are passed against them, although they become insolvent, they still enjoy the favour of the Railway administrations and they continue in the enjoyment of their jobs. Even if they are dismissed, they are re-employed and the maxim seems to be 'the greater the rotter you are the better your chances of being continued in railway service'. That is the position as regards this indebtedness. Some people become absolutely bankrupt on account of racing, drink or other forms of dissipation and somehow or other they get into the good graces of somebody and they are not only not dismissed but even if dismissed they are re-employed and carry on the previous record of drunkenness with a complete assurance that now at any rate it was permitted by the higher authorities.

Well, Sir, these complaints have been made to the Railway Board in a thousand and one cases. There is not a day when I do not receive such complaints. The letters and telegrams I get and the personal interviews—they make me sick sometimes about the iniquities and the injustices of the Railway Board. I do not say that all the cases that come to me are necessarily right and the Railway Board is always in the wrong. That is not my case. The poor man is as often at fault as the railways. For instance, a man was found smoking in a paint shop. After 23 years of service, he was dismissed. He came to me and asked me whether I could do anything. I told him that I could do nothing, because he was at fault. But in the great majority of cases, either the complaints are not looked into on the ground of their being individual cases or, as I told you, when they come here, the higher authorities have no time to look into them. The first real difficulty is that they have no time. On the table of the Chief Commissioner for Railways, I see piles of appeals, in addition to his other business, from individual officers and, as he once told me, he applies his Christian conscience as much as he could and he claims that he tries his best to do justice. He does not maintain that he was sure that justice was done in every case. Such a frank and honest avowal of the limitations under which justice could be obtained in such matters was very welcome to me and I thought that the only way out was to come to this House and through the House to appeal to the Government for a remedy. The Higher Railway officials have serious responsibilities, particularly the Railway Board which has to run a railway system of 50 thousand miles over a continent like this. They cannot be blamed if they are unequal to task if in addition to their ordinary duties they are charged with the disposal of appeals, covering from 500 to a thousand printed or typed pages. Sitting here in isolation, they cannot verify facts. I cannot blame them. Human nature asserts itself and they try to get a precis from an assistant who goes only into that part which is favourable from the official point of view and thereby presents, unconscious it may be, garbled version of the case. The Assistant also may be innocent in doing what he is doing. Their inability to go through such voluminous mass of papers is the real cause for this scant justice that is being done. What are the remedies open. I ask the Railway Board and the Honourable the War Transport Member and Mr. Sankara Aiyar whether there is a human being in this world, not excluding the higher authorities of the Railway Board, who during the course of his life does not commit some little error and whether that is a valid reason for discharging or superseding or discriminating against loyal servants who have done 15 or 20 years service. No, Sir, I know that the Railway Board has no policy of injustice as such. I do not say that. Knowing these gentlemen at such close quarters, I shall be the last man to say that. They have no deliberate, conscious policy of doing injustice.

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

Mr. Jammadas M. Mehta: I have nothing more to say. The Railway Board are far removed from the scene of action. Their work is onerous and in the nature of things they are incapable of looking into these things. Hundreds of

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honest and loyal servants of the railways are today suffering injustice and in order to remedy this state of affairs I have brought this Resolution. I do not mind how they bring about justice whether through the machinery of the Federal Public Service Commission or any other machinery but in the interest of the reputation of Government, in the interest of justice to their honest and loyal servants I think it is absolutely necessary that some independent machinery should be provided for dealing with the cases of the kind I have complained of. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): I think the motion has been put to the House and also the amendment moved by Nawab Siddique Ali Khan.

There is another amendment in the name of Mr. Anthony. Does he want to move it?

Mr. Frank R. Anthony (Nominated Non-Official): Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): It ought to have been moved before. However, the Honourable Member can move it now.

Mr. Frank R. Anthony: Sir, I beg to move:

"That after the words 'Secretariat assistants' the words 'and subordinate staff' be inserted."

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

"That after the words 'Secretariat assistants' the words 'and subordinate staff' be inserted."

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): Sir, I had the honour of moving my amendment on the last day reserved for non-official Resolutions. My amendment is very simple and I do not think that anybody in this Honourable House will oppose it. It seeks to create a sense of confidence in the minds of a large number of Muslim railway employees that justice will be meted out to them. In support of my case and in justification of the acceptance of my amendment, I will have to tread on that ground where criticism will be levelled against me and where I will be inviting the wrath of some of my Honourable Hindu friends. It is obvious that we represent a particular community and a particular interest in this Honourable House. If for fear of criticism or being called, in simple words, communalists we keep quiet, we will surely be failing in our duty. We will not be true to ourselves and to those whom we have the honour to represent in this House. For the last nine years we, the Members on this side of the House, individually and sometimes collectively have brought to the notice of the Railway Member by means of questions, Resolutions, cut motions and representations the cases of those railway Muslim officials who have suffered, been superseded or sacked, but very often we have found that our expectations have not been fully met. I will now quote a few cases of those Muslims who have been mal-treated by their non-Muslim officers.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not mention the names.

Nawab Siddique Ali Khan: No, Sir, I will not do that. I am in possession of the names of these sufferers and I am quite prepared to give their names to the Honourable Member if he promises to institute an inquiry into the allegations which I am shortly going to make here.

The Honourable Sir Edward Benthall: I will be pleased to do so.

Nawab Siddique Ali Khan: Thank you. I am sure the Honourable Member, who is a shrewd businessman and who knows fully well what administration is and from his record of sympathetic behaviour I am confident that he will do something for those who are ungrudgingly helping him to bring this war to a successful termination.

First of all, I will take up the lower gazetted service. This service is almost wholly recruited by the promotion of subordinates to the gazetted ranks. Mr. Frank D'Souza admitted in his report that the only community which was under-represented in this department was the Muslim community. The proportion of Muslims in the service is hardly 6 per cent. In the Commercial Branch

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of the North Western Railway several appointments have been made recently to the lower gazetted service. Some non-Muslim Inspectors of Coaching and Goods have been appointed as Assistant Commercial Officers. These Inspectors had been receiving bad confidential reports from their immediate superiors in the Accounts Department. They were offered these jobs so that they may get better pay and status to which, due to bad reports, they were not entitled in their own department. When such favouritism is shown, there is bound to be supersession and thus frustrate the claims of deserving people. I would suggest that rules should be framed so that such irregularities may not take place. The same is the case in the Headquarters office. There also the same procedure is adopted. Two Hindus head clerks were promoted as Personal Assistant to the Chief Commercial Manager and Assistant Rates Officer respectively and only very recently a very junior Rates Inspector has been promoted as Assistant Rates Officer. There is not a single permanent Muslim officer in the entire Commercial Branch of the Headquarters office. There is only one Muslim, who is at present officiating, and he is on the verge of retirement. Extensions in service are being given to all officers and their applications for leave preparatory to retirement are refused. But in the case of this Muslim officer neither has his leave been refused nor has he been given any extension. There is a Muslim senior subordinate who is working very successfully as a Superintendent, Sleeper Depot. He has got high technical qualifications and holds many degrees and diplomas from foreign countries. His European officers are very much pleased with his work and have strongly recommended him several times, and they are of opinion that he is eminently fit for being appointed as a Sleeper Passing Officer. But his claims have been ignored on the ground that he does not belong to the Engineering Branch.

I will now give two or three cases of communal discrimination against Muslims. One Muslim was appointed as a Tracer at Karachi in the year 1928 by Mr. (now Sir) Arthur Griffin. This gentleman worked with Sir Arthur for more than 19 months and afterwards he was recommended every year for promotion. In 1942 it was expected that a higher post will fall vacant, which he was entitled to get, but his claims were ignored and his name was not recommended. The real reason was that a conspiracy was hatched to bring in a Hindu gentleman and after all he succeeded in getting the promotion.

12 Noon.

The Tracer submitted an appeal but the local authorities refused to forward it to the General Traffic Manager. However, the North Western Railway Muslim Employees Association took up the matter and the local authorities had to agree and declare the Tracer as suitable for promotion. In Multan Division a Muslim stenographer was discharged from service and a permanent vacancy occurred in the division which was reserved for a Mussalman. A Hindu stenographer who was working in Quetta Division in a temporary vacancy was brought to the Multan Division and was offered that post which was reserved for a Mussalman and the Muslim who was working in this permanent vacancy was transferred to Quetta in a temporary vacancy. There is another glaring instance of communalism and favouritism and discrimination against the Mussalmans, in the case of one Muslim Assistant Surgeon. Upto this time Assistant Surgeons used to be appointed as Personal Assistants to the Chief Medical Officer. But here a novel procedure was adopted and a Hindu head clerk of that Department who was not a Surgeon and had not even the experience of first aid was appointed as Personal Assistant to Chief Medical Officer and the claim of the Muslim Assistant Surgeon who had every right to get the job was completely ignored. Sir, such highhandedness and favouritism has created suspicion in the minds of Muslim employees that there is no fairplay, equity and justice for them in this Department. The other day my Honourable friend Syed Ghulam Bhik Nairang rightly said that the Supply Department was clerk ridden, clerk governed and clerk guided. The same statement applies to the Railway Department also. Sir, to destroy the free masonry existing in the

Department and to annihilate the clique to suppress Muslims it is necessary that a sense of confidence should be created in Muslims that if any wrong is done to them it could be undone by a Tribunal which will have effective Muslim representation. Sir, I commend my amendment for the acceptance of the House.

Mr. Frank E. Anthony: Sir, I moved my amendment to this Resolution in order to fill in what seemed to be a lacuna. In the Resolution we have been asked, at least the Railway authorities have been asked, to devise some more effective machinery for the redress of the grievances of Railway officials and Secretariat employees on the Railways. No mention has been made of the subordinate staff—the subordinate staff who represent the bulk of the employees on the Railways. I feel sure that this omission was not a deliberate one on the part of my Honourable friend Mr. Jamnadas M. Mehta, and I hope and feel sure that he will accept my amendment. Perhaps he was actuated by the point of the unionist when he moved the Resolution, because he tells me that subordinate employees who happen to be members of unions have certain remedies. But what of the thousands upon thousands of subordinate employees who are not members of Unions or of Unions which are recognised by the Railways and by the Government. The only remedy open to these many thousands of subordinate employees are the provisions in the various Railway Administrations. And any one who knows anything about these provisions realises how completely inadequate and hopelessly illusory they are. I shall be most grateful to my Honourable friend if he will accept my amendment, because I feel that if anything the grievances of the subordinate staff are greater and more serious than the grievances even of the officials and the Secretariat employees. The injustice to which they are exposed is more oppressive and widespread in character than the injustice to which railway officials are exposed. I do not wish to be misunderstood. I completely endorse my Honourable friend Mr. Jamnadas Mehta's Resolution for I believe there is an urgent and vital need to secure the redress not only of Railway officials and Secretariat employees but of all the employees on the Railways and more specially of the Subordinate employees; as I have said they constitute the bulk and are the mainstay of the railways. The Honourable Member for Railways and War Transport in reply to my cut motion, which was of a rather similar character and in which I drew the attention of the Railway Administration to the illusory provisions governing appeals and asked them to set up a Judicial Tribunal as the ultimate forum of appeal—in his reply my Honourable friend Sir Edward Benthall stated that as a new broom seeking to sweep away cobwebs from the Railway Administration he had found only justice and humanity. I do not for one moment question the sincerity of my Honourable friend. I really believe that he was, and is still looking for cobwebs. But with whose help has he looked for these cobwebs? With the help of officials who have woven these cobwebs. From whom has he received his satisfaction that justice and humanity form a halo around the head of the Railway Administration? Obviously the only inspiration for his statement is the official hierarchy on the railways. It is like going to a murderer and trying to enlist his support to uncover his crime. The network of cobwebs in the Railways is the handiwork of railway officialdom. How then can my Honourable friend hope to discover these cobwebs with the help of the Administration? Let him come to leaders and representatives of thousands of railwaymen, leaders like Mr. Jamnadas Mehta and myself; let him receive deputations of responsible railway men; we shall point out to him cobwebs not only in the nooks and crevices of the Railway Administration, but we will show him to contemplate his imagery, a heavily crusted and overlaid tapestry of injustice and inhumanity hanging in the marble halls of the Railway Administration.

I agree with Mr. Jamnadas Mehta that injustice and inhumanity are not usually deliberate. In most cases, they are not the result of a deliberate and wicked intention. But injustice and inhumanity are rampant on the railways and they are the natural and inevitable concomitants of the present

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system of railway administration—an outworn, obsolete, unimaginative and increasingly unresponsive system of administration. I find my Honourable friend Sir F. E. James is not here. I believe it was he who mentioned recently that the railways are a big business undertaking and that no bureaucracy and no bureaucratic methods have ever been known to run a business successfully. Unfortunately the railway administration is becoming increasingly bureaucratic in its character and in its outlook or perhaps I should say in its lack of outlook. My Honourable friend the Member for War Transport is a big businessman and I would appeal to him not to look in at matters from the myopic and unimaginative point of view of the railway official. Let him rather try, if he can, to convert the railway official to see matters with the vision and imagination which are usually associated not only with big business, but with sound business.

Sir, as my Honourable friend Mr. Jamnadas Mehta has said the provisions on the various railways for dealing with matters of supersession, discrimination and appeals are notoriously illusory. Mr. Jamnadas Mehta has drawn attention to the fact that supersession as it is being practised in the railways today is one of the most fruitful sources of resentment. In cases where supersession has been made as the result of flagrant discrimination or of obvious communal bias and even of rank nepotism, even in such cases, no redress is possible. Whole blocks of men have often been superseded. On some railways, the men who have been superseded are not permitted to appeal against their supersession. They are not allowed to question the reason for their supersession. And in those railways where they are permitted, the invariable reply is that supersession has been made as the result of selection. There can be no objection to the principle of selection. It is an unexceptionable principle. But Sir, when it is remembered that it is a principle which is likely to be abused as it often is, some redress must be made available to those who are aggrieved by questionable and dubious methods of selection. I can cite not six cases as Mr. Jamnadas Mehta has done. I can cite perhaps sixty cases in which the railway employees have been illegally dealt with. Men have been discharged and dismissed after a procedure which is nothing short of farcical, and it would be amusing but for the fact that it has had such tragic consequences. The whole career and prospects of men have often been abruptly ended as the result of a procedure which is characterised by complete ignorance of the most elementary principles of evidence juridical procedure, of justice and of equity. I shall give to the House but one instance. It is a case which I have already brought to the notice of the Honourable Member for War Transport. And this is not an exceptional case. Unfortunately it represents the case, the all too tragic a case, of the average railway man. It is the case of a Permanent Way Inspector on the E. I. Railway. A man who had served 20 to 22 years, who was a senior subordinate getting Rs. 450 a month. That man was discharged. He was never put in the position of an accused, he was never allowed to hear the evidence which was used against him. He was never allowed to defend himself, he was not given the right of a common felon to stand trial, to analyse the evidence which was brought against him, he was not allowed the right of a common felon to lead evidence in his own defence. That man was discharged after 22 years of service. He preferred an appeal to the General Manager a year ago, and he got the usual Babulike and stereotyped reply, "you have been duly dismissed by your senior officer." What justice or humanity can you expect from the present system, a system in which invariably, or almost invariably, the opinion of one official is blindly endorsed by the next or the succeeding official? The whole railway administration is warped by this bureaucratic complex of blindly supporting or following brother-officials. I believe I am right when I say that in most of the railways today, it is the General Manager who constitutes in his person the ultimate tribunal of appeal. Mr. Jamnadas Mehta has said that it is not fair to expect the average senior railway official to be able to afford the time in order to investigate and to scrutinise cases of grievances brought to his notice. I would go further and say that a

person like a General Manager, however estimable he may be, however able and however tender his Christian conscience may be, he has neither the time nor the inclination, perhaps not even the capacity, to be able really and honestly to deal with hundreds of individual cases which must come to his notice in the course of his monthly duties. It is not possible for him to sift each case, to analyse it on its merits and come to an honest and just conclusion, with the result that you get the sort of reply that I alluded to just now, namely that you have been properly or duly dismissed by your senior officer. What possible objection can there be to the setting up of a Public Service Commission? As far as I am aware, in other Departments like the Customs and the Telegraphs, the Public Service Commission constitutes the ultimate tribunal for appeal from its employees. What possible objection can the railway administration have for the setting up of a similar body in order to listen to and redress the grievances of the railway employees? The only objection that I can possibly see is the objection which emerges from the fraternity of witch doctors who are opposed to admitting liberal and progressive measures because they are afraid that their present primitive and arbitrary methods of dealing with their staff will be undermined and done away with. This is a matter in which we are all interested, to whatever community we may happen to belong, whether Hindus, Muslims, Sikhs or Anglo-Indians. Railway employees, to whatever community they belong today, require most as a vital need the establishment of a more effective machinery in order to deal with their grievances, for example by the setting up of a Public Service Commission. Sir, I move.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I rise to speak on this Resolution, but with no brief from any individual or any particular community, but I rise to speak generally on the grievances of all the subordinate officials that are being affected by the supersessions, dismissals and other acts of the officers that are being done. Now, Sir, I am very glad that the Resolution itself is a general one, it refers to only one question, it refers to no particular party, Muslim or Hindu, or Parsi or Christian. It is in the interest and for the welfare of all the subordinates to whatever caste or creed or colour they may belong. I am very glad to see that such a Resolution has come without any communal turn being given to it. But I must say that my Honourable friend Nawab Siddique Ali Khan spoke about the Muslims. There was no objection to his speaking about Muslims. But what I would like him to say is that a Muslim is affected because there is a Hindu official above him. Apart from that, on this question of helping in the removal of grievances of all the subordinates and officials we are all at one and, therefore, I submit that this Resolution is one which should be accepted by the Government.

With regard to the amendment of my Honourable friend, Mr. Anthony, it is really desirable and necessary, and I have not the least doubt that the Mover of the Resolution will accept it. In my opinion the words 'Secretariat Assistants' include 'subordinate staff' also, but it is better to make it clear.

So far as the other amendment is concerned, I shall have no objection to adding the words 'on which the Muslims are adequately represented'. I would rather ask the Chair to allow us to put the amendment in these words: "on which the Muslims and other communities are adequately represented". I think there would be no objection to this amendment being accepted.

Now, I come to the Resolution itself. It is in two parts: The first is the complaint in respect of supersessions, discriminations, discharges and dismissals; and the second asks the Government for remedying the grievances. It cannot possibly be denied that there are cases, and very many cases, of supersessions, discriminations, discharges and dismissals in which the relief given is absolutely illusory and whatever relief comes it comes from the officer who cannot be wholly uninfluenced or not leaning on the side of one or the other. The grievances are there. They have several times been voiced in this House. Of course, individual cases are not being allowed to be discussed here, and that is what I am saying that for the individual there is no remedy at all, not at least in the sense in which it is suggested in the Resolution. I will give you one instance which

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will show you what actually happens: I know of a case in which a Booking Clerk was dismissed by the Divisional Superintendent and an enquiry was made in regard to the causes of his dismissal by the Assistant, who asked the booking clerk to give his defence and he decided the case. The case was wholly untenable and the clerk made an appeal to the General Manager who decided his case by putting down only these words "Appeal rejected. There is no reason to interfere." I am very glad that the clerk was not satisfied with so much; he went to the Court and I was pleading for him in the Court. What happened was this. When the case came before the Judge, he was of the opinion that there was no opportunity given to the booking clerk and no reasons were shown for dismissing him. It was a dilemma for him. The representative of Government, who was fighting the case, pointed out that the Court had no jurisdiction to go into this question. The reason given was that the Government servant is appointed and dismissed at the pleasure of the Government, and therefore the Court have no jurisdiction. Such cases do happen and may I ask if there is any independent authority or tribunal to go into the case and satisfy the person who is dismissed. I have quoted this case because it is personally known to me and which I myself conducted; it was in the Court of District Judge, Sukkur. The judge said that the case was clear and he would have given a declaration to the effect that the dismissal was wrong but he had got no jurisdiction. The Privy Council has decided a case like that and therefore they say that the Court has no jurisdiction. Therefore, I say, Sir, that so far as individual cases are concerned, or general cases are concerned, why do you allow those cases to be brought forward in this manner? Why don't you remove their grievances by appointing a tribunal or sending all such cases to the Public Services Commission to decide? This action on the part of Government will remove a good deal of discontentment, and we will also not be disturbed in individual cases to listen to their grievances and bring them forward in this House. Some of the cases are very justifiable and genuine and we have either to fight those in the Court or bring forward here, but here again in the Assembly we are not getting any relief for those individual cases with the result that dissatisfaction continues.

One of the grievances of subordinates was that in direct recruitment influence and favouritism played a great part. Promotions were also not properly decided. Cases of supersessions, discriminations, discharges and dismissals were not thoroughly gone into and properly decided. To go into all these questions Mr. D'Souza was appointed, and in his report on page 61 he says:

"In paragraph 51, reference has been made to the desirability of establishing an independent organization for direct recruitment to the subordinate services as an alternative to the existing arrangement, under which *ad hoc* selection boards constituted in districts, divisions and at the headquarters of each of the four State-managed railways recommend candidates for appointment."

Further on he says:

"Competition for the vacancies that arise is keen, and the several thousands of disappointed candidates with their relatives, friends and communal supporters are not above believing that those only are selected who can influence the selectors, despite the cautionary 'Canvassing will be a disqualification' inserted in practically every advertisement."

On page 63, we again find:

"Sufficient has perhaps been said of the present procedure for recruitment and of the manner in which Selection Boards function, *vide* Chapter VIII, to indicate the need for changes in the existing methods. Such alterations as are practicable, and have been suggested in paragraph 51, do not go as far as is necessary to improve matters. It is the system that is at fault, and should be ended by the constitution of an independent organization for the recruitment of subordinate staff on the four State-managed Railways."

He has not said that only in respect of recruitment. Later on, he has said about other grievances also. On page 65 we find:

"On the assumption that the scheme for a Railway Services Commission will be accepted, it is further recommended that the arrangements for the competitive examinations to be held for promotion from grade to grade, *vide* paragraph 121 should be made by the Commission."

Then he says:

"Consideration has been given to the possibility of assigning to the Commission certain other functions."

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Now, those are the functions for which this Resolution has come in:

"If and when it is found that the work connected with the improvement in the subordinate service and in the holding of examinations for promotion is not sufficient to absorb the Commission's time and energy; and should this prove to be the case, the Commission could be utilised as an advisory body in connection with cases in which severe disciplinary action had been taken, as was contemplated against senior subordinates. In considering these cases the Commission could co-opt, if necessary, departmental officers with the requisite technical knowledge, and so forth."

Now it is plain that the two gentlemen engaged on the enquiry have come to a positive decision, and it is very clear that supersessions, recruitment, discriminations, discharges and dismissals are often done by influence and favouritism. Therefore why not remove all this and find out a course to remedy it? It is suggested to devise a suitable machinery for the effective redress of the aforesaid grievances by entrusting the investigation and disposal of such grievances to an independent body like the Public Service Commission. Now, Sir, we have two Public Service Commissions—one is the Federal Public Service Commission, and we know that the cases which go to them end satisfactorily once their decision is given. In like manner we have at present a Public Service Commission for subordinates sitting at Lahore and it is a body consisting of three officers. Now those three officers—one of them is a Hindu, Mr. Dhan: there is the Chairman, Khan Bahadur Muzaffar Husain, and the third is Sardar Ram Singh. But they are deciding cases only on direct recruitment. I know there are several defects, which of course will be ventilated by and by as further powers are given to them. At present they simply act on directions from the General Manager. He may tell them that he wants just six men: the Commission is not to worry how to place them in order of merit. They have just to select the men and send them on to the General Manager and he will decide where to send each one of them. There is much discontent with this. But what I am concerned with is this: all grievances relating to subordinates should be sent to the existing subordinate Public Service Commission in Lahore; with regard to higher officers, their cases should be sent to the Federal Public Service Commission. But the only question that may arise will be whether the Commission will be able to do more work than they are doing now. At present they have only to decide cases on direct recruitment. I personally think they will have the time. But if they have not, then some officers may be co-opted. Of course, they should be independent, but I would go further and say that in order to put down these complaints, and to make your subordinates and officials contented and help them to work with satisfaction and pleasure, it is only right that you should recognise some independent tribunal for their grievances. Now if you think that the present subordinate Public Service Commission is overworked, add one or two other members and it will be all right. Even to the Federal Public Service Commission also one or two members can be added. Only then can we hope for these perennial disputes and quarrels over these promotions and other things to come to an end. I do not think I should take any more time. I have explained the situation. There are two parts to this Resolution and one part cannot be denied by the Government. They cannot say that there are no supersessions, or that all their officers are above board. Just because they have decided a case, it does not mean that it is finished. I have given you an instance of a Divisional Superintendent dismissing an employee and the assistant.

The Honourable Sir Edward Benthall: I said the General Manager had reviewed the case.

Mr. Lalchand Navalrai: It went to the General Manager on appeal. The answer was, "I do not interfere."

The Honourable Sir Edward Benthall: He did not say that he did not interfere. He said "Rejected."

Mr. Lalchand Navalrai: Of course it comes to that.

The Honourable Sir Edward Benthall: Very different.

Mr. Lalchand Navalrai: That means that he is not to look into the case. He has simply to say "I reject". That is the reason for these appeals. Justice is not being done. The law is that the Appellate Court should give satisfaction

[Mr. Lalchand Navalrai.]

by giving such reasons that the Courts should find that those reasons are such that they should not go into the question. But when they simply say "I reject" that is no satisfaction at all. Therefore I say it is very necessary that something should be done, and now that there is unanimity on this Resolution from this side, it should be accepted with those amendments.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I thank Mr. Jamnadas Mehta for bringing this matter up again to the notice of the Assembly, and I have no praises for the Government for their continued indifference to our first demands. I first brought this matter to the notice of this House in the form of a cut motion on 24th February, 1934 when I moved that the demand under the head Railway Board be reduced by Rs. 100, and this I did in order to raise the question of the system of appeals, and during the debates I pointed out the method prevalent in the Railway Department which my Honourable friend, who represents the law in this House will not believe it, but I said it was a fact. I said on that occasion that no I.C.S. officer would be inclined to accept what I was going to say and I challenged in 1934 that what I was saying was correct and the system of appeal in 1934 was this: That a person is really discharged by an officer of the rank of Superintendent on the representation of a clerk. He sends his appeal to the Divisional Superintendent. The Divisional Superintendent sends it back to the officer, who in turn sends it back to the clerk. The clerk puts a memo saying that this is a case of discharge without even mentioning the case, and the Divisional Superintendent replies, without reading the case, on the authority of that clerk, that the Divisional Superintendent has no reason to interfere in this matter. Now, he files another appeal to the Agent; the clerk in that Agent's office simply forwards it to the Divisional Superintendent; the Divisional Superintendent sends it back to the officer and he sends it back again to the same clerk who dealt with it first, and he writes another memo, saying "This is the case in which so and so was discharged on such and such a date", and it comes back to the Agent who replies that he sees no reason to interfere in this matter. My friend representing the railways may question this thing, but he knows the other day there was a case where it was proved that the Agent never read the case at all and in spite of that he wrote a letter in this form, that he has personally looked into the matter and he saw no reason to interfere—but it was definitely proved that he never read it. This is in a memorandum mentioned by the Honourable Sir Zafrullah Khan and it will be found in the office—in connection with the E. I. R.

The Honourable Sir Edward Benthall: Can you give me any clue as to the date?

Dr. Sir Zia Uddin Ahmad: I will give you all the facts later on—it is on the file of the Railway Board. Again, a man sends his application for mercy to the Governor General. His Excellency's private secretary sends it back to the Railway Board, where it goes to the second or third grade clerk who dealt with it before; he puts on a printed memo, without any officer reading that appeal and he sends it back to the Agent, and the Agent sends it back to the Divisional Superintendent who in his turn sends it back to the original office and the same clerk puts up the same reply.

The Honourable Sir Edward Benthall: The Honourable Member is completely wrong.

Dr. Sir Zia Uddin Ahmad: I am perfectly right. I am merely repeating what I said in 1934 and this is perfectly right.

The Honourable Sir Edward Benthall: I am saying that it is wrong.

Dr. Sir Zia Uddin Ahmad: This was in 1934. My friend Sardar Sant Singh took part in that discussion and he mentioned a number of cases which in his opinion was a gross insult to his sense of justice and to his sense of legal profession, and as he is present I shall not quote him. But my friend, Sir Henry Gidney, at that time took up the matter and he said—I shall just quote one or two sentences—

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"Often times you find the Loco. Foreman the judge and the accuser of a driver or a fireman who had been punished by him and in all cases he is supported by his higher officers, till you finally come down to what my Honourable friend Dr. Ziauddin, has immortalised here the ubiquitous clerk in the railway office. This is a daily occurrence. The opportunity of a subordinate to appeal, then, becomes an absolute fiasco, a sinecure. A man is discharged for some reason or other, rightly or wrongly."

This was the statement made by the late Sir Henry Gidney when I moved this particular cut motion. Later on I was given to understand by Sir Joseph Bore who was then Railway Member that the matter will be looked into. He said:

"In view of what I have said in regard to the fact that the rules are being reconsidered I hope my Honourable friend will withdraw his motion."

He gave an assurance on that occasion that he will reconsider those rules, but unfortunately nothing was done in spite of the assurance given by a predecessor of my Honourable friend. Before I finish this part I would just remind him of the recommendations of the Labour Commission which he will find in Chapter 8, section 4, where the commission definitely recommended that no person should be discharged by the superintending senior officer; but the discharge should always be made by the divisional superintendent, so that an appeal may lie to the Agent. This was a definite recommendation made by the Royal Commission on Labour. But unfortunately attention was never paid to it by the railway administration, and they never considered this fact at all and the thing was allowed to drift on in the same manner. After waiting for seven years—according to the well known theory of philosophy that all the atoms in our body disappear after seven years—I took up the matter again, seeing that all those atoms had gone and probably good sense might have come in. I moved this motion again and brought it up after seven years in this House, not in the shape of a cut motion but as a Resolution.

Sardar Sant Singh (West Punjab: Sikh): In law courts seven years' disappearance gives rise to the presumption of death.

Dr. Sir Zia Uddin Ahmad: I moved this Resolution in 1941—on the 20th February—in these terms:

"In view of the unsatisfactory nature of attending to the appeals of the Railway employees, this Assembly recommends to the Governor General in Council to appoint officers of judicial mind and attach them to the offices of the General Managers and of the Railway Board to listen to the appeals of the Railway employees and to scrutinise the present rule of attending to those appeals."

Again I gave definite cases which were before me and I mentioned two or three such cases. I had about 8 or 10 cases then. I shall mention one or two:

"A person was named Muhammad Sher Khan. He had been in service for a long time and, one day, some man reports that the man's name is Sher Khan and not Muhammad Sher Khan. Therefore, on the charge that he put his name in a wrong manner, the man is discharged. That man said his name really is Muhammad Sher Khan. He filed a certificate from the municipality and filed other certificates but the superior officer said it was a case of wrong personification. In this connection I may tell a story which my Honourable friend the Communications Member will enjoy. When he was in Aligarh, he used to write his name in Urdu 'Clow' but the people always read it as 'Kallu'. That was the name by which he was known when he first came to Aligarh. He has now become Sir Andrew Clow and in the same way it may be said that he has also resorted to personification."

Is it right that he should be discharged on account of false personification from Kallu to Sir Andrew Clow? Then I related one or two other important cases of the same kind which really showed the judicial mind of the railway officers. A person was charged for travelling without a ticket; an inquiry was made and the man was found not guilty. But a charge sheet was framed against him and he was dismissed in spite of the fact that it was proved that he was not guilty. I shall not waste the time of the House in reciting so many cases; but if my Honourable friend is interested, he can read the debates on those two occasions.

The Honourable Sir Edward Benthall: I have read them.

Dr. Sir Zia Uddin Ahmad: In the years 1934 and 1941, and he will find that this is the condition. I will also mention the case of an officer in the E. I. R.—a very peculiar case. Suddenly two persons came to him and one spoke something against him and asked "Have you got anything to reply?" He said "What is the reply I can give? What is the charge against me?" Fresh

[Dr. Sir Zia Uddin Ahmad.]

charge of insubordination was levied against him, that he did not behave properly. He was discharged for insubordination. I wrote to the General Manager himself and I got a reply that he had personally looked into the matter and the facts of the case were correct. Fortunately his case went to the Governor General on appeal and it came to the Railway Board at a time when the Honourable Member had some leisure, which he very rarely had. He looked into the papers and wrote a note of about 43 pages and proved in that note, which my friend can find out from his office, that the General Manager had never read the appeal and that the General Manager wrote all those letters without reading anything. So, this is the sense of justice prevailing on the railways. It is fundamentally opposed to the sense of justice prevailing in other departments. There is nobody to listen, nobody to read, and everything is decided by the idiosyncracies of one individual and very often that individual is a clerk, not even a subordinate officer. Therefore I do pray that now that two more years have passed and we have got as the head of the department a person with a business mind, he will make it a point to see that all his subordinates are satisfied. As we say:

"Mazdur khush dil kunad kar besh."

This is the secret of success in business that you must keep your subordinates contented. It is now time that you make inquiries and frame certain rules by which this demand can be secured. I suggested on the last occasion that we should appoint at least one or two officers with a judicial mind—they may be ex-railway officers, or they may be drawn from the judiciary, but they must have a judicial mind. They should be put in the office of the General Manager and similar persons must be put in the office of the Railway Board. They should study the files from a judicial point of view, and have power to send for the original papers and study them. They should not look forward to any promotion in the particular department so that they may be in a position to give their judgment impartially. My Honourable friend, Mr. Jamanadas Mehta, suggests a tribunal in place of one or two officers attached to the railway department. I do not differ from him, I accept his suggestion. I think it will probably be more practicable if we have a tribunal in the case of the officers and one or two persons with a judicial mind to deal with appeals from the subordinate staff, because that is also very important. We cannot send the appeals of the subordinate staff to the tribunal because the number of appeals is so large. But the central point is that we should have justice in this particular department where I am sorry to say no justice exists at the present moment. There should be a feeling of security of tenure in the minds of the employees so that they may do the work better. You may give them to understand that this is also a State Department. It is not purely a commercial department. On one occasion Sir Andrew Clow said, "Why do you not demand a thing of that kind from Tata and Co.? Why do you demand it from the business heads of the railway people?" I replied, "The Tata people never asked for Statutory Protection, so that any person who is guilty there should be punished by the courts of law. But your railway people demand from the Legislature Statutory Protections. If you come for protection before the Legislature, it is right on our part to demand that you should show the same justice to your employees as is shown in other departments of the Government of India."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sardar Sant Singh: I am glad that the Honourable Member has given us to understand that he has read the previous debates upon the subject, and so he knows the feelings of this side of the House. I will only ask my Honourable friend to consider a few points relating to this matter. The first point that I will ask him is whether he believes in the security of service in the railways or not. If he believes, as I hope he will, in the principle of security of service, then the next point would be whether there is actually security of service in the railway department to-day or not. From the many instances that have been quoted on the floor of the House for the last seven years

Dr. Sir Zia Uddin Ahmad: Now nine years.

Sardar Sant Singh: now nine years, if anything is undisputed it is that the railway employees do not believe that there is security of service. The feeling of security of service does not exist; not only does it not exist to-day, but the feeling that remains is being slowly and steadily undermined. This state of mentality among the railway employees will not lead to the efficiency of service for which my Honourable friend probably stands. The second point which in this connection I pointed out in my last speech in 1941 and also in my speech of 1934, which my Honourable friend, Dr. Sir Zia Uddin Ahmad did me the honour of quoting in his book on Railways,—probably the only book written by an Indian so far on this subject—I have tried to point out that in the matter of deciding appeals it is not the satisfaction of the department alone that justice has been done to the aggrieved person that should be our aim. The mere fact that the right of appeal has been conceded shows that the aggrieved person has to be satisfied that justice has been done to him. When my Honourable friend just now interrupted Mr. Lalchand Navalrai by saying that the General Manager in that case rejected the appeal in two sentences, he did not probably realise the seriousness of the complaint. The complaint is that the General Manager did not show by his judgment in that appeal that he had applied his mind to the facts of that case.

Mr. Lalchand Navalrai: Quite right.

Sardar Sant Singh: It is the aggrieved person who takes the trouble of writing a couple of pages to make out a case against the decision of the officer, and the question is whether that appeals to the officer who is deciding the appeal. That appellate authority has to put down his views controverting the grounds raised by the aggrieved party. This is not done. On this account the feeling of insecurity becomes intensified among the employees of the railways. Particularly at this time when the railways are overworked and there is the stress and strain of the war upon the employees of the railways, it is the special duty of the Honourable Member for Railways—it is a duty which has fallen not upon a member of the bureaucracy, not upon a member who has been brought up in the traditions of the I.C.S. or departmental prestige, but upon a non-official who has been given the charge of this department—that he should approach the question from the point of view of the people and not of the administration alone. There is no question of prestige in his case. The question is, is justice being done to the sufferer? Not only that justice has been done to the sufferer, but he must have the feeling that justice has been done to him. That is the point of view which I want to urge upon the Honourable Member. I am sure the Honourable the Law Member will bear me out when I say that that is the fundamental principle underlying the right of appeal both in civil and criminal cases. I will impress upon the House that this is not an ordinary grievance. There is not a single case which my Honourable friend can quote to the House by which he can show that sufficient mind has been applied to the grounds of appeal on which the sufferer or the aggrieved party took his stand. Not a single case. The result is that the demand of the House for the appointment of a senior railway official to look into cases of appeals has now gone further and in the present Resolution the demand is for the appointment of a Public Service Commission. There are many advantages in the appointment of such a Commission. The main advantage would be that they will bring a detached mind to bear upon the facts of the case. I may remind the Honourable Member of one thing. From the very nature of the departmental cases no witnesses are examined, no right of cross examination is allowed to the person who is to be discharged and deprived of his livelihood. All the favourable points in favour of the Department are there, while the unfavourable points against the Department cannot be brought out owing to the nature of the departmental enquiry. Therefore, the advantage is with the department; the advantage is not with the aggrieved person. And this aspect of the case should be taken into consideration when an appeal is decided. I will therefore request the Honourable Member to give personal thought to this

[Sardar Sant Singh.]

1 P.M. question of appeal. The other day I pointed out two cases in which justice was not done on account of certain communalism. I do not want to quote those cases. The Honourable Member is aware of them. Here, several cases have been quoted where the question of communalism has been brought in. Well, the evil is not on one side alone. Unfortunately, the system is there and we want the system to be modified, so that the evils pointed out by one community against the other community should cease to be brought up in this House. I have said several times that most of the time during the Session period of the Honourable the Railway Member is taken up with answering questions. Would he not devise a certain system by which this communalism should be eliminated and the rights and liabilities of the employees of the railways may be considered on their merits. Justice should be done to them and the staff should feel that justice has been done to them. (An Honourable Member: "They depend on reports alone".) Our demand is that they should devise a system by which this evil should be eliminated and I think the members of the Muslim League Party will agree with me that such a system is badly needed today.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Mr. President, Sir, I rise to support the original Resolution and the amendment moved by my Honourable friend, Nawab Siddique Ali Khan. I do not think I need place very great details to carry conviction, as I believe the Honourable Member in charge, Sir Edward Benthall, himself appreciates the value of a contented clientele of staff. That is my only submission and as a businessman I think Honourable Sir Edward Benthall appreciates this point of view, more than anybody else. I need not give him details of dismissals, discharges or supersessions brought about with prejudice at different times on different railways but I would like to impress on him that under the existing system tyranny is sanctioned without an effort on the part of that particular officer who sanctions it, and tyranny is sanctioned owing to indifference or ignorance. The higher authorities like the General Managers and the Divisional Superintendents have probably got their hands full with other administrative affairs and they have hardly any time left to themselves to go into the details of such appeals when they are preferred to them. Normally what happens is that a stereotyped reply is sent out to the aggrieved person or to those who refer such cases that the D. S. or the General Manager do not see any reason to interfere with the decision of so and so. What happens is that they have no time to go into all these cases of appeals and probably they feel that if they attend to this work they may have to sacrifice other important administrative duties entrusted to them. Therefore, some other machinery should be set up to go into all these details of appeals who may find out whether the man in question deserves the treatment meted out to him or not whether he should be condemned or not. The Resolution is not at all ambiguous. It is clear and I hope that the House appreciates the point of view which we have been stressing for a number of years. I am glad that my friend, Mr. Jamnadas Mehta, has at last moved this Resolution today.

Now, Sir, I will give you a few examples as to how the present system works. Take the E. I. R. I know personally of cases in which efficient employees in the subordinate grades and officers' grades are not given due promotions and are being superseded only because they cannot approach in a manner the persons responsible for giving such promotions require. I know of at least half a dozen graduates on the Howrah Division who have been working for over 14 years as B class guards or T. T. Es. or junior scale clerks. They are drawing from Rs. 30 to Rs. 45 as salaries. I wrote to the General Manager in some cases. The matter was referred to the Divisional Superintendent, Howrah, who in turn had to depend on the clerks' notes in the Establishment Department. Again, the stereotyped reply was sent that the men either happened to be juniors to so many or that they have not been found efficient. I know of not one but hundreds of cases. I referred to thirty cases in a letter

to the General Manager of the B. & A. Railway, Calcutta, recently in which persons drawing Rs. 30—50 within a course of two years or about were brought to the category of salaries of Rs. 180 to 200 jumping over the head of many whereas others were allowed to rot in the same condition as before. Instances are not wanting of cases of dismissal and discharges. Only very recently I had the opportunity of addressing the General Manager of the B. and A. Railway regarding the case of a certain employee. He was dismissed by the Chief Commercial Manager on the ground of accepting illegal gratification. The story was that he charged certain passengers according to the certificate of the Guard. Unfortunately a case was made against him only and the guard was let off when this crewman was dismissed. I referred the matter to the General Manager and I got the reply only ten days ago, in Delhi, saying that the General Manager, B. and A. Railway, sees no reason to interfere with the decision of the Chief Commercial Manager. Well, that was not unexpected. I did know that that would be the reply because that has been my experience for the last nine years. All the General Managers had been working in the same way. They never give any grounds and they never care to read the files or appeals. As I said in the earlier part of my speech, probably they have no time to do all this. Very often they sanction this tyranny through ignorance. I am not going to assign motives to these General Managers and I am not going to say that the General Managers or the Divisional Superintendents do so deliberately, but what I do say is that the machinery itself is so defective that normally it is not possible for them to do justice in individual cases. What they have to do is to depend on the reports that are prepared for them by the Establishment Department or the other Departments concerned and they just ditto the remarks of these Departments. This is the position all over India.

Now, I would like to cite just a few instances of appointment of Accounts Officers on O. T. Railway. A very recent instance has come to my notice on this Oudh and Tirhut Railway, which we took over only very recently. I would refer to Circular No. O. T. Rys. 34-Act-II-43/I by which one man of junior subordinate service has been placed to officiate as an Assistant Accounts Officer on that Railway superseding many others. During the last two or three months similar other cases have also happened on this Railway and they have been rather more numerous than usual which have come to my notice. I will only refer to one of them so that the Honourable Member might get the right clue. I refer to their Circular letter No. 34-Ac. II-43/II dated 15th February, 1948.

Now, Sir, I have already said about the E. I. Railway and B. and A. Railway and I have quoted the instances which occurred on the O. T. Railway. I do not think I need dilate very much on the North-Western Railway because my Honourable colleagues have cited many cases of that Railway. I will content myself by saying that the N. W. R. is as good or as bad as the other Railways are. I have on my file probably thousands of cases which we had prepared for the D'Souza inquiry. But fortunately or unfortunately we could not agree with the method and the terms of the inquiry and we had to boycott that inquiry altogether. All the same, during the course of the last few years I alone must have referred to about 200 such cases to the heads of Railway Administrations to which I have referred. Probably in 99 per cent. cases what I found was that the General Managers or the Divisional Superintendents were not able to disagree with the decision that had already been arrived at. My only submission is that the Resolution as amended by my Party representative should be accepted by the House as the whole procedure of appeal is a farce in the present condition. With these remarks I recommend this Resolution.

Mr. President (The Honourable Sir Abdur Rahim): Sir Edward Benthall. The Honourable Member had better begin 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. Sir Cowasjee Jehangir (one of the Panel of Chairmen) in the Chair.

[25TH MARCH, 1948]

The Honourable Sir Edward Benthall: Sir, I am naturally impressed by the general expression of opinion round the House that there exists a certain amount of injustice in the railways. I suggest, however, that this view has regard to one side of the picture only and arises out of the flood of complaints which naturally are directed to Members of this House from various disgruntled men. I suggest that if the House looks at the position as a whole, the views which have been expressed by various speakers on the floor of the House this morning are really a travesty of the actual position.

I could wish that when these debates occur, Honourable Members would cite rather better cases. The Honourable the Mover when he spoke on the 18th February stated that his office of the Railwaymen's Federation is choking, absolutely choking, with palpable cases, of gross injustice and he went on to say that the Railway Board, General Managers, and, I think, the Honourable Member in charge habitually disregarded complaints which were registered. Well, Sir, we have carefully looked up the facts and we can find no record of his numerous appeals in the offices of the Railway Board, and so far as we can make out, he has not submitted numerous petitions to General Managers either. I won't follow him into his disquisition on the Christian conscience, but I can confidently say that all these cases which do come before the General Managers and the Railway Board are most carefully dealt with on their merits. He himself cited in the first part of his speech two cases which he briefly recapitulated today. Well, Sir, in accordance with our habit we took up these cases and made investigations, but when we approached the Honourable Member we regretted to find that he was unable to give any details of the cases not even the names and it led one to suspect that the papers in connection with these cases in his office had gone where he accused the Railway Board of putting their papers into the waste paper basket. Well, Sir, the Railway Board had not put their papers into the waste paper basket. They looked up the first case and they were able to give me full details of the G. I. P. case. I have also looked into this and I find, to put the matter briefly, that the details are not accurate, that so far as I can see there is no substance in the allegations made, and furthermore that, although strictly speaking there is no right of appeal in this case, because the gentleman in question resigned, the Chief Commissioner himself did personally look into the case and did personally communicate with the General Manager of the Railway to satisfy himself that no injustice had been done. That being so, I think that the Honourable Member could really hardly have chosen a better instance to disprove his case and prove the case of the railways.

In the second case to which he referred, neither the Honourable Member nor the Railway Board have been able to trace any details whatsoever other than those which the Honourable Member has told us on the floor of the House. But I would like to assure Honourable Members that in so far as we are able to do so, we do pay attention to all these cases which are referred to, and where sufficient details are given to us we do re-examine them in the light of Honourable Members' statements on the floor of the House.

Turning to the Resolution, I should first of all like to deal with its applicability. Take the case of the first part of the Resolution dealing with railway officials and secretariat assistants. I will deal with the latter first. As regards Secretariat Assistants, there have been no such persons in the Railway Department since April 28, 1932, at which date all persons who were holding posts under the administrative control of the Railway Board became railway servants and were governed in respect of discipline and rights of appeal by the Railway Services Classification Control and Appeal Rules issued under Section 95(b) of the Government of India Act 1919, so that today there are no Secretariat Assistants, and the Resolution is, therefore, void in that respect. The Honourable the Mover mentioned the case of a Secretariat Assistant and indicated I presume in accordance with the intention of the Resolution, that it had not had serious consideration. Well, Sir, he gave some of the facts of the case. This gentleman, who claimed to be a Secretariat Assistant on the date

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of his removal from service, was really a railway servant. He was removed by the Secretary of the Railway Board and he appealed to the Board. It was examined by the then Chief Commissioner, Sir Guthrie Russell. He petitioned the Governor General in Council and the case was dealt with four months later by Sir Muhammad Zafrullah Khan (and not the present Honourable Leader of the House), and the case was rejected. When a new Honourable Member was appointed the case was brought forward again and was again reviewed in 1938, two years later, and a minute was made that no further representation would receive consideration. Nevertheless, when a new Honourable Member was appointed in charge of Communications, this officer approached the new Member through a Member of the Legislative Assembly. The then Member, Sir Andrew Clow, examined the case afresh and again passed orders unfavourably. Then when I took up office the case was brought up again by the Honourable Member and once again I have examined it in detail. The Honourable Member said that I had given him an answer which he must take as final. Nevertheless, he wrote me another long letter setting out what I think are the same facts in a different order, and although I have said that my answer is final I do intend to look through this case once again because I am not ashamed of admitting that my first opinion may be wrong, and I do wish to convince the Honourable Member that such cases do have proper consideration especially when they are put up by Members of the House.

Some Honourable Members may think that such meticulous attention is in time of war positively fantastic. I am rather inclined to think that myself but I would ask the Honourable Member, Mr. Jamnadas Mehta, who I see has just returned, to realise that I do take these cases extremely seriously, and even though I have said my last word, I may or may not yet say another. That disposes of that particular case and also the case of Secretariat Assistants who do not exist in the Railway Department.

Turning to officers, I should perhaps just explain that all railway servants can appeal to the Governor General in Council against an original order of the Railway Board. Such orders are not ordinarily applied to subordinates and, therefore, they are usually applied only to officers. In the case of Class I officers, only the Railway Board can impose certain penalties, and in case of removal or dismissal only the Governor General in Council can act. In the case of Class II officers, the Railway Board can, I understand, impose all these penalties, but in all cases an appeal lies to the Governor General in Council. The latter are required to consult the Federal Public Service Commission either in the case of an original order or in the case of an appeal. In the case of petitions any railway servant has the right to petition, but the Home Department have laid down rules under Appendix XV of the State Railways Establishment Code, Volume I, regulating how those petitions shall be withheld. They can be withheld under certain specific conditions, one of which is if a man has already exercised his right of appeal. When they are not withheld they can, if necessary, go up to the Member in charge, and in this respect the Railways are no different from any other department of Government. It is quite clear that there could not be an unlimited right of appeal to the highest authority, because that would simply mean that the Member in charge of the Department would be paper-logged. Mr. Jamnadas Mehta has recognised this. In the course of his speech he realised that all petitions could not go to the top and he drew a moral that they should go to the Public Service Commission. I draw a different moral and that is that petitions should be dealt with at a lower level within the administration.

Now, it is apparent from what I have said that the Resolution as drafted has no great meaning because it does not apply to officers, which I think is meant by officials, and it does not apply to Secretariat Assistants. I think that really it is meant to apply, as Mr. Anthony has indicated, more to the subordinate staff. He suggested that there was a lacuna in the Resolution and that subordinate staff should be included. Well, I do not see why, if you are going to widen it, you should not widen it to cover inferior staff also, who have an equal right

[Sir Edward Benthall.]

to justice. So that even the amendment to the Resolution does not, I think, cover the whole subject.

Time does not permit me to go into cases of discrimination referred to in the Resolution. But I should like to tell my Honourable friend, Nawab Siddique Ali Khan, that I have already given a general undertaking that I will endeavour to see that the Government's policy as regards representation of the Muslims in the railways is carefully honoured and I will also look into the specific cases which he has mentioned. Beyond that, and saying that the subject has already been dealt with at considerable length in the course of this Session, I do not propose to deal further today with the question of recruitment or the promotion of minorities.

But I should like to say something on the subject of supersessions. In the case of subordinates, there are two kinds of supersessions, or what are usually regarded as supersessions. One is in the non-selection grade and the other is in the selection posts. In non-selection posts promotion goes by seniority unless a man is specifically declared unfit. I do not think that often happens, and if a man is specifically declared unfit, no Member of the House would. I am sure, wish him to be promoted. In the selection posts great care is exercised. All the posts are listed by General Managers and there are Selection Boards, as Honourable Members know, for the purpose of selecting men for these posts. Quite recently, on the 22nd October, 1942, instructions were sent out to General Managers with regard to these Selection Boards which exist both for promotion and recruitment. It was stated there that they should consist of not less than three officers, that every effort should be made that at least one Member of a minority is included in these Boards, and that a Muslim officer should be included whenever possible. Various other details were laid down and I would just quote the following sentence—"It is realised that the position on individual railways may not permit of full effect being given to these instructions; but a record should be kept of the instances where circumstances did not permit of this being done. The reasons for superseding senior employees should invariably be recorded by Selection Boards in all cases of promotions to selection classes, grades and posts in subordinate railway services".

Honourable Members will see, therefore, that the Railway Board have quite recently given serious attention to this question of supersessions and they will see, also, with reference to the Muslim League's amendment that care is taken to see that minorities are covered in the Selection Boards. Normally selection goes to the best man but seniority counts. There is good reason why a senior man is passed over or superseded, because naturally seniority does mean experience which is a very valuable asset. My Honourable friend, Mr. Jamnadas M. Mehta, quoted a case of the B., B. and C. I. Railway Audit Department. I think it should not be regarded as a case of supersession. It is really not a case of supersession at all. It was a selection post and it is very natural that such a post should go to the most suitable man. It does not necessarily mean any black mark against the man who is superseded. In the opinion of the Committee who makes the selection the man selected was the better man and really a first class man who should rightly be promoted. Naturally, it is extremely difficult to convince people who have been passed over that they have been justly passed over and it is almost impossible to imagine any machinery which will satisfy men who have been passed over that they have been justly passed over. The only remedy for this is to give up selection posts altogether. But I do not think Honourable Members really advocate such a course. I have already stated in the course of a previous debate that for the efficient running of railways, I am inclined to think that there should be more and not less selection. Furthermore, these selections cannot be made by an outside body without any experience and knowledge of the running of railways, and, therefore, they must be made by Railway officers who have an insight into the conditions of railway operations

and who know the capabilities of the men with whom they are dealing, over whom they keep a careful watch and with whom they are in close contact over a number of years. I think in dealing with such cases most careful consideration is given to these selections and that is one of the reasons why there are, in fact, seldom reversals. We had a case of a reversal in the House the other day, but I would also remind the House that it is equally important to encourage good men. We on the floor of the House often hear of the cases of men who feel that they have been passed over unjustly. That is really a very small percentage of the total number of cases of promotion throughout the railways. It is balanced, and probably amply balanced, by the number of contented men who justly get the promotion which the discontented men do not. Honourable Members should bear in mind that it is equally important to encourage good men. Our difficulty really is to encourage good men by giving them proper promotion without discouraging quite a good number of men who while quite good men are inferior as compared with men who have been selected.

I do not propose to touch upon the disciplinary action with which I dealt in my reply to Mr. Anthony's cut motion. Very careful rules have been laid down in the Railway Code, I think, in Sections 1701 onwards, for dealing with cases of dismissal and so forth. There has to be a charge sheet, the man has to be given an opportunity to reply, there may be a departmental inquiry, the man is allowed to have with him what might be called a "soldier's friend" to back him up and the officers hearing the appeal have to take into account all relevant factors. I have dealt with this elsewhere and I do not propose to deal with it now.

The House may ask why is it not possible that subordinates and inferior staff should be given the same protection that officers get. First of all, it is a question of numbers. The number of staff is very great indeed. I think it is impossible to adopt this procedure and the delay, if applied to all cases, would be inconceivable. Now, my Honourable friend, Mr. Jamnadas Mehta, is a frequent and a welcome visitor to the Railway Board and when he is there he doubtless sees wooden boxes containing ordinary files. The Railway Board have designed specially large boxes, a sample of which I have brought to the House.

(The box was exhibited in the House.)

I think this box must have been specially designed to contain the files of cases referred to the Public Service Commission! I have brought in it a sample file of the case of one man which has been to the Public Service Commission, I think, on two occasions and as the Honourable Members will see it has been a subject of study in the Railway Board itself. This one case which has been before the Public Service Commission is not an isolated one, there are a great many others too. This other is a comparatively modest file and deals with the case of the Secretariat Assistant referred to. This shows what sort of cases we have to cope with. Whenever a case has got to go to the Public Service Commission it also has to be examined by the Railway Board who are responsible for running the railways. I assure Honourable Members that it will lead to an inconceivable waste of time if all cases are dealt with in this way by the Public Service Commission, especially in view of the strict orders of the Government in regard to paper economy which were also discussed in the House earlier. I should not like to flout the House by encouraging this vast consumption of paper. I do not think that any public service commission could possibly handle the volume of business which would be involved in studying the cases of all railway servants belonging to subordinate and inferior grade. It would be administratively impossible.

There is another and most important aspect which has not been hitherto mentioned by my Honourable friends. That is the effect on discipline. Railways are responsible for carrying passengers in very large numbers indeed. They are responsible for their life and limb when they are on the railway and in that respect the service is different from any other service of Government. It is absolutely essential that the discipline that is to be maintained on the railways should be of a very high standard. I ask Honourable Members of this House, would any of them who may be in charge of responsible businesses employing

[Sir Edward Benthall.]

thousands of men willingly allow their employees to appeal to an authority outside their own organisation? I cannot imagine that that would be allowed in any business and Honourable Members will realise that I from my previous training naturally look at it from that point of view. I am quite certain that if an appeal was allowed to any outside body, then the employees would snap their fingers at their officers and say "I do not take my orders from you, I go to the Public Service Commission". That is a very very serious point and I would ask Honourable Members to give it their close consideration. Honourable Members are apt to regard this question from the point of view of the critic. They are inclined to be warm hearted supporters of the poor man, and all honour to them. But, Sir, I would remind Honourable Members that a time will come, not very far hence, when they will be sitting on these Benches and will have the duty of being responsible for the control of railways themselves. If Honourable Members value a national asset, I would very respectfully advise them to pay attention not to the disrupting but to the strengthening of the discipline on the railways and the authority of the officers. It is no use issuing orders unless you can be sure those orders are carried out. No army is of any use which has not good officers whose orders are carried out and no railway administration can possibly function efficiently unless it has good officers and the orders of those officers are carried out. Therefore, I respectfully suggest to Honourable Members that they should give that aspect very careful attention because to damage the authority of the officers may prove to be a very great disservice in the years to come. In that connection, I must say I was a little bit surprised at my Honourable friend, Mr. Frank Anthony's strictures on the officers of the railways because after all my Honourable friend was putting the blame on many members of his own community. He was accusing them of inhumanity and injustice. I know that the members of his community are just as anxious to be human and to be just as any other section of railway officers and I do not think he did the officers of his community on the railways full justice.

Somebody suggested that in the railways we should have special officers to deal with staff matters. There are, of course, special officers charged with watching the interests of the personnel and these men are usually judicially minded. There are personnel officers on every railway and in the Railway Board we have a Member for Staff whose sole job is to look after all these questions. There, again, I would ask the House who ask us to be judicially minded to be judicially minded themselves. Some members are most careful when we put up cases to the Railway Board to sift them carefully and to see that they are fully justified. Others, I regret to say, rather give the impression that they would like to see the continuance in service and the promotion of men who may be thoroughly bad and inefficient servants of the State. Well, Sir, I do not think they really think that, but that is the impression they give. When they talk of security of service, I do think they are rather inclined to give the impression that all railway staff should have security of service, whether they are good servants or not. Justice, Sir, is usually depicted with a pair of scales and justice is two-sided.

Sir F. E. James (Madras: European): And also blind-folded.

The Honourable Sir Edward Benthall: There should be not only justice for the railway staff but also justice to the State. In these cases it is essential that the interest of the State is looked after and that men should not have the right of security of service whether they are good servants or not. That being so, I would ask Honourable Members carefully to sift all cases that come before them. In our relations with recognised Unions, we have laid it down that individual cases may be put forward by the Union provided they deal with matters of common interest. We have also given authority to the General Managers to recognise individual cases put forward by railway Unions provided that they are carefully sifted. In the case of one railway, the rules are that they should be studied by the President of the Union itself and that cases are not put forward in too great numbers. That being so, I should like to assure the House that we do welcome cases being put forward whether they are put forward by Honourable Members or by Unions provided that they are carefully sifted

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before hand and that the interest of the State has the same care as the interest of the individual member.

Finally, Sir, the House will be anxious to know what I propose to do about this Resolution. I am very conscious of what several Honourable Members have said that discipline depends upon the contentment of the staff. I will forbear to quote the proverb which has been quoted several times already, but what I would say is that in my experience the staff are more contented with their terms of service than is the House. I believe that to be true. The security of tenure on the railway is very highly prized and it is at least equal to that of other departments of Government. I do not believe in my heart that there is really very much widely wrong with the working of the system. I feel that the system is correct and that the administration of it is reasonably sound. I should just like to quote from a circular which we issued to General Managers following the debate of Dr. Zia Uddin's Resolution not so long ago. In the matter of appellate orders it was suggested that General Managers were inclined just to write 'Appeal dismissed', as my Honourable friend, Sardar Sant Singh, stated. In this letter, only two years ago following that debate, we specially pointed out that while the Board believed that in a great majority of cases appeals receive careful attention and full justice is done to the appellants the aim should be not merely to give justice but to ensure that, so far as this is possible, the appellants should feel that they have received full justice. This is a very valuable point and we appreciate it.

Mr. Lalchand Navarai: With them it is a dead letter.

The Honourable Sir Edward Benthall: No, Sir. I propose to see that it is not a dead letter.

There are various other similar instructions and one of them deals with the question of prestige. It is suggested that superior officers will not over-rule junior officers because the prestige of the officers in general is affected. That possibility is fully recognized and instructions are here given to make it quite clear that no such considerations should be allowed to interfere with the duty of giving full justice to appellants. The appellate officer has ordinarily been given powers of appeal because he has greater experience and he frequently has other advantages in having before him a fresh presentation of the appellants case and in some cases fresh facts. It is pointed out that the fact that he may come to a different conclusion and that that a junior officer is over-ruled, is no reflection on the junior officer. These short extracts will show you how these questions do have careful consideration on exactly the same lines as those on which Honourable Members are thinking.

To sum up, I would say again, that, I believe, the regulations are sound, but I do not suggest for one moment, especially in view of my short experience, that they cannot be improved. I am impressed by what Honourable Members have said. I promise Mr. Anthony that I have not given up looking for cobwebs, and I did not say that as a result of my survey of conditions of things I found only justice. I was very careful to say that in an enormous organization like this you must have some cases, you cannot avoid occasional cases of miscarriage of justice, but, as a whole, I am perfectly certain that the policy which any organization of this sort must follow is to put the responsibility upon their officers and to trust your men. There are thousands of officers who are conscientiously carrying out their duties, who are very mindful of the difficulties of the men with whom they have to deal and who are fully conscientious in matters of appeal. It is my business and the business of the Railway Board to see that these orders are carefully carried out and I propose once again to issue instructions to all concerned that proper checks should be made to see that appeal procedure and the consideration of appeals is fairly carried out and I will further carefully examine all the proposals which my Honourable friends have made. But I cannot accept the Resolution as it stands because, I believe, it embodies a principle which a large organization such as the Railways could not support, and I do not believe it to be in the interest of the country that we should take the responsibility away from the officers and place it in a body outside the administration. Sir, I oppose.

[25TH MARCH, 1943]

Sir Muhammad Yamin Khan (Agra Division: Muhamrabad Rural): Sir, I must thank and congratulate the Honourable Member for a very conciliatory speech which we expected from him. In his speech he has tried to convince us and he kept up great moderation. This is the sort of speech which we expected from a big business magnate non-official who has recently taken his seat on the Government Benches. After all these assurances which my Honourable friend has given we should not have thought of pressing this Resolution any further, but our position is that though the Honourable Member has come very recently to this Honourable House, those of us who have been in this House for a considerable time know, and I for one, know it well as I have been a Member of this House for the last 22 years what has been going on in the past. We started pressing this demand of removing injustice in services in 1922. In 1922 the Mussalmans presented a memorandum that a great deal of injustice was being done in the case of promotions and the Muslims were not getting their quota in Government services. In reply to this we received all kinds of replies. We were told that in matters of selection of course nobody had any right. Later, the Government started doing something for the Mussalmans bit by bit, and they said that in the matter of recruitment their quota will be fixed sometimes. After a very long time, we succeeded in getting 33 per cent. for minority communities. That did not work properly; we found that it worked in the ratio of 1:5, i.e., the first four posts went to members of other communities and the fifth post was given to a Mussalman. Again, efforts were made and with the help of the then Home Member, Sir Hary Huig and Sir Maurice Hallett we succeeded in getting a quota fixed for Mussalmans, and since then we have been watching as to how this is actually working in practice both in the matter of direct recruitment and in the matter of promotions. My Honourable friend will be surprised to know that in spite of 22 years of constant efforts in this House in respect of pressing the claims of Muslims, the state of affairs is not very satisfactory. Of course, we were representing Muslim interests, and our Hindu friends were not silent either; but our Hindu friends were for a long time mistaking that when we were claiming share, we were claiming it as against the Hindus; we never meant that; we do not want to take away anything from the Hindus; we only wanted our share and it will be surprising to many of my Hindu friends to know the result of the working and of all our representations and questions in this House—today in the lower gazetted services, out of 187 members there are only 13 Muslims—and it will interest my friend, Mr. Jamnadas Mehta, to listen to this, that out of 187 lower gazetted service posts, after 22 years of representation and questioning, only 13 Muslims are in that service and only 47 Hindus. This is the result after our constant worrying. If the interests of all communities had been properly looked after and if the present system had nothing faulty or wrong about it, how is that in spite of our constant representations on the floor of this House and elsewhere, the majority community, the Hindus, have got only 47 out of 187? They should have got 67 per cent of the seats. My friends will be surprised to learn that of the people who have come from the lower services, the bottom, and risen to this lower gazetted service, there are as many as 64 Europeans and there are 54 Anglo-Indians. In whose hands lay this power to appoint and promote these people? I want to know it. If the promotion lay in the hands of any Indian, whether Hindu or Muslim, this could not have been the result with which we are finding ourselves faced today. Are not these figures convincing to the Honourable Member that the system is wrong? If the system had been right and if proper justice had been done, would you get only 13 Muslims into this service after starting it 22 years ago? There should have been senior officers now there

Mr. Jamnadas M. Mehta: Two in every three years!

Sir Muhammad Yamin Khan: Yes; and every time the Muslims put a question the Hindus think that we want a share out of theirs. No. We do not want a share out of them. Here is this glaring fact. So, I say there must be something wrong. If the officer has a judicial mind, I do not blame him; but judging by the results, how can we conclude that the officers were fair and judicial-minded, that they were not favourably inclined towards some and favouring

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certain people? We find that no attention has been paid to what we have been ventilating here. In this House we only fight between ourselves: when a Muslim gets up and says something, the Hindus go to the opposite side; if the Muslims divide on a motion, the Hindus go into the opposite lobby; but what is the result? The result remains as I have shown from the figures. I want that this question should be settled once for all. We do not want to fight on the question of loaves and fishes. We want that the loaves should be distributed once and should not be challenged at all afterwards. The political atmosphere should not be introduced in these services: once the ratio is settled it must be seen that it is followed and that no injustice is done to any community. There were a lot of Europeans in the service before; there were a lot of Anglo-Indians in the lower services before this; but this is a long period—22 years—and there has been no change during this period. If I were to ask you to do this at once, today, or even within two or three years, you can certainly say "Let me have some time"; but we have been asking this for 22 years, since the Assembly started. I know we started representing in 1921. In 1922 we presented this representation to the Governor General at that time. It was presented to Lord Chelmsford; then we went to Lord Reading, and to Lord Irwin and then to Lord Willingdon; we have been representing to the present Viceroy also; and probably if the same state of things continues, we will have to go to the next Viceroy too. We do not want this atmosphere to continue. It was for this reason that there was a proposal for the appointment of a Statutory Railway Committee. We sat in committee in England for this purpose and I was a member of that committee and Mr. Joshi was a member and we presented a report; but no effect has been given to it to date, and it is a dead letter in spite of all our efforts. My Honourable friend is very sincere. I know he is trying his best, but the system is so bad that even in spite of his good will he will never be able to cope with this. My Honourable friend has shown us two big and huge files. It will be sheer waste of time for any Honourable Member to go through such a huge file. His time is more precious as he has to attend to so many other duties and I will not expect him to go into such huge files and read all that material. If a client of mine brought such a big bundle of papers, I would charge him Rs. 2,000 for going through them and giving my advice. I would, therefore, ask my Honourable friend not to waste his precious time in going through such numerous files, consisting not of two or three pages but thousands every day, in order to see whether justice or injustice had been done. His experience is precious and valuable and we cannot expect him to read and put all these things right. This shows two things, that the file has been made too big for one man red tapism shoving papers from one place to another. If a man presents a memorial, of course his character roll must be there; but this huge file shows there is waste of paper in this department . . .

The Honourable Sir Edward Benthall: It is not waste of paper when it is a question of justice being done.

Sir Muhammad Yamin Khan: But I am sure if the Honourable Member will inquire, he will find that there is a lot of waste of time and justice is lost in the leaves of those files.

Mr. Chairman (Sir Cowasjee Jehangir): The Honourable Member has got one minute more.

Sir Muhammad Yamin Khan: Therefore, I do not think that by the examples we have given we want to take away the jurisdiction of the Honourable Member. We certainly do not want that; but we want that orders should be passed by the Honourable Member after his subordinates or some class of people make an independent inquiry and present him a full report in detail, so that he can see whether justice has been done or not, to a particular person, and then he may pass the order. The Public Service Commission do not appoint anybody; they only select and send the names to the Honourable the Home Member or to the heads of other departments, and these latter appointment. It is the Government which is the appointing or dismissing authority and not the Public Service Commission or any body who may be constituted similar to the Public Service Commission. The Commission will simply give in a nutshell how justice can be done to the man. If I may take one minute more, I want to say this. We

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[Sir Muhammad Yamin Khan.]

do not want to stop people who are efficient from getting promotion. We want that those who are more efficient should get more, but in the name of selection, injustice should not be done. I suppose there are orders by the Home Department that those who are senior, unless they are bad enough, should be given a chance of promotion. There may be one man better than another, more intelligent than another, and to leave it to the individual officer at the time who makes the selection is a very dangerous thing. We do not want to interfere with discipline. If a man is accused of insubordination or indiscipline, he should get out of the service. He has got no right to remain in that service.

Mr. Chairman (Sir Cowasjee Jehangir): The Honourable Member will wind up now.

Sir Muhammad Yamin Khan: We do not advocate the case of a man who is found guilty of insubordination. But at the same time this man must be protected from the officer who is the person who says: "Why don't you do that?"

Mr. Chairman (Sir Cowasjee Jehangir): The Honourable Member is bringing in new arguments. He will have to wind up in half a minute.

Sir Muhammad Yamin Khan: I think in matters of this kind there is no difference between the Honourable Member and this side of the House, except that the Honourable Member has explained difficulties, but they are not difficulties if he accepts the principle and lays down the procedure later on.

Some Honourable Members: Let the question be now put.

The Honourable Sir Edward Benthall: May I ask the Honourable Member a question? How would the Public Service Commission see to the promotions better than a selection board consisting of senior railway people who are familiar with the work of the men who may have to be selected? Would not the Public Service Commission have to act on the advice of those very officers or similar officers and is not the better procedure to develop selection board method which the Railway Board has adopted?

Mr. Chairman (Sir Cowasjee Jehangir): The Honourable Member cannot make a speech. He can only reply to the point.

Sir Muhammad Yamin Khan: In every selection the Public Service Commission and a man deputed from the particular department sit together. It is not the Public Service Commission alone that does the selection. The man from the department concerned will be there, there will be protection for neutrality and impartiality if the two sides sit together.

Mr. Jamnadas M. Mehta: I have listened to the friendly and sympathetic reply which the Honourable Member for War Transport Department has given to the debate on this Resolution. I wish I could also say that he had given me a very sympathetic acceptance of the point of view which I have placed before him. I shall be then very thankful to him. But, so far, beyond very kind words I do not think I have secured anything. On the contrary, he pleaded for greater and greater powers for the permanent railway officials over the fortunes of the unfortunate thousands of railway employees who groan under their tyranny.

In this connection I am reminded of Macaulay's reference to the East India Company Directors. The East India Company had factories and agents in India, and the Company always wrote to them, "Be kind to the people, give them justice, do this good thing, but send more money". At the end of every admonition for good behaviour, for justice, for righteousness, the sentence closed with the words, "Send more money". The East India Company's officials realised what the company really wanted. All this justice, kindness and righteousness was a mere rhetorical device, but what was wanted was money.

What does my Honourable friend say? Stripped of the kind things he has maintained that discipline—the iron claw of the permanent official shall remain—the man who has made the name of the railways stink on the nostrils of honest men. My Honourable friend says that these complaints are fantastic. I am afraid, the whole point of view from which he has looked at the proposition is perverted. To say that these complaints are fantastic is to show yourself utterly ignorant of what is going on behind you, in front of you, and around you.

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The Honourable Sir Edward Benthall: Did I say that?

Mr. Jamnadas M. Mehta: You have said fantastic. I have taken down your words, that these complaints were fantastic.

The Honourable Sir Edward Benthall: What I said was, the degree to which appeals were sometimes listened to by Honourable Members of Council might be regarded by some as fantastic.

Mr. Jamnadas M. Mehta: Very well, it comes to the same thing.

The Honourable Sir Edward Benthall: No.

Mr. Jamnadas M. Mehta: In effect you say that we lend a ready ear, and perhaps a credulous ear, to the complaints from the public. I deny that *in toto*. Those of us who think that this life is a sacred dedication to the well-being of the country and of the masses, will not waste one single moment after futilities, and it is only our sense of duty to parties aggrieved that impels us, in spite of more serious and important work, even at the expense of our rest, to listen to these cries of injustice which come from the Railway employees ever and ever more agonising.—Sir Edward Benthall, take it from me. It is not an idle pastime to me to have devoted nearly three years to the study of only one of your cases, and you have dismissed it by saying, the man is disgruntled.

The Honourable Sir Edward Benthall: No. I have undertaken to look into it once more.

Mr. Jamnadas M. Mehta: But your general description of these men is that these are disgruntled. If disgruntled simply means disappointed or feeling the weight of injustice, I agree. I also agree that in many cases the grievance may be wrongly harboured. I gave you the case of a man who was dismissed from the paint shop. We tell such men, "You have no case". My Honourable friend thinks that there is nothing in the case of the Anglo-Indian which I had cited. I ask you to examine the telegram which was sent to this man calling him to Matunga after he had submitted his defence. That is the tell-tale document in the whole of that case, I forget that man's name, that is the only unfortunate thing, but I have not forgotten a single fact. This afternoon I gave to my Honourable friend, Mr. Sankara Aiyar, the case. So, if the railway officials throw the papers into the waste paper basket, I have shown that I do not. That is a summary of the case. I forget the name, my memory is failing, not that I do not know the case. Therefore, do not believe it that I take up cases of disgruntled people. Regarding the case of an Anglo-Indian the complaint is that against the charges levelled at him, he sends you his case—his written defence. Thereupon, you send him a telegram, call him privately and threaten him to resign, as he would otherwise be dismissed. And then, when he resigns under coercion you say "There is no case to be gone into. You have resigned".

The Honourable Sir Edward Benthall: I did not say that. I said that the Chief Commissioner of Railways had gone into the case personally, after personal reference to the General Manager.

Mr. Jamnadas M. Mehta: That is after his resignation was accepted. First of all, why did you accept his resignation? And that, after definitely calling him to Matunga from Jhansi, when he had already submitted his defence. That is the tell-tale document of the whole case but I shall not pursue it further.

About these supersessions, which my friend calls selection posts, I would say that selection posts are a double-edged sword. I do not say that duds should be continued and men of brilliant abilities should not be given any chance. Let this particular case of the B. B. and C. I. Railway be gone into by my friend. He will find that in October the supersession was to take place and I think from June, that is four months previous to that, the Auditor began to pick holes in the career of the officer concerned. Till then there was nothing wrong. You can examine the record. Every time encomiums were paid to the brilliant work of this officer and four months previous to the supersession, the picking of holes started, because supersession was already decided upon. Do you call it selection? It is a prostitution of the word "selection" that such practices should be allowed and then you should find protection in the word "selection". If you will examine

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this case you will find that one Hindu officer, one Muslim officer and one Parsi officer, all with unblemished career, equally brilliant and well spoken of throughout their career, were suddenly passed over in favour of an Anglo-Indian. There was nothing extraordinary in the man who was selected and his merits came to be recognised only four months before the supersession took place. Therefore, I am not going to be taken in by that kind of explanation.

Now, my friend showed how the case of the Secretariat assistant is still not understood by him by using the words 'Railway servants'. He says that after 1932 the Secretariat assistants ceased to exist. I say he is entirely wrong. They may have ceased to exist in the Railway Department in the sense that you don't appoint them but those who were appointed before the year 1932 really came under their terms of appointment. The status, the privileges and the dignity of the Secretariat assistants, were not prejudiced by their appointment on Railways. Their case is governed by the discipline which is laid down for the Secretariat assistants and if my friend will read the rules made by the Secretary of State for India, he will find that these Secretariat assistants are saved from being called Railway servants. It is specially mentioned in the rules that Secretariat assistant who by contract or under any law is in a railway service, is not to be included in the term 'railway servants'. I tell you that the case of the gentleman for whom I am pleading is one which does not fall within the definition of railway servants.

The Honourable Sir Edward Benthall: That is the part which I have undertaken to look into.

Mr. Jamnadas M. Mehta: My contention from the beginning has been that you have dealt with him as a railway servant. He is a Secretariat Assistant over whom your jurisdiction, according to the rules and the law and the Government of India Act, must only be exercised by Sir Leonard Wilson and not by any lower officials. That is my case and now that you have promised to examine it, I give it up altogether. Thank you very much.

Now, comes the word 'discipline'. Just as religion and patriotism conceal many vices and many sins, this discipline conceals many more sins. Discipline is a plea for the continuance of arbitrariness under some very high-flown word. What does the word 'discipline' mean? And how was it pleaded by my Honourable friend. He said that if any railway servant thinks he can go to a superior tribunal, he will then snap his finger at the officer. If justice requires it, why should he not? If there is an act of wrong doing in the railway, why should you protect the wrong doer under the cover of discipline. I say that that kind of discipline is worth not a brass button, which screens the wrong doer in the name of prestige. Discipline is a word which is very very genuine and healthy when it comes from within. I am your servant and I must be under discipline. But discipline, when it becomes a matter of terrorising, when it throws a screen or a veil over injustice, it is a travesty of discipline, not the real thing. Instead of gold, it is brass. Discipline which is genuine is gold. Discipline which is intended to screen wrong doing and to keep up the prestige of a man who deserved to be knocked out of the railway service is worth nothing. It is an instrument of terrorisation and my friend does not know that I have got waiting at my house scores and scores of letters from Railwaymen written in the vernacular, speaking of terrorisation. I will tell you one incident. A man's mother's *shradh* was to take place. He applied for leave. The leave was not given and when he complained, he was threatened. Is this the right kind of discipline? The *shradh* ceremony of a mother comes only once. A mother cannot die twice and if at all there is any sacred occasion amongst the orthodox Hindus, it is the *shradh* ceremony of a woman who gave them birth. That on such an occasion a man should not be allowed to go for a day is some indication of the tiger's claw in the railway service and my friend will find that this kind of oppression is never examined or analysed.

Now, Sir, my friend, Mr. Anthony, has asked me to accept his amendment. I readily accept it. I would agree to the addition of the words and subordinate staff after the word 'Secretariat assistants'. The Honourable the Railway

GRIEVANCES OF OFFICIALS AND SECRETARIAT ASSISTANTS EMPLOYED IN RLYS. 1465

Member will kindly accept my submission that the Secretariat assistants have a real place in this Resolution. This Resolution is very properly worded and I am asking the Chair to allow me to accept this amendment.

Mr. Chairman (Sir Cowasjee Jehangir): I will put it to the House at the proper time.

Mr. Jamnadas M. Mehta: I am also willing to accept the amendment of my friend from Nagpur, provided he will agree to the wording "on which the Muslims and other communities are adequately represented". I have no objection to that and I accept it with the addition I have made. I never excluded any community. If my Muslim friends will only come on merit, they may take 100 per cent. of the jobs. But this question of "paucity" really goes to my head for he now complains that after so many years there is a paucity. There will never be a plentitude so long as you depend upon the bureaucratic patronage. I was unhappy to hear the major portion of my friend, Sir Muhammad Yamin Khan, because it never touched the main Resolution at all. He talked of the percentage of Hindus and Muslims. My Resolution especially excludes recruiting. I never wanted to include recruiting in my Resolution for avoiding the trouble which you have still brought on my devoted head.

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

I never wanted it because I know that after 35 years my friend has still to go with a begging bowl every day.

Mr. President (The Honourable Sir Abdur Rahim): I understand Honourable Member's time is up.

Mr. Jamnadas M. Mehta: I have accepted the amendment of my friend, Mr. Anthony, and am willing to accept the amendment of my friend from Nagpur subject to the condition which I have made. I will ask the House to vote for the Resolution unless the Honourable Member gives me some assurance. In fact, I want only one assurance that he will appoint two Judicial officers under the Railway Board whose sole duty will be to examine these cases and submit them to the Honourable Member for his decision. Let some independent mind be brought to bear. I do not want to remove his jurisdiction nor do I want his discipline to be affected but I want justice even, if Heavens fall. Therefore, if he accepts this eleventh hour suggestion of mine that he will appoint one or two Judicial officers who will examine the cases and recommend the action to be taken and whose duty will be nothing else, then discipline will be maintained, justice will be done and this Resolution shall not be pressed; otherwise I ask the House to support me in accepting the amended Resolution.

Mr. President (The Honourable Sir Abdur Rahim): There are two amendments. I will first put Mr. Anthony's amendment which runs thus:

"That after the words 'Secretariat assistants' the words 'and subordinate staff' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The original amendment of Nawab Siddique Ali Khan was:

"That at the end of the Resolution the following be added:

"on which the Muslims are adequately represented."

I understand he wishes that after the word 'Muslim' the words 'and other communities' be added. Is there any objection to these words being added?

Honourable Members: No, No.

Mr. President (The Honourable Sir Abdur Rahim): The question now is that the following amendment be made:

"That at the end of the Resolution the following be added:

"on which the Muslims and other communities are adequately represented."

The motion was adopted.

The Honourable Sir Edward Benthall: Sir, may I make a statement in response to my Honourable friend? He asked me if I would here and now agree to the appointment of two Judicial officers in the Railway Board to consider these cases. He had given me no notice of that point and I hardly think he would expect me to accept it straightaway on the floor of the House. I have already said that there is a Member for staff and a Director for staff who are solely concerned with these matters. They may or may not be judicially

[Sir Edward Benthall.]
trained—and we have judicially trained officers also—but they are certainly judiciously minded. I am prepared to consider whether we can find judiciously-judicially trained officers as well as judicially-minded officers. I cannot possibly go further than that at the present moment.

Mr. Jamnadas M. Mehta: I am quite willing to wait.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the Resolution, as amended, be adopted, that is:

"That this Assembly is satisfied that the remedies now open to Railway officials and Secretariat assistants and subordinate staff employed in railways against supersessions, discriminations, discharges and dismissals are illusory and ineffective, and recommends to the Governor General in Council to devise suitable machinery for the effective redressal of the aforesaid grievances, e.g., by entrusting the investigation and disposal of such grievances to an independent body like the Public Service Commission on which the Muslims and other communities are adequately represented."

(While the Division bell was ringing.)

Mr. Jamnadas M. Mehta: Sir, will it be possible for me to withdraw the Resolution at this stage? With the leave of the House I wish to withdraw the Resolution in view of the assurance given by the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): The amendments have been adopted and I do not think the Resolution can be withdrawn now.

Mr. Jamnadas M. Mehta: I was only anxious that if I could I would.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That this Assembly is satisfied that the remedies now open to Railway officials and Secretariat assistants and subordinate staff employed in railways against supersessions, discriminations, discharges and dismissals are illusory and ineffective, and recommends to the Governor General in Council to devise suitable machinery for the effective redressal of the aforesaid grievances e.g., by entrusting the investigation and disposal of such grievances to an independent body like the Public Service Commission on which the Muslims and other communities are adequately represented."

The Assembly divided:

AYES—29.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Anthony, Mr. Frank R.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Choudhury, Maulvi Muhammad Hossain.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.
Deshmukh, Mr. Govind V.
Esak Sait, Mr. H. A. Sathar H.
Fazli-Haq Piracha, Khan Bahadur Shaikh.
Ghiauddin, Mr. M.
Ismail Khan, Hajee Chowdhury Muham-
mad.

NOES—38.

Abdul Hamid, Khan Bahadur Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Ambegaonkar, Mr. K. G.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Bhagchand Soni, Rai Bahadur Seth.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Griffiths, Mr. P. J.
Gwillt, Mr. E. L. C.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shamsul-Ulama.
The motion was negatived.

Joshi, Mr. N. M.
Krishnamachari, Mr. T. T.
Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Mehta, Mr. Jamnadas M.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Umar Ali Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

Kushal Pal, Singh, Raja Bahadur.

Lawson, Mr. C. P.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Miller, Mr. C. C.
Musazzam Sahib Bahadur, Mr. Muhammad
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raizman, The Honourable Sir Jeremy.
Richardson, Sir Henry.
Shabhan, Khan Bahadur Mian Ghulam
Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Stokes, Mr. H. G.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

RESOLUTION RE TREATMENT OF POLITICAL PRISONERS AND DETENUS.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

"That this Assembly recommends to the Governor General in Council that their policy in regard to the treatment of political prisoners and detenus in general and those convicted for political offences since August, 1942, in particular, needs drastic revision, and it further recommends that in that process the Governor General in Council do instruct the Provincial Governments to allow Members of the Central Legislature to visit prisons and interview political prisoners so that the attention of the Central and the respective Provincial Governments may be drawn to such restrictions and other inconveniences imposed on these prisoners with a view to the elimination of such restrictions."

Sir the purpose of this Resolution that I have moved is self-evident. The Resolution does not ask for the release of political prisoners.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member may make his speech after the amendments are moved. Resolution moved:

"That this Assembly recommends to the Governor General in Council that their policy in regard to the treatment of political prisoners and detenus in general and those convicted for political offences since August, 1942, in particular, needs drastic revision, and it further recommends that in that process the Governor General in Council do instruct the Provincial Governments to allow Members of the Central Legislature to visit prison and interview political prisoners so that the attention of the Central and the respective Provincial Governments may be drawn to such restrictions and other inconveniences imposed on these prisoners with a view to the elimination of such restrictions."

Mr. N. M. Joshi (Nominated: Non-Official): Sir, may I move my amend-
ment?

(At this stage, Pandit Nilakantha Das stood up to say that his amendment comes first and he should be allowed to move his amendment.)

Mr. President (The Honourable Sir Abdur Rahim): That does not make any difference. Mr. Joshi.

Mr. N. M. Joshi: Sir, I move.

"That for all the words occurring after the words 'in particular' the following be substituted:

"be revised in such a way, in co-operation with the Provincial Governments and in consultation with a committee of the legislature specially appointed for the purpose, so as to provide to them better living conditions in the jails and prisons and better means of communications with the outside world and adequate provision for the maintenance of the families of those who may need it and to provide for an impartial review of their cases at an early date."

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

"That for all the words occurring after the words 'in particular' the following be substituted:

"be revised in such a way, in co-operation with the Provincial Governments and in consultation with a committee of the legislature specially appointed for the purpose, so as to provide to them better living conditions in the jails and prisons and better means of communications with the outside world and adequate provision for the maintenance of the families of those who may need it and to provide for an impartial review of their cases at an early date."

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I move:

"That for all the words occurring after the words 'in particular' the following be substituted:

"should be such as to facilitate the release of those who are in favour of co-operating in the war efforts."

Mr. President (The Honourable Sir Abdur Rahim): I should like to know
whether this amendment does not seek to raise a different issue.

The object of the Honourable Member is that interviews are to be allowed for the purpose of facilitating the release of political prisoners.

Pandit Nilakantha Das: I think that is the best treatment that can be meted out to them.

Mr. President (The Honourable Sir Abdur Rahim): Does the Government have any objection to this amendment?

The Honourable Sir Reginald Maxwell (Home Member): I do not object.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Mem-
ber can proceed with his amendment.

Pandit Nilakantha Das: Sir, I move:

"That for all the words occurring after the words 'in particular' the following be substituted:
'should be such as to facilitate the release of those who are in favour of co-operating in the war efforts and with this object in view to allow interviews with the political prisoners and detenus to Members of the Central Legislature and other public men in the country'."

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

"That for all the words occurring after the words 'in particular' the following be substituted:
'should be such as to facilitate the release of those who are in favour of co-operating in the war efforts and with this object in view to allow interviews with the political prisoners and detenus to Members of the Central Legislature and other public men in the country'."

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move:

"That after the words 'instruct the Provincial Governments' the following be inserted:
'to allow at least two interviews with relations and friends and the receipt and despatch by the detenus and political prisoners of at least two letters every month and'."

Can I now move the second amendment also, because it really forms part of this?

Mr. President (The Honourable Sir Abdur Rahim): No, that cannot be done simultaneously. Amendment moved:

"That after the words 'instruct the Provincial Governments' the following be inserted:
'to allow at least two interviews with relations and friends and the receipt and despatch by the detenus and political prisoners of at least two letters every month and'."

Mr. K. C. Neogy: Sir, I move:

"That at the end of the Resolution, the following be added:
'and to urge and ensure the co-operation of all the Provincial Governments in providing the detenus and political prisoners better living conditions in jails and prisons, better means of communication with outside world and reasonable provisions for the maintenance of the families of those detenus and persons that are in need of protection'."

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

"That at the end of the Resolution, the following be added:
'and to urge and ensure the co-operation of all the Provincial Governments in providing the detenus and political prisoners better living conditions in jails and prisons, better means of communication with outside world and reasonable provisions for the maintenance of the families of those detenus and persons that are in need of protection'."

The House will now discuss the Resolution as well as all the amendments.

Mr. T. T. Krishnamachari: Mr. President the main object of my Resolution is not to ask for the release of the people concerned. It is not to discuss the policy of the Government which has resulted in these people being incarcerated unless it be that that policy impinges on the treatment of such people while they are in prison. Sir, I am very happy today to see that my Honourable friend, the Home Member, will be with us for some time more and that this request of the Assembly conveyed through this Resolution will have his attention. We have been told apparently through the efforts of my Honourable friend, Mr. Griffiths, by the National War Front advertisements that we must learn to evaluate evils and certainly knowing as we do the Honourable the Home Member and his views, knowing him to be an honest die-hard, we are happy that he would be here to deal with this question though hardly honestly at any rate and in a negative sense prevent the coming to being of what will perhaps be a greater disaster for us.

Before proceeding with my case, I should like to make one point to the House. This House has been constantly told in regard to the treatment of prisoners, in regard to arrest and detention of persons and so forth that they are matters within the purview of the Provincial Governments and the Central Government cannot really interfere. Apart from the fact that the arrests and convictions of the prisoners whom this Resolution seeks to comprise having been carried out under the Defence of India Act and the Rules framed thereunder emanating from the Government of India, the further fact remains that the Government of India have a certain amount of responsibility in regard to the proper carrying out of all the provisions of that Act and the rules framed thereunder. There is another factor which I should like to mention to this House and it is this. The fiction has often been put forward when it suits the Government of India that the Provincial Governments are entities whose discretion the Government of India cannot seek to interfere with. But when

the Defence of India Act was passed in this House in 1939, by reason of those powers conferred on this House by the Declaration of an emergency under section 102(1) of the Government of India Act automatically the result was that the Provincial List, namely, List II in Schedule VII ceased to exist and it became part of the Concurrent List and also the difference between Part I and Part II of the Concurrent List was obliterated. I feel that in such circumstances the powers vested in the Government of India under section 126(2), namely, the powers vested in the executive of the federal authority comes into operation. The Government of India is fully seized, fully empowered to deal with these matters which are of provincial concern, because of the powers they have taken under section 102(1), they are entitled to interfere in matters which are ordinarily left to the discretion of the provincial authorities should such interference be needed, an appreciation of that position is fundamental for this discussion as otherwise the whole question can be dismissed as being not within the purview of the Government of India and as not covered by their powers. The House would certainly like to know from the Government their attitude with regard to the people who have been detained in police lock-ups under section 129 of the Defence of India rules, those who have been detained under section 26 of the Defence of India Act indefinitely in prisons and those who have been convicted by courts under the Defence of India Act and the rules and special ordinances that have been enacted. These three classes of people more or less complete the list which are comprised by my Resolution. Sir, it would help the debate in this House and clarify the issues if the Government will intervene at an early stage of the Debate and make their position clear in regard to the various categories of detenus and prisoners that I have mentioned.

I would like to come now to the details. It is a fact, Sir, that Members of this House are not in a position to say definitely what has happened in each individual case. The fact that interviews are not permitted with those people, who have been detained since August, 1942, at any rate, the fact that these people are completely isolated from the rest of the world, makes it impossible for us to know exactly except by hearsay, except from people who have come out of the prisons since then, as to what all has happened and how they are being treated. But information has gleaned from various sources and the picture that is presented to us in its composite form is sufficiently grim, sufficiently distressing as to justify a Resolution before this House on the subject.

Sir, I would like to take my stand on what has happened since August last because the question of treatment of political prisoners prior to August, 1942, has been a matter of discussion in this House. And I would like to say here and now that people of this category who were in prison before August, 1942, were certainly treated with far greater consideration than those who have been arrested after August, 1942, and those who have had the misfortune to be in prison for political offences since that time. This question of complete isolation of the prisoners from the public does make it difficult for us to describe very clearly what has been happening, and possibly some of the instances that I may mention and other Members of this House may mention would evoke a response from the Honourable the Home Member as being fantastic because they cannot be corroborated. But it nevertheless remains true that certain facts which have come to our notice are shocking indeed. I would, Sir, before proceeding further draw the attention of the House to the Security Prisoners Order of the Government of India dated some day in April, 1942, seeking to regulate the treatment of prisoners in areas directly administered by the Central Government. That document, I take it, Sir, contained, the main principles on which the Government of India was guided in the treatment of security prisoners prior to August, 1942. There, Sir, anybody who peruses will find that provision has been made for interviews, provision has been made for newspapers to be given, provision has been made for books to be given, provision has been made for writing materials to be given. All these have been provided for, not perhaps on a very generous scale not certainly outside the discretion of the Superintendent of the Jail, but still there-

[Mr. T. T. Krishnamachari.]

been persuaded to relax restrictions and communications may be sent to Mrs. Indira Gandhi in Naini jail; but I am told that the daughter has been told by the United Provinces Government that she cannot write *suo motu*—she cannot write of her own accord, but if she gets a letter from her father or any other relative, she can then reply. I am open to correction if this is fantastic or if I am drawing upon my imagination; but if there is even an iota of truth in this, I think the Government will stand condemned for this rather inhuman treatment of a person who is the idol of the nation.

I do not want—though I can develop these cases—to take the time of the House, particularly as I believe many Members of the House are anxious to hear now the Honourable the Home Member's views on the subject of this Resolution. But one or two more matters would bear mention here. There will be an opportunity for other friends here to speak on this aspect of prison life but I would like to draw the attention of the Honourable the Home Member to the question of the detention of people in police lock-up. The rules do permit, provided the Provincial Government approves perhaps for purposes of investigation, the detention of a person who has been arrested by the police, for fifteen days in the first instance and that fifteen days can be extended to two months. The House knows what it is to keep people in detention in police lock-up. At any rate the jails have got some system of treatment prescribed—the police lock-up has nothing. Coming from Madras, I should like to tell this House that putting people in the police lock-up, by sentencing people for one month's imprisonment was supposed to be, by two Madras Indian Civilian officials at one time, a proper method of dealing with the non-co-operation movement of 1940. It stands to the credit of two Indian Civilians, and when I say Indian Civilians, I mean of Indian domicile, who sat in a collectors' conference at Madras to suggest to the Government that the best way of dealing with these non-co-operators was to put them in a police lock-up for one month and make them use the pots and pans discarded by regular convicts which in their opinion will bring non co-operators to their senses; I do not know if the Government of India has since absorbed the wisdom of these two officers at Madras. I cannot see the reason for this type of detention in police lock-up being made a regular habit. The House knows that rather intriguing place, the Red Fort in Delhi, I do not know if it is a regular prison, I do not know if it is only a police lock-up; the Honourable the Home Member mentioned the other day that the stories of tortures of these people who were imprisoned in that Red Fort were fantastic; but can he enlighten us why these people should all be sent to the Red Fort, why they should be incarcerated in a Baoli which has it is said as many as seventy steps leading down to it.

Sardar Sant Singh: The most ancient prison.

Mr. T. T. Krishnamachari: and what is the sanitary condition of these cells. That I think these are relevant points that can be raised because the police are making it a habit to detain people subject to this limitation, that they are kept in a lock-up for a period of less than two months and then they are transferred to some prison.

So far as the treatment of people in Northern India is concerned, it seems to be a shade worse than in South India. I find that as a rule there are more instances of inhumanity than in Madras, even in a notorious place like Alipuram. Such inhuman treatment in general is a thing dictated by Government since as a rule I think the Superintendents of prisons are considerate: they merely want to carry out the Government orders, be that as it may, the stories that one hears about Northern India prisons take one's breath away. I heard a story that women prisoners in Lahore—a number of women were put in solitary confinement because of an isolated instance of disobedience of the jail rules. I would like the Honourable the Home Member to contradict me if it is not a fact. But so far as the treatment of prisoners, whether in the United Provinces or in Punjab is concerned, I think one can be proud that he is a Madrasese, because if I go back to Madras and am interned there, it would not be such a bad thing, when compared to conditions in Delhi and in the United Provinces.

and the Punjab—it certainly is a matter of satisfaction for a person like myself coming from Madras who always stands the risk of becoming His Majesty's guest any time.

There is one other point that I would like to mention and it is this: apart from the question of treatment, apart from this question of absence of interviews, apart from the question of the lack of provision of elementary amenities like newspapers and books,—what is to happen to the families of these people? Here I have a case of a letter written in the vernacular by Mrs. Masilamoney, a Member of the Madras Legislative Assembly, who writes that her husband who is a contractor, a respectable man in Tuticorin has been arrested; his insurance premium fall due; she has not got the wherewithal to pay; she has to pay taxes, and because Tuticorin is now evacuated she cannot get her house rents and when she applies to Government for maintenance they allow her Rs. 15 a month, and what is to happen to her house? The municipality will evict her and what is to happen to the insurance premium that she has to pay? How is she to live? A woman who is a member of the Legislative Assembly in Madras, a woman whose status is certainly above Rs. 15 a month, do the Government think that this maintenance at least should be sanctioned on the basis of what the civil judiciary determine in maintenance cases or will they permit some judicial tribunal to determine what maintenance these people who are dependent on detenues should get? Maintenance of the families of persons detained is a very important factor.

Sir, I would like to cut short my speech because I hope that the Honourable the Home Member will follow me and enlighten us on these points if time permits. But I would mention before I sit down this one fact, that so far as we are concerned, let not the Government be under any impression that this is a sort of thin end of the wedge for getting the release of these people. Neither the people who are imprisoned, nor I on their behalf want that, but I do want the Government to tell us categorically that the policy which has resulted in these people being imprisoned, that the policy which has resulted in their being characterised as people outside the pale of ordinary society is not being projected into their prison life, but that they will be treated as ordinary decent human beings. In the name of that civilisation for which you say you are fighting, in the name of that civilisation which you say you want to preserve, if that civilisation is worth preserving at all, the Government of India must come out and tell the House that they will at least hereafter look after and treat these people as human beings. That is all I have to say in support of this Resolution.

The Honourable Sir Reginald Maxwell: I rise in response to a request that I should say something now, although I am aware that to do so puts me at some disadvantage because I have not heard all the speeches that are going to be made about this Resolution.

An Honourable Member: You can make another speech.

The Honourable Sir Reginald Maxwell: I will do what I can in the short time at my disposal. So far as I have gathered from the Honourable the Mover's speech, there is no particular complaint about persons who have been convicted, although the original Resolution particularly specified those who had been convicted in connection with the present movement. Though he said, "convicted", I think he must have meant "detained". He has said no word about convicted prisoners and I shall, therefore, not waste the time of the House by talking about them now. They are, of course, all subject to the ordinary jail rules of their provinces.

I turn then, to security prisoners, that is, persons detained under rule 26. Here I should dismiss cases of persons detained under the other rule, 120, which enables temporary detention, because persons who are detained under that rule are more or less in the position of under-trial prisoners. That is to say, under the rule they cannot be detained for more than 15 days in the first instance, or more than two months as a maximum. Therefore, these persons within that time must either be released or detained under rule 26, and all that

[Sir Reginald Maxwell.]

we need concern ourselves with is the conditions of detention of persons detained under rule 26.

As regards persons detained under rule 26 the Resolution deals with two classes of people, that is, security prisoners in general, and also those detained in connection with the Congress movement to whom certain special restrictions apply. These form the bulk of prisoners now detained under rule 26, because the number on the 1st August before this movement arose was only 875 in all India, and those were persons detained for all reasons, including reasons of a non-political character. The number of persons detained in connection with the Congress movement on the 1st February, 1943, was 8,120 in the whole of India, and I think the House will agree that, considering the extremely large number of centres in which this movement had its manifestations and the very widespread nature of the disturbances, the smallness of that number shows that persons were selected for detention with due discrimination and there was no policy of indiscriminate arrests. Otherwise the number would have been very much larger.

Now, as regards the treatment of security prisoners in general, the House will recollect the discussions of 1941 about the time when the Deoli Detention Camp was closed down. At that time the Government of India received certain recommendations from my Honourable friend, Mr. Joshi, and at the time when these prisoners were being returned to their provinces, where, of course, they would come under the care of their own Provincial Governments, the Government of India addressed the provinces on a number of matters to which Mr. Joshi had drawn attention. These matters included classification, association between security prisoners, diet allowances, receipt of funds from external sources, family and personal allowances, censorship of letters and newspapers, books, correspondence between security prisoners in different jails, the number of letters allowed, jail punishments, and release on parole. The House will see what a large number of matters were taken up at that time, and the views which we expressed to the provinces represented a very large degree of acceptance of Mr. Joshi's recommendations. The provinces generally accepted our views on this matter with local variations of detail. And here I must explain to the Honourable the Mover that it is not possible constitutionally for the Central Government to take all these matters out of the hands of the provinces or be held responsible for the details of administration of a provincial subject. The House will readily see how impossible it would be for the Central Government to take matters out of the hands of Provincial Governments where they have ministries responsible to popular legislatures. Those legislatures are the proper place from which questions should be addressed to Provincial Governments as regards their local treatment of prisoners.

Sardar Sant Singh: If they refuse to answer questions?

The Honourable Sir Reginald Maxwell: I am not concerned with that. Those Governments were put in power by the people of those provinces.

Sardar Sant Singh: When they refuse to answer questions about these detenues?

The Honourable Sir Reginald Maxwell: So, the position is that the Central Government is directly responsible only for treatment in Chief Commissioner's provinces, although what it does and says to some extent influences the policy in these matters in the Governor's provinces.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): What about those Provinces where Legislatures are not functioning, for instance, Bihar?

The Honourable Sir Reginald Maxwell: It is not my fault that there are no Legislatures functioning in those Provinces. Those Legislatures were withdrawn by the very people who have supplied this class of security prisoner.

Nawabzada Muhammad Ishaqat Ali Khan (Rohilkund and Kumaon Division: Muhammadan Rural): And thank God for that!

The Honourable Sir Reginald Maxwell: A copy of the Central Government Security Prisoners Order, 1942 has, I think, been placed in the Library of the

House. The revised order was issued after the closure of the Deoli Detention Camp, and in that order the Government of India put into practice the recommendations of Mr. Joshi which they had accepted. Any one who refers to that order will see that on the whole the treatment allowed to security prisoners is humane and reasonably liberal in the matter of privileges; but, of course, the latitude allowed, or privileges allowed, must be consistent, first, with the reasons and objects of the detention of those prisoners, and secondly, with the practical possibilities of jail administration. Of these practical possibilities, the Provinces within their own sphere must naturally be the judges. It is impossible for us to make demands on the Provinces which would place intolerable burdens on their jail staffs. We must recognise that there are limitations in the amount of freedom which can be given to persons detained; for instance, an increase in the number of letters would mean a very large increase in the staff. Similarly, an increase in the number of interviews would place a burden on the supervising staff.

Mr. T. T. Krishnamachari: May I ask the Honourable Member.

The Honourable Sir Reginald Maxwell: I think I had better get along, if the Honourable Member would allow me. I wish now to say a word about security prisoners detained in connection with the present movement. These security prisoners are governed by the same rules that apply to all security prisoners in general which I have just explained. But there are certain modifications which have been based on the reasons and objects of their detention and these modifications must be regarded not as penal but as precautionary. The modifications in the Chief Commissioners' Provinces are, first, that they are put in a single class called Q class with separate accommodation from other prisoners, including other security prisoners; secondly, their scales of diet are intermediate between class 1 and class 2 of ordinary security prisoners; thirdly, that no interviews are allowed and, fourthly, that they may write and receive letters on the same scale as class 2 security prisoners, that is to say, they may write two and receive four letters a week; but the correspondence allowed must be with members of their family only and must be limited to personal matters, that is, they may not discuss politics in these letters. So far as I know, most Provinces have adopted similar precautions but there have been some relaxations, I believe, as regards interviews in four of the Provinces.

Now, I want to say a word about the need of these special restrictions. As I have said, they were not penal but precautionary. The persons concerned were detained to prevent them from leading, organising or instigating this Congress movement, the character of which the House by this time fully appreciates; and the action taken was largely successful in arresting its development as planned. In fact, the movement, such as it is, continues now only because certain other leaders, organisers and instigators remain at large. We must remember that as active organisers most of the persons detained are probably even more dangerous than many of those who have been convicted, who were in many cases merely the tools of these other people—criminals, no doubt, but still tools. I must emphasize that from the first the Government did take and they still take a very serious view of the danger to which India was and is exposed by such a movement and they cannot take any risks in dealing with it. For this reason, the policy from the first has been to segregate these persons to the extent necessary to prevent them from establishing any contact with other prisoners or with the outside world, including, of course, especially contact with the underground organisers who are still at large. They are allowed communication by letter with members of their families. They are not cut off from their families in this sense and these letters may extend to all personal and domestic matters; and, so far as I know, that restriction is liberally interpreted. But interviews even with the members of the prisoner's own family give too much opportunity for the conveyance of messages into jail or out of jail. The House will have within its recollection the case of Jai Prakash Narain at Deoli, where he was found

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was a basis to go upon. But, I dare say, Sir, that subsequent to August, 1942, there must have been issued a new set of instructions obviously from the Central Government to the various Provincial Governments and thereafter to the Jail authorities which has completely changed the principles underlying the order of April, 1942, and even the limited privileges visualized in the Government Security Prisoners Order of April, 1942, have been eliminated. I can, Sir, illustrate the need for a revision of this policy of the Government from instances that I know of in my own province. I have one instance in which the House, I dare say, is interested: Some prominent Congressmen were arrested in August, 1942—Congressmen of Madras—many of whom were and some of whom are still Members of this House—as they came from Bombay. They were taken to Vellore, detained under section 26 of the Defence of India Rules. Subsequently, for some reason or another, apparently under the powers vested in the Government of Madras under the Defence of India Rule No. 129 (5) there has been an interchange of prisoners between Madras and the Central Provinces. Thirty prisoners were sent over to the Central Provinces from Vellore and 30 prisoners were received from the Central Provinces in the Vellore Jail. These 30 people happened to be really important men. I believe, that among these 30 men who went to Amraoti from Vellore were prominent Congressmen and former members of this House and some of them who are still members of this House. I will cite one instance: That is the instance of the Deputy Leader of the Congress Party in this House—Mr. Satyamurti. Mr. Satyamurti, when he came down from Bombay, was arrested at Arkonam and taken to Vellore. He was so ill that he could not even walk from the Railway carriage to the prison conveyance. He was carried in a chair. That was the condition in which he was taken to the Vellore prison, and subsequently he and 29 others were transferred to Amraoti. In Amraoti he got worse; he was put in a hospital—a District hospital as the House will know which is not fully equipped to provide adequate treatment for the ailment of which Mr. Satyamurti was suffering—and he was in the hospital for a time until he was transferred to the General hospital in Madras and he has been released 2 months back, but the fact remains that he is still in the hospital. May I tell the House that the disease has been diagnosed as acute inflammation of the heart and he is semi-paralysed in the region below the chest, he cannot lift his limbs and the organs below the chest cannot function. Sir, here is a case where a person has been carried to prison, a person who could not walk when he was arrested, a person who did not receive proper medical attendance in the hospital, who was tossed about hundreds of miles in train by being transferred to Amraoti and again sent back to Madras. What is left of him now only God knows. The House will know where and how the need has been established for his being kept completely isolated from the world. Members here know Mr. Satyamurti and could visualize what all mischief he could have done if he had been permitted to talk to the outside world, what he could have done if he had not been so completely cut off. I dare say, the Honourable Members can easily visualize that. This is one instance, but one instance is quite enough to condemn the policy of the Government of India if that is the policy which was dictated in regard to the manner of treatment of these prisoners in the provinces. I will deal further with those 29 unfortunate people. There is a person today in the Amraoti Jail—Mr. Muthuranga Mudaliar, a former Member of this House, a man who is over 60 years old, incapable of moving about freely. He is, I am told, in a very serious condition and nothing definite is known about him. I have been told, Sir, that of those 29 people who are in Amraoti Jail, except one, all have been ill. Some are suffering from Sciatica. Some of them have been suffering from Dysentery, many have been suffering from Malaria, some of them have been suffering from sore eyes, and what do they want? They do not want to be released, they do not want the mercy of the Honourable the Home Member. They want to be shifted back to a jail in a climate to which they are accustomed, a place where they can

get food they are accustomed to, not a mixture of maize and rice and maize and wheat, not food cooked by people who do not know how to cook in the way these people are accustomed to, and I hope the House will believe me when I say that not one of these 29 persons knows to cook. Most of them have been Honourable Members of this House—Mr. Ananthasayanam Ayyangar, Mr. Giri, Mr. Thirumal Rao—and some of them are still members of this House. What do they want? They don't want mercy of this Government. They want to be sent back to jails in their own province.

Sir, I will go further with regard to the treatment afforded to prisoners in another jail in my province. There is a place called Aliporam. It is in Bellary District. Most of the prisoners, whether they are detained or whether they are convicted, have been sent down to Aliporam from the four corners of the Madras Province. I know of a friend, who was a Member of the Legislative Assembly in Madras but who had resigned because of differences with the Congress Party, who was convicted and was sent from Tanjore to Aliporam. He has been subsequently released because the conviction was quashed on appeal. I received a letter from him the other day which says:

"People in my prison, which include Mr. Gopal Reddi, a former Minister of Madras and several other important public men of Madras, do not get any newspapers. They are not allowed any books. Even the Gita, or other religious books are only given a week after their entry into the Jail. The food conditions are bad. Water is impossible to drink. Dysentery is rampant. People who died of dysentery are reported to have died of heart failure."

Surely heart failure will certainly result when they are subjected to such inhuman treatment and when they have constantly to hear cries of people who are whipped outside the jail.

I do not want to paint the picture more red, though I think it would not be colouring the truth if I were to paint it in luminary colours since the truth is glaring enough because I do not want my Honourable friend, the Home Member, to tell me that all that I have said is fantastic. I do not want to present any case to this House which can be described as fantastic. The bare truth will justify my rising in this House and pleading the case of these political prisoners who only want human ordinary treatment.

I will give yet another instance of how prisoners are being treated. The House knows fully well that there is one family in India which evokes country-wide interest and emotion and which has a place enshrined in the hearts of the people of this country, outside the family of Mahatma Gandhi, and that is the Nehru family. We do not know where Pandit Jawahar Lal Nehru is, but it appears and it has been borne out by even prominent Government officials that he wrote to his daughter who is a prisoner in the Naijnai Jail sometime about the middle of October last. The Bombay Government very kindly forwarded that letter to Mrs. Indira Gandhi, the daughter of Pandit Jawahar Lal Nehru about the early December. It was forwarded to the United Provinces Government; the district magistrate of Allahabad after a time returned that letter with the endorsement "Not deliverable". Meantime Mrs. Indira Gandhi develops a temperature, she is medically examined and a copy of the medical report is sent to the father. We do not know where he is.

Sardar Sant Singh (West Punjab: Sikh): He is in Ahmednagar.

Mr. T. T. Krishnamachari: I am not prepared to guess.

Sardar Sant Singh: I am telling you the fact.

Mr. T. T. Krishnamachari: That report is sent to Pandit Jawahar Lal Nehru in December and that report reads that although the general condition of Mrs. Indira Gandhi is indifferent, there has been no marked deterioration in her condition since detention. Naturally, the father is very worried; and subsequently—I think sometime in January—there has been a press statement issued, I have no doubt with the seal of approval of some Government department or other that Pandit Jawahar Lal Nehru has been permitted to communicate with his daughter, and I believe there was also a statement in Parliament by Colonel Amery to this effect. But, Sir, no communications seem to have passed between them. Sometime early in March, Mrs. Huthee Singh, a sister of Pandit Jawahar Lal, hears from the Government of Bombay that the United Provinces Government has

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transmitting certain written instructions through his wife at the time of an interview.

Now, I do not think that any relaxation of these special restrictions, such as they are, can at present be contemplated, first, because the war is not yet won: the danger is still there and we have to guard against it. Secondly, the Congress movement is not yet dead. I could quote many instances to show that bomb outrages, acts of railway sabotage, arson and so forth are still occurring. Thirdly, the underground organisation of the Congress still exists and is bent on carrying on the movement and, fourthly, the more we relax these restrictions, the more cases occur of escapes from jails and other acts of indiscipline such as mutinies within the jails. It is notable that the instances I have been given of such occurrences—and they are a fairly long list—have all occurred in the provinces where restrictions on interviews with these prisoners had been relaxed—every one of them.

Now, I cannot deal with all the various amendments that have been brought forward

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go on for some time after five o'clock, if he wishes to.

The Honourable Sir Reginald Maxwell: If the House will agree to sit for a few minutes after 5 . . . (Voices: "Yes") I will touch on some of the amendments. I am at some disadvantage in referring to the amendments, without having heard the arguments of the Honourable Members who intend to move them. But I should like to refer to some of the specific suggestions that have been put forward in the light of what I have already explained. The first is as regards the maintenance of families. The principles on which allowances for the maintenance of families were granted were liberalised to a considerable extent on the basis of Mr. Joshi's recommendations but in the case of security prisoners of the Q class, in Chief Commissioners' Provinces at any rate, we propose to apply a somewhat stricter standard, namely, the standard of proved necessity which formerly applied to all security prisoners. It must be remembered that persons who are in open rebellion with the object of overthrowing the existing Government have little personal claim on that Government and also that many of these persons who are detained, being as I say rather prominent persons in the Congress organisation, are in a different position from the poorer class of detenues. I am not aware of what principles the Provinces are following in this respect but I have not heard of cases, either coming to the Centre or to the Provinces, in which complaint has been made that families have been thrown into destitution by the action taken against security prisoners.

Another point raised by these amendments is that of visits from Members of the Central Legislature and other public men, (this is Pandit Nilakantha Das' amendment) to interview prisoners for certain purposes, which differ in the main Resolution and in his amendment. Now, on this point, I should like to remind the House that Members of the Central Legislature have no particular status in advising their Provinces on matters of provincial administration, although they would have some status in Chief Commissioner's Provinces which have not been specially alluded to by the Honourable the Mover. Secondly, I would remind the House that the jail manuals of all provinces contain provisions for the appointment of non-official visitors in their jails. These non-official visitors are appointed to look after the welfare of prisoners in all respects, including the sanitation of the jails and all other matters affecting their well-being, and complaints may be made to them and must be attended to. But the Report of the Indian Jails Committee suggests that visitors should be selected for their own qualifications and their own knowledge of jail matters and not solely, as it says, on the ground of social position, wealth or political influence. In other words, these visitors are to be appointed for the purpose for which the system of non-official visitors was conceived. So far as I know, the non-official

visitors are allowed to visit security prisoners in the provinces but I have not got exact information.

Dr. P. N. Banerjā: What would happen when non-official Visitors are themselves put in jail?

The Honourable Sir Reginald Maxwell: Then, they are there all the time. Thirdly, in at least two provinces the rules in the Jail Manual relating to non-official visitors provide that members of the Provincial, not the Central, Legislature shall be appointed as visitors or shall be ex-officio visitors in the provincial jails and I would suggest that if there is any question of using members of the Legislature, that is the proper system which should be followed and not that Members of this House should attempt to intervene in provincial matters. Another suggestion which was made by Mr. Joshi was that a Consultative Committee of the Legislature should be appointed to go into these matters and advise. Here he reverts to his Resolution of the 15th November, 1940, on which I have already commented in my speech delivered in this House on the 12th February, 1941. And I only need remind the House once more that the Governments concerned, meaning mostly the Provincial Governments who have the care of these prisoners, have themselves to take the full responsibility for their treatment with the knowledge which they have of the reasons and objects of detention and of the practical possibilities of their jail administration. It is very easy for those who are not themselves responsible for these matters to advise sweeping concessions, but it is not equally easy for those who have the responsibility to accept such suggestions. But, as I have reminded the House, Government have already paid much regard to the advice given by Mr. Joshi as an individual. But I do not think that it would be appropriate for the Government formally to associate with themselves a Committee of the Legislature to deal with matters which, on the face of them, require executive decision and action. And still less will that be appropriate when the matters to be dealt with are within the exclusive executive authority of the Provincial Governments. Many of these Provincial Governments, as I said, have responsibility in these matters to their own Legislatures.

Now, I come to the point raised by Mr. Joshi about the review of cases. The House will remember the previous review of cases, which took place at the instance of the Central and Provincial Governments, of persons who were then detained, and I have no doubt that Mr. Joshi in moving his amendment had that precedent in mind. But I would ask the House carefully to note the difference between that case and this. The persons whose cases then came under review were not detained in connection with a specific movement. They were detained because of their own general activities and programme. In those circumstances, there was, without such a review, a real danger of indefinite detention and we had to be satisfied that those persons were not kept under detention for longer than was really necessary. But in the present case—and I am referring to security prisoners detained in connection with the present movement—the persons detained are detained in order to prevent them from participating in a movement which is still alive and still dangerous. I have already explained the position in speaking of the need for retaining special restrictions upon them and I do not think I need repeat all that again. But the point is that their detention is related to a particular situation now existing, a situation which in the nature of things must be temporary, at least I hope it will be, but I cannot say how long it will last. Therefore, there is every difference between the case of these persons and those who were detained not in connection with any particular situation which might be expected to come to an end at a particular time.

I have only one word more to say about the amendment moved by Mr. Nilakantha Das in which he says

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to have more time, I do not think the House would be in a hurry to do so.

The Honourable Sir Reginald Maxwell: His amendment is that the policy should be such as to facilitate the release of those who are in favour of co-operating in the war efforts and with this object in view to allow interviews with the political prisoners by Members of the Central Legislature. I would remind the House of the results of releasing the Satyagrahi prisoners in December, 1941. Eight months afterwards we found ourselves involved in this Congress rebellion and I should like to know, although I have not yet got the particulars, how many of the persons whom we had to convict or detain in connection with the present movement were persons to whom the benefit of that general release was extended? But I should like to ask in relation to Pandit Nilakantha Das' amendment, how could Members of the Central Legislature, as a result of the proposed interviews, guarantee the co-operation of those persons in the war effort? What trust could be placed in second-hand accounts of the attitude of mind of people who at one moment were attempting to sabotage the war effort and at another moment professing to support it? Who is to know which attitude is sincere? We must have something more tangible than that. We must know that India's defence and our own obligations towards the Allied Nations stand in no further danger from these people while the war lasts. So long as the Congress resolution stands and so long as an underground organisation exists bent upon carrying it out, we can, in the nature of things, have no such confidence. We can take no more risks for the future. We must know exactly where we stand.

I am afraid that my remarks have meant pouring cold water on most of the proposals which have been made in this Resolution and the amendments, but I would remind the House once more that these restrictions are governed by the nature and the continued existence of the situation with which we have to deal. But, at the same time, as I have tried to explain, the conditions under which these people are kept have in the past received careful consideration and the restrictions which are placed on security prisoners detained in connection with the present movement are not so widespread as, I think, Members were inclined to assume. I do not say that all these persons will be detained indefinitely. Some of the provinces are already, I think, releasing persons whom they deem to be comparatively unimportant considering the present state of the movement and they may be relied upon to take advantage of any opportunity which presents itself because they are no less anxious than I to relieve the pressure on all the jails which exists at the present moment. The House will realise that this state of things gives no pleasure to the Provincial Governments. I have no doubt whatever

that, with due caution, considering as I said the continued existence of the emergency, they will do their best to allow these people to go. But in the meanwhile, as I have tried to show to the House, there is really no room for any special investigation into the conditions of detention of these people. Some inconveniences may no doubt arise from the fact that accommodation is congested. That is a regrettable fact which the present situation has imposed upon us. But as I have already told the House the number of such prisoners under detention at present is not much more than eight thousand in the whole of India.

As regards the particular cases quoted by my Honourable friend the Mover, he will naturally understand that I cannot enter into the details of all those cases as I had no previous notice of them and, secondly, they are matters of provincial arrangement.

An Honourable Member: Will you enquire into them?

The Honourable Sir Reginald Maxwell: If I have any specific cases which I think require elucidation I shall be prepared to go into them. But I naturally cannot undertake to go into hundreds of individual cases in each province.

An Honourable Member: What about Mr. Satyamurti?

The Honourable Sir Reginald Maxwell: I understand that Mr. Satyamurti has been released. While he was under detention in the Central Provinces the

Government of that Province took all care of him that was possible and I do not think any complaint is made of the care that he received up to the time when he was transferred back to Madras. Very special care was taken of him while he was sick. Generally speaking, a security prisoner whose health is such that he can no longer take any active part in the movement is released by the Provincial Government and I have heard of a considerable number of such cases. I hope the House will realise that a reasonable attitude is adopted towards these prisoners.

Sir, that is all I can explain to the House now. But, I hope, if necessary, I shall have an opportunity of speaking later in this debate if it continues during the next Session.

STATEMENT OF BUSINESS.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, the prospects of concluding the outstanding official business of the Session on the three remaining days, i.e., Monday, Tuesday and Wednesday, seem to be almost nil, and I anticipate, therefore, that meetings will be required to be held on Thursday the 1st April and Friday the 2nd April. I would request you, Sir, to see that meetings are arranged accordingly.

Mr. President: (The Honourable Sir Abdur Rahim): I direct that the Assembly shall sit on the 1st and the 2nd April, 1943.

The Assembly then adjourned till Eleven of the Clock on Friday, the 26th March, 1943.

LEGISLATIVE ASSEMBLY

Friday, 26th March, 1943.

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 QUESTION AND ANSWER.

(a) ORAL ANSWER.

COMPLAINTS OF POLICE EXCESSES ON POLITICAL PRISONERS AT ALLAHABAD.

389. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state if it is or it is not a fact that there are complaints of excesses by the police at Allahabad in respect of political prisoners detained under the Defence of India Rules?

(b) Is it or is it not a fact that Mr. Durlabh Bhai B. Trivedi, a teacher in the Basic Training College at Allahabad, was kept for about 20 days after his arrest in Police Station lock up and was given a beating almost every day before he was sent to jail?

(c) Do Government propose to consider the advisability of persuading the Provincial Government to stop such practices in respect of political prisoners?

The Honourable Sir Reginald Maxwell: (a) and (b). I have no information.

(c) No.

*Qazi Muhammad Ahmad Kazmi: In view of the fact that the Honourable Member assured the House that he will be making enquiries in case of excesses, will the Honourable Member please do so now?

The Honourable Sir Reginald Maxwell: I did not assure the House that I would make enquiries into cases of excesses, if the Honourable Member refers to my speech of yesterday.

Qazi Muhammad Ahmad Kazmi: Before that, the Honourable Member said that if he was satisfied that real cases of excesses had been committed, he would make enquiries about them, because so far as the detenus are concerned, some steps from the Central Government may be necessary in this matter at least to advise the Provincial Governments.

The Honourable Sir Reginald Maxwell: I do not understand exactly what the remarks are that I made to which the Honourable Member is referring. But I have often made the position clear to the House as to the attitude which the Central Government must take up towards matters of provincial responsibility.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to a supplementary question put by Mr. Lalchand Navalrai to part (c) of starred question No. 76 asked by Pandit Lakshmi Kanta Maitra on the 23rd September, 1942.

ORGANISATION OF AND ASSISTANCE TO INDUSTRIES FOR MEETING WAR SUPPLY REQUIREMENTS.

The Government of Sind have appointed their Department of Industries as the official agency for executing Government orders. The official agency has taken war orders mainly for textile items as these are the easiest to handle. It has also carried out investigations on various other items from time to time and has helped the Supply Department in finding indigenous sources of manufacture and locating capacity in anticipation of war requirements.

Information promised in reply to starred question No. 6 asked by Mr. Ananga Mohan Dam on the 10th February, 1943.

SUPERVISOR TRAINEES AT ISHAPORE METAL AND STEEL FACTORY.

(a) No. From 39 per cent, to 57 per cent, of the Supervisor Trainees refrained from recording their attendance by the ticket system for seven days.

(b) and (c). Approximately 16 per cent. of the Supervisor Trainees appealed to the Superintendent to restore the card stamping system of recording attendance. Only one asked for permission to resign.

(d) Government have under consideration the question of setting up a network of employment exchanges and sub-exchanges throughout the country. Further, as some technical trainees are joining the Armed Services before they complete their training, Government

have decided to continue the technical training scheme for a year and a half after the war to enable such persons to complete their training and so fit themselves for employment in industry.

Information promised in reply to supplementary questions of starred question No. 13 asked by Mr. K. C. Neogy on the 10th February, 1943.

PROTECTION FOR PRODUCER GAS PLANTS INDUSTRY.

1. *Location of test house in Bombay and its functions.*—(a) The testing plant is located in the Victoria Jubilee Technical Institute, Matunga.

(b) *Functions.*—To test the purity of the gas—that is, the efficiency of the filtering equipment of a plant to remove ash and other abrasive matter—given by sample plants submitted for technical approval, and by any plants brought in for subsequent test. The nature of the test is as described in the late Communications Department pamphlet of April, 1942 "Australian Standard Specifications (Emergency Series) for 1. Charcoal Gas Producers for motor vehicles (including tests). 2. Wood Charcoal for use in Gas Producers for Vehicles and Tractors (including tests)".

2. *Is testing compulsory?*—As stated in the reply to the question, the matter is a Provincial subject. The Central Government can and have circulated to Provinces recommended Model Rules and advice: they cannot take direct executive action. The latest edition of the model rules (to be made under the Motor Vehicles Act)—"Additional Rules Regarding Producer Gas Vehicles"—provide that the approving authority may call upon the manufacturer to produce the plant for this test.

3. *Responsibilities attached to licensees obtaining steel for the manufacture of Producer Gas Plants. To what extent are they expected to maintain these plants?*—In the Model Rules referred to, provision is made for approval of a sample plant by an officer of the Provincial Government. The approved manufacturer is bound to make and sell plants in accordance with the specifications of the approved plant. He has to give with each plant a book or card of instructions for operation and to state what parts or materials are not guaranteed for two years. Service after sale is not required by the rules although a number of manufacturers offer this.

4. *Model Rules.*—A set of Model Rules was drawn up and circulated to Provinces at the end of 1941. These and general specifications were later revised in the light of experience, the second edition being issued in December, 1942. A copy of these has now been placed in the Library.

5. *Other Pamphlets.*—The following other pamphlets issued from time to time are now available in the Library:

- (1) Government of India, Department of Communications. "Producer Gas for Motor Vehicles—Supply of Charcoal", January, 1942.
- (2) Government of India, Department of Communications. "Producer Gas and Charcoal Practice in Australia", March, 1942.
- (3) Government of India, Department of Communications. "Australian Standard Specifications (Emergency Series), for—
(1) Charcoal Gas Producers for Motor Vehicles (including tests).
(2) Wood Charcoal for use in Gas Producers for Vehicles and Tractors (including tests)." April, 1942.
- (4) Government of India, Department of War Transport. "Practical Application of Gas Producers to Road Transport including Passenger Service Vehicles" (Reprint from the journal of the Institute of Fuel, London), January, 1943.
- (5) Government of India, Department of War Transport. Memorandum "Producer Gas Plants for Mechanically Propelled Vehicles. Gas Testing and Workshop inspection routine." January, 1943.
- (6) Government of India, Department of Communications or Department of War Transport. Periodical Bulletins: No. 1, April, 1942. No. 2, June, 1942. No. 3, September, 1942. No. 4, November, 1942. No. 5, January, 1943. No. 6, March, 1943.

Information promised in reply to parts (c), (e) and (f) of starred question No. 81 and parts (e) and (f) of starred question No. 83 asked by Mr. Ananga Mohan Dam on the 15th February, 1943.

GRIEVANCES OF THE AMALGAMATED ASSAM BENGAL RAILWAY STAFF.

No. 81.—(c) The services were considered continuous but no staff have been retained in their original posts with the same responsibility on a reduced pay.

(e) The temporary staff engaged on purely munitions work in the Kanchrapara Workshops are not given passes but are eligible for Privilege Ticket Orders and Week-end Concession Ticket Orders for themselves. There is no information which suggests that the practice in this respect in other Workshops is different. The second part does not arise.

(f) The reply is in the negative.

GRIEVANCES OF THE AMALGAMATED ASSAM BENGAL RAILWAY STAFF.

No. 83.—(e) As regards non-gazetted staff, some representations have been received and every one of them has received careful consideration.

(f) Yes, nine.

Information promised in reply to unstarred question No. 36 asked by Mr. N. M. Joshi on the 23rd February, 1943.

FILLING OF HIGHER VACANCIES IN ACCOUNTS DEPARTMENT OF BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

(a) No.

(b) In the Accounts Department 49 Indians and 15 Anglo-Indians were promoted permanently or provisionally to posts carrying pay of Rs. 160 or over during the last five years. One Anglo-Indian secured promotion by transfer to the General Manager's office.

(c) No.

(d) It is regretted the details cannot be reproduced as they are voluminous.

(e) Changes in the strength of posts take place to meet changing requirements. In grades of Rs. 160 and over three posts have been abolished and three have been held in abeyance while 14 temporary posts have been created.

MESSAGE FROM THE COUNCIL OF STATE.

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

"The Council of State at its meeting held on the 24th March, 1943, agreed without any amendment to the Bill to make provisions on a basis of reciprocity in regard to entry into, travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office, or the carrying on of any occupation, trade business or profession in British India by, and the franchise in British India of, persons domiciled in British possessions, which was passed by the Legislative Assembly at its meeting held on 3rd March, 1943."

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—contd.

(AMENDMENT OF SECTIONS 269, 272, ETC.)

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the following motion moved by Qazi Muhammad Ahmad Kazmi on the 3rd March, 1943:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for the abolition of Sessions trials with the aid of assessors (Amendment of sections 269, 272, etc.), be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr. Govind V. Deshmukh, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Mr. Lalchand Navarai, Sardar Sant Singh, Mr. P. J. Griffiths, Mr. K. C. Neogy, Raja T. Manavedan, Maulvi Abdur Rasheed Choudhury and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Lalchand Navarai (Sind: Non-Muhammadan Rural): Sir, we are discussing now in the House the abolition of certain sections in the Code of Criminal Procedure, which refer to trials with the aid of assessors before Sessions Courts. The motion made requires that the Bill be referred to the Select Committee. What the Honourable Member means is that trials in Sessions Courts with the aid of assessors serve no useful purpose nowadays and that the system is such that it need not be continued any more. He wants that assessors should not sit with the Sessions Judges when deciding of cases.

The other day when I was discussing this motion, I was of opinion and I still maintain the same, that the system by itself is not bad, but that the way in which it is practised or followed should be improved. The other day I was trying to show the defects with regard to selection of the assessors. According to section 268 of the Criminal Procedure Code the trials before a Court of Sessions shall be either by jury or with the aid of assessors. In moving his motion, my Honourable friend did not suggest any alternative if the assessor system is done away with. It is plain from this section 268 that I just now quoted that all trials should be either by jury or with the aid of assessors. If then trials with the aid of assessors have been proved to be of no use, as their opinions are not even relied upon or sometimes not even looked at, but thrown away without any consideration or without showing any reasons why they are rejected, in that case we come to the conclusion that the assessor system is no more useful. When that system is of no use, the question is what is the alternative. The alternatives are two, firstly that trials in all Sessions Courts and High Courts should be made with the help of jurors. We do find great difference in the method of selection of jurors and assessors. In that case my Honourable friend should have asked that all trials should be by jury system. The time has

[Mr. Lalchand Navalrai.]

come when this reform should be introduced and the system of trial with the aid of assessors should be done away with. We have only to fall back upon the system of trial by jury. There was a time when the system of trial with the aid of assessors was useful when English education had not made such rapid advance that it has done in recent years. At that time it was difficult to get even literate people, literate in vernacular, what to speak of people with English education. It was only in certain places that English educated people were available and the system of trial by jury was in vogue in those places. Some of the men had good education and were competent and experienced. So the difference was made that at certain places, there should be trial by jury and at certain other places trial with the aid of assessors. We find in several places where trial by jury was prevalent, they had given good satisfaction. The reason was that they had the power to decide cases for themselves without interference by the court except in certain cases. The verdict of the jury is binding on the Judge, unless he finds valid reasons to disagree with the jury. If there is a decision that the jurors will sit and give their verdict on the merits of the case in which a certain person has committed a murder or he has committed a dacoity, they will do it. And then the Judge has no alternative. But if there is any question of law, then the Judge can send their verdict to be corrected by the High Court. Therefore, I say that they have got more powers and I would submit that if there had been more powers with the assessors, at least that class of assessors who are educated and selected people, they would have taken advantage of that and would not have allowed the judge to ignore their opinion. The other day, I read to the House certain opinions in which it was made quite clear that there are even directions given to the courts to ignore the opinions of assessors. Therefore, I am submitting that the one way of improving the present situation is to have jurors. It might be said that in the mufassil where there are courts, people with much education and intellectual powers will not be available. But it is not so. Session Judges work at District Headquarters, and not in mufassil courts. Take, for instance, Hyderabad in my province. There the trials are held with the aid of assessors. Why should that be done. There are educated and intelligent men with wisdom and experience who will do as much justice as any jury. Then why should this present assessor system continue? This is one suggestion: to have all trials by jury. At present, as everybody knows, the proceedings are conducted in English with the help of prosecutors as well as defence pleaders and advocates, and, I dare say, if a serious attempt is made to find out proper persons, there will be no dearth of them.

The other alternative that I will suggest is that if the Government still wants that in certain courts trials should be held with the aid of assessors, then those courts should be specified. The Government should examine which are the courts where jury system cannot be adopted even now. This will necessitate an amendment in the Criminal Procedure Code in respect of assessors. At present the system is that under section 268 the trials are held either by jury or by assessors. Then there is section 269 which gives power to the local Provincial Government. It is laid down:

"The Provincial Government may, by order in the Official Gazette, direct that the trial of all offences or any particular class of offences, before any Court of Sessions, shall be by jury in any district, and may revoke or alter such order."

Therefore in those districts jury system can be introduced. Even the Provincial Governments would do it, if only the Central Government wishes and gives them a lead in the matter.

Section 285 lays down the number of assessors that have to be appointed. It might be noticed with regard to this point that formerly there used to sit only two or three assessors. Subsequently, it was found that people of better intellect could be found and that it was necessary to have more than two or three, because in a jury there are so many persons who sit and decide the case. Therefore the number was raised to four. My point is that progress is being made already, and the time has come now when in many Session Courts

would rather say in almost all courts—which are situated in big cities there should be a jury system.

Coming to section 309 where it is laid down that the opinion of assessors is not binding one or, more or less, is not to be relied upon, or the judge may differ without even showing any grounds. Here I do not blame the judges. I have been practising in these Courts and I know that the selection of assessors is an insult to the court; they cannot give any help to the court. I will presently show how it actually works in practice. If the assessors who help the court are selected people of intellect and education, I do not think the Judge would ignore their opinion and take advantage of this provision, but what actually happens is this: I have seen in a court four persons coming and sitting as assessors. Do you know who they were? Cobblers, barbers, hawkers and people like that. They do not even know how to sit in the chair properly. And these are the people who are supposed to help in the administration of justice in the country. When, at the end of the trial, they are asked: "What is your opinion?", they look to each other, one pointing to the other to speak out. One says 'I did not follow that witness', and the other points out to yet another difficulty. In short, their reply is: "Whatever is the view of the Court, we agree". This is how this system is working, and yet we are not condemning this system. What I have been at pains to point out is this: Is there any qualification laid down for assessors in the Criminal Procedure Code? There is none. There is of course a section which says that such and such persons will not sit as assessors, but there is no section suggesting that persons with these academic qualification or experience should be selected to serve as assessors. In this connection, I refer the House to section 319 which says:

"All male persons between the age of 21 and 60 shall, except as hereafter mentioned, be liable to serve as jurors or assessors at a trial."

There is no qualification laid down for such assessors. We find in section 320,

"The following persons are exempt from the liability to serve as jurors or assessors: Legal practitioners, persons officiating as priests," and so on.

I need not read the whole list. Therefore, I say that there is a negative provision, but there is no positive provision as regards the qualifications which these assessors should possess.

We find section 321 which is very important. That shows that the qualification of the persons has also to be found out, or rather judged by the persons who make the list, but in practice I will say that that is also not followed. But what is the qualification is not mentioned. Now I will read the section:

"The Sessions Judge or the Collector of the District, or such other officer as the Provincial Government appoints in this behalf shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge or Collector."

Qualified in the estimation of the Sessions Judge or District Magistrate! But what are those qualifications by which he should go by? There ought to be a section in the Criminal Procedure Code which says that a person with a particular qualification only can sit as an assessor. This is the first preliminary, but I will explain how this is being neglected. From my own experience the Sessions Judge or the District Magistrate never sits to prepare the first list. This is prepared by a Patwari or a tapedar (on our side). They do not do it, because it is laid down also that besides the Sessions Judge or the Collector of the District such other officer as the Provincial Government appoints may do it, and such an officer is the Patwari, who goes round and finds out these people from their shops and prepares a list. I submit that the procedure in my part of the country is like that, and I doubt if it is better elsewhere. Therefore, my submission is about the initial mistake, otherwise my friend, Mr. Kazmi, would not have brought this Bill. The country is suffering on account of these assessors sitting there or for not having assessors of better qualities and talents. Now the Patwari prepares the list. This is where I left off in my speech the other day. Continuing . . .

Mr. President (The Honourable Sir Abdur Rahim): I do not suppose the Honourable Member wishes to discuss the whole matter anew?

Mr. Lalchand Navalrai: I know after this motion for one Bill to be continued only had to come up. I will give the Honourable Member moving it an opportunity soon to move his motion earlier.

Now, after that list is prepared, there is another section, i.e., section 324. It says:

"The Collector and the Sessions Judge should sit to revise that list."

Now, I have already spoken about the revision and said that it is only nominal. Only those persons come to object who say: 'For God's sake relieve us of this bother of sitting in the Sessions Judge's Court'. The list is as it is. Then there is a third time for revision, but this is hardly done. Therefore, what I am submitting is that the system of these assessors is very bad and it is quite possible that there may be some difficulty in improving the conditions which are prevailing at present, but I would tell the Honourable the Law Member, who is also the Leader of the House, to take courage in his hands and during his time amend this Criminal Procedure Code so that only those persons of qualification sit who do not waste the time of everyone. The present Bill has asked only for a Select Committee. I submit that when the principle of the Bill is accepted that this assessor system is bad, the second stage will be the Select Committee, and I think the House will be with me in saying that a Select Committee is very necessary, and then in that case I will appeal to the Law Member also that this is an important point of justice, as people are being hanged on the opinions of such men supported by the Judge. This Bill must go to the Select Committee and the Honourable Members of the Select Committee may find out an alternative, and that alternative may be suggested, but if the Select Committee think that they cannot effect any change, then I think the Government should bring up their own Bill and Government must give relief so far as this nuisance of these assessors is concerned. I am submitting that there should be an improvement, which can be effected in two ways. Have a jury system. That can easily be done. Let the Home Member and the Law Member write to the Provincial Governments to find out in which districts the jury system can be employed. The second is that the Criminal Procedure Code should be amended so as to provide qualifications for assessors, if the assessor system is allowed to continue, but I want they should do it as early as possible.

Sardar Sant Singh (West Punjab: Sikh): I am afraid I do not agree with the previous speaker's views. Nor do I agree with the objects of this Bill. I can assure my friend, the Mover of this Bill that I have had a very extensive practice in murder trials and I have to deal with assessors almost every day, when practising at Lyallpur. There may have been some defects in the earlier days in the intelligence of the assessors in following the proceedings in the Sessions trial.

Mr. Lalchand Navalrai: Has intelligence increased in Lyallpur?

Sardar Sant Singh: I can assure him that it is much more than the experience of the previous speaker suggests.

Mr. Lalchand Navalrai: Question.

Sardar Sant Singh: Probably my friend will find himself in a quandary if he comes and conducts a case at Lyallpur. My experience has been that the assessors do try to follow the proceedings intelligently and I have occasionally seen some assessors coming up in courts and taking notes of each witness's evidence and then putting certain questions in cross-examination which exhibit their intelligence.

Mr. Lalchand Navalrai: That is not true in Sind.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to be in his seat if he wants to intervene?

Sardar Sant Singh: Sir, I am submitting that the assessors that come to-day to help the Sessions trial do take an intelligent interest in the proceedings. I have often seen, Sir, the verdict of the assessors deciding the fate of the case, particularly when the assessors are unanimous or in a majority in their view.

In cases which are on the margin, where the Sessions Judge finds himself in difficulty in coming to a conclusion on a question of fact, the verdict of the assessor makes him go the same way as the assessor, particularly on questions of fact. I do not say there is no room for improvement. If I am asked to suggest an improvement in the Criminal Procedure Code, I would suggest an improvement in the other direction—I would say that when the assessors are unanimous, ordinarily the judge should agree with their verdict; and it should be made incumbent on the trying judge to give sound reasons if he differs from them, on questions of fact.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): That means that practically you want to make some amendments.

Sardar Sant Singh: If I am given the choice, I would go just the other way to what the Bill goes. At the same time, I may express my view that there is room for improvement in the method of appointment of assessors. I know that assessors are appointed in a joint meeting between the Sessions Judge and the District Magistrate and both make the list for a year. But unfortunately the office of assessor has come to assume something of a qualification. My Honourable friend the Law Member will be aware, if I remind him, that in the case of Sankaran Nair v. O'Dwyer, one of the witnesses who was examined here was an assessor; and in order to increase his status as a witness, amongst other qualifications he stated that he was an assessor. When the papers went to England, the judges trying that case asked what an assessor was; and they were told that it was the same thing as a jurymen. The Judge said "I thought it was more of a liability than a qualification". But here in India to be an assessor is regarded as a qualification in the eyes of the bureaucracy, with the result that there is an attempt to get oneself elected an assessor; with this result that those who are of independent views are not very great favourites with the district magistrate and they are never nominated as assessors. They are right because they consider the assessorship to be a duty rather than an asset and therefore there is no trouble over it; but if the scope of the work of an assessor is enlarged and really intelligent and independent men are appointed as assessors, I think that a trial by assessors will be only a bit less useful than trial by jury. Trial by jury would be much better; and therefore this system as it has developed requires to be improved rather than to be scrapped: it should be replaced by a jury trial and not by the Sessions Judge sitting alone. I have seen cases where the public prosecutor has asked the committing magistrate to reduce the gravity of the offence from 300 to 304, and punish the offender there, believing that in the sessions case with the aid of assessors the accused had a chance of being completely acquitted, and let off. That has been my experience. I have myself insisted in certain cases that the case should be committed to the sessions, because the trial there is a healthier and more calm atmosphere, with greater consideration than is possible in the trying magistrate's court. Therefore, I regret that I have to put a cold douche on the enthusiasm of my friend, Mr. Kazmi, in bringing about an improvement of the Criminal Procedure Code. I want to assure him that it is not an improvement—it is just the other way.

Mr. Muhammad Azhar Ali: Sir, my friend, Sardar Sant Singh, who has just spoken, forgot that the Bill has to go to Select Committee. The Select Committee has got full power to deal with this Bill. If it decides that there should be an amendment it can do it; if it decides otherwise, then it is a different matter. My own experience as a lawyer has been that so indiscriminate is the selection of the assessors that it is very desirable that some amendment should be effected. Although I have worked in the High Court and although I am a Member of the Legislative Assembly, under the statute I am disqualified to sit as an assessor in court; but still I may inform the House that I have had to suffer in many cases. I was selected twice or thrice as an assessor; I objected to it and I went to the District Judge and spoke to him personally, I went to the Deputy Commissioner and spoke to him personally and he said "Will you send a letter? I will reconsider it." But the machinery is such that one cannot escape. Any zamindar in the district is being selected

[Mr. Muhammad Azhar Ali.]

by the tahsildar through the patwari; the patwari simply gives the name of the zamindar and the list goes to the tahsildar who sends it to the Collector of the district; and the collector sits with the District Judge to settle and decide who should be the assessors. Without care or consideration, they simply put in the names of those who are recommended by the tahsildars. I have myself been a sufferer in one case when I was called once; the penalty if one does not attend is Rs. 50 or something like that. Perhaps as my friend Sardar Sant Singh says, it might be considered to be an honour to be an assessor in some places; but when the penalty falls the man suffers like anything. Why should one suffer penalty if one cannot go there to sit as an assessor? Sometimes one has got to get a certificate from the civil surgeon—not the ordinary dispensary doctor. How difficult it is to get a certificate from the civil surgeon everybody knows? But it has to be done to get relieved of this assessorship. As I said, it is not only the tahsildar who is not very careful about this selection; it is the munsarim of the court who makes egregious mistakes. In many cases when I informed the district judge, he said "You had better write a letter"; but my letter was sent away to the munsarim and the result was that my letter was not noticed and I had to suffer on this account. I think therefore if this is placed before the Select Committee, the committee will consider the opinions which have been got by the Government and also the opinions expressed in this House about the personal experience of the Members of the House over this matter. If the assessors are all intelligent people, it is quite all right; but if they are not intelligent or if their opinion is absolutely neglected or thrown away by the District Judge, which does occur sometimes, then there is great and grave injustice in such cases.

To compare assessors with jurors is the greatest mistake that one can make on the floor of this House. Assessors are not such as can be claimed to be very intelligent people. Any man who pays a certain amount of revenue is selected as an assessor; even the mahajans and banias are selected as assessors. Sardar Sant Singh's experience may be very great, but there is our experience that not very intelligent people are generally selected as assessors. The juror case is rather different. There are some rules framed, there is some discretionary power given to select jurors. But generally it is the case that assessors are not very literate people. When there is so much illiteracy in this country, what can you expect of the assessors? With these remarks I support the Select Committee motion.

The Honourable Sir Sultan Ahmed (Law Member): Sir, I oppose the motion. In order to appreciate the position, it is perhaps necessary for me to give a very short history of trial of serious offences from the time of the East India Company up to 1861, then from 1861 to 1923 and then from 1923 onwards.

The House will appreciate that the position after 1790 till 1861 was this, that all the Nizamat Courts or Sessions Courts were presided over by a Judge who was always helped in all serious cases by either a mufti or a kazi. He never sat alone to decide serious cases. In civil cases the position was also the same; pandits and muftis were called to give advice. But in serious criminal cases, like murder or cases of that kind, no Judge ever took the responsibility of deciding a single case without the aid of the two other persons. This continued until 1861, when by the Act of 1861 the assessor system was introduced. This was about 80 years ago. How it worked will be apparent from the next stage, the Act of 1923. It worked most satisfactorily so much so that in 1923 this Legislature decided not only to continue the assessor system but to increase the number of assessors to four. If the Legislature had come to the conclusion that the assessors were an absolutely useless body, as has been suggested by my Honourable friend, Mr. Kazmi, I am sure the Legislature could not have taken the course that it adopted. Therefore, it is obvious that a system which had been there for over 100 years could not be lightly dealt with by simply bringing in a Bill like this saying that the system must be changed. I think my Honourable friend, Mr. Lalchand Navalrai, struck the right nail on the head when he said,

"what is the good of simply saying that the assessors should go when there is no alternative suggested?" Are you going to have trial of serious offences by the Judge alone? The whole country will be against you. There is no justification for such a procedure. If the assessors need certain improvement, that is a matter for rules to be framed by Provincial Governments, but that is an entirely different matter. But to give full liberty to the Sessions Judge to try these offences alone would, I submit, be a most reactionary and retrograde step. History is against it, experience is against it. My Honourable friend read out a few passages from the opinions received from the different provinces and from different Judges. I could read exactly the opposite where the experience of other Judges is wholly different. For instance, my Honourable friend read the opinion of two Judges of the Sind Court, but did not read the opinion of the other two. To begin with, he need not have gone so far to find support; but when the Court consists of four Judges, how does it help him if two Judges supported his view, while two other Judges of the same Court found the assessors to be exceedingly useful. I therefore submit that a measure like this should not be brought in war time in order to change a system which has been there for the last 150 years,—in the form of assessors for at least 80 years. There must be stronger grounds why the system should not continue before this House can be called upon to accept such a view. Here in this very House you have got three lawyers,—one of them, Sardar Sant Singh, who has got very great experience of sessions cases. He says when he is not here he is only making money before the Sessions Court! His experience is exactly different from that of my Honourable friend, Mr. Kazmi. Mr. Kazmi's experience seems to be very unfortunate, I do sympathise with him, but the experience of others also counts. I therefore submit that there is no justification for this change.

In 1923 the whole matter was again discussed threadbare, and far from supporting the view that has been taken against assessors by my Honourable friend, Mr. Kazmi, the Legislature decided that the system should not only be continued, but that there should be a larger number of assessors.

I should like not to emulate my Honourable friend when he read a number of remarks by different Judges, but I should like to read only two, one from the Patna Court and the other from the Allahabad Court. Mr. Justice Dhavle of the Patna High Court was a highly experienced Sessions Judge for a long time and then he presided over the Criminal Bench of the High Court. He said:

"Assessors are generally drawn from the same class of men as common jurors. Their abolition will leave us sessions trials by jury alone, and it is difficult to see the logic of abolishing assessors as quite useless while leaving the issue of sessions trials in the hands of the same class of men functioning as jurors, for I am not aware that the greater authority entrusted to jurors really gives them a greater sense of responsibility than is the case with our assessors. Jury trials have not been a very great success in this Province, and as the proposed amendment will leave us no other mode of trial for sessions cases, I am opposed to it quite irrespective of the fact that I have on occasion received valuable assistance from assessors' opinions."

Two Judges agreed with this. Mr. Justice Rowland said:

"I notice that the Honourable Law Member said in the debate: 'I should have thought that these were not the days when a system which had been in existence for more than 80 years should have been brought before the House for modification'."

I should have said 150 years instead of 80. Chief Justice Harries said:

"I am opposed to the abolition of trial by Judge and assessors for the reasons given. At present a trial by Judge and assessors is preferable to a trial by Judge and Jury."

Coming to the Allahabad High Court, Mr. Justice Plowden, who had very great experience as Sessions Judge, said:

"I have already expressed my opinion as District Judge of Jhansi in 1938, or 1939, and as District Judge of Meerut a few days ago that I am totally opposed to the abolition of the assessor system."

I have found that assessors take an intelligent and impartial interest in cases. If you go to the opinions of different Governments you will find the same difference of opinion, opinion sharply divided. That being the state of affairs, I submit no case has been made out why a system which has been in existence for such a long period should be abolished straightaway without any alternative being proposed in the Bill. The Bill is simply for the abolition of assessors,

[Sir Sultan Ahmed.]

and I submit that it would be a reactionary measure if we allowed the Sessions Judge alone to decide heinous cases.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): I first want to congratulate my Honourable friend from Lyallpur, Sardar Sant Singh on the increase in the intelligence of the people of Lyallpur, so much so that they have started taking a liability to be an asset. If that is the intelligence of the assessors of Lyallpur, then I plead that such assessors should be abolished.

I am also pleased to hear the Honourable the Law Member who for the first time in his life had a good word to say for the assessors. So far as I understand, he is not even satisfied with the jury system but for opposing me he has come forward to praise the system of assessors and has said very good words about them. They will be on record and the valuable words of the Law Member will be quoted in favour of the high status enjoyed on account of their being assessors.

My Honourable friend, Mr. Azhar Ali, has also narrated his own experience of being nominated an assessor. I would only ask this Honourable House to analyse the feelings of the Members. (*An Honourable Member*: "Dr. Sir Zia Uddin is also nominated.") When Mr. Azhar Ali, an advocate of the High Court and a Member of this Assembly resents being nominated an assessor, we can very well understand what intelligent people are going to occupy that position. If persons with sense, with understanding, hate the idea of being nominated assessors, do you ever think that you are going to get a class of persons who would be intelligent and could understand the procedure before the Sessions Court and be of some use in arriving at a right decision? Just the contrary. People would not like to be assessors, because their opinion has got no value. I do not dispute that there may be one or two persons who may have got good experience of this institution but let us look to the bulk of the opinion that has been obtained. I do not want at this stage to read the opinions of those experienced in the administration of justice but you will find that 99 per cent. of those who have had experience of this system are against it. They say it is a complete farce. What is the use of retaining it? I agree with Mr. Lalchand Navalrai and the Law Member that the judge must be associated with some persons. That will be a better system but are the Government prepared for that. This is the reason why several Governments have opposed this. They say that once this farce is taken away, the people of India will demand trial by jury. The Honourable the Law Member has suggested that some remedy ought to have been suggested. I am prepared to suggest an alternative. Will the Government accept it? The naked truth is apparent to everybody. The Bombay Government and the Bengal Government have opposed this Bill and they say that they want to retain the present system because they think that once it is removed people will want the jury system to be adopted. If the Government are really earnest, they may bring forward a Bill saying that every trial before a court of Session will be by jury. I have no hesitation in accepting it. Are this Government and the Provincial Governments prepared to bring in a Bill of this kind? I can very well see the reason why the Central Government and the Provincial Governments are opposing my Bill. May I ask the Honourable the Law Member whether he is prepared to attach more value to the opinion of the assessors? If so, I would readily withdraw this Bill. If I get an assurance from the Government that they intend to bring forward a measure by which they will attach greater value to the opinion of the assessors and that they will improve their position and status, then I am prepared to withdraw my Bill. What I say is either improve their status and position or do away with them. Do not continue this present farce. I think Government should bring forward some measure which will introduce the jury system throughout this country or they must bring in some amendment by which greater weight would be

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL
attached to the opinion of assessors and which would improve the quality of the people nominated for that purpose.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Code of Criminal Procedure, 1898, for the abolition of Sessions trials with the aid of assessors (*Amendment of sections 269, 272, etc.*), be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr. Govind V. Deshmukh, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. P. J. Griffiths, Mr. K. C. Neogy, Raja T. Manavedan, Maulvi Abdur Rasheed Choudhury and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I move:

"That the Bill further to amend the Special Marriage Act, 1872, for certain purposes be continued."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Special Marriage Act, 1872, for certain purposes be continued."

The motion was adopted.

THE HINDU MARRIED WOMEN'S RIGHT TO SEPARATE RESIDENCE AND MAINTENANCE BILL

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I move:

"That the Bill to give Hindu married women a right to separate residence and maintenance under certain circumstances be continued."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill to give Hindu married women a right to separate residence and maintenance under certain circumstances be continued."

The motion was adopted.

THE DELHI MUSLIM WAKFS BILL.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move:

"That the amendments made by the Council of State in the Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi be taken into consideration."

Sir, I find that the Council of State have added what was mostly needed and the amendments which they have made are very essential so far as the Wakf interests are concerned. A copy of these amendments is already on the table of the House and is before every Honourable Member. In clause 39 they have made certain amendments, sub-clause (1) of which runs as follows:

"Before any wakf property is notified for sale in execution of a decree, or for the recovery of any revenue, cess, rate or tax due to the Crown or to a local authority, notice shall be given to the Majlis by the Court or Collector or other person under whose order the sale is notified."

Sub-clause (2) says:

"If the notice required by sub-section (1) to be issued to the Majlis in respect of any sale, is not issued the sale shall be voidable at the option of the Majlis." The other amendment made by the Council of State is that from clause 41 they have omitted the words 'or under the Land Acquisition Act, 1894'. Those words were not desirable and they have simply been omitted. I hope the House will agree to the amendments passed by the Council of State.

In this connection, Sir, I would like to express my thanks to the Honourable the Secretary of the Home Department who took great pains in getting these amendments passed and also to the Honourable Mr. Hossain Imam, who gave notice of these necessary amendments in the Upper House. I shall be failing in my duty if I do not thank my Honourable friend, Sir George Spence, who took great pains in the early stages of the Bill in getting the Joint Select Committee formed and in anticipation of the fact that he will be able to get soon the assent of His Excellency the Governor General. I want to thank him for all that he has done for this Bill.

[Maulvi Muhammad Abdul Ghanī.]

Sir, the Bill is now going to be an Act. It will remove all the grievances of the public which have hitherto been in existence under clause 9, of the Bill no person is eligible for appointment, co-option or election as the case may be, if he has been removed from office of membership under any provision of this Act, or by order of Court for mismanagement or corruption of trust property. This is a very wholesome provision and I hope that the mischief which have already been done will not recur. There are three bodies which has been superseded under sub-clause (2) of clause 25 of the Bill owing to mismanagement and corruption of trust properties by their members. They are Fatehpuri Masjid Committee, Juma Masjid Committee and Anjuman Moyid-ul-Islam. I hope the authorities may not commit mistake in thinking that the members of these superseded bodies are eligible for appointment as members of the Majlis-e-Awakaf, Delhi. They have been superseded on account of mismanagement of trust properties by their members and such members should not be taken in as members of the Majlis.

I wish to thank once more this Honourable House for giving its sanction to this Bill and I hope the Department of Government concerned will see that it is enforced soon.

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

"That the amendments made by the Council of State in the Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi, be taken into consideration."

The Honourable Sir Sultan Ahmed (Law Member): Sir, I accept the amendments which have been made. They were made at our instance in the Council of State and they were considered vital by this House and I do not think there can be any objection to them.

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

"That the amendments made by the Council of State in the Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi, be taken into consideration."

The motion was adopted.

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

"That the re-numbering and re-lettering of the clauses of the Bill as necessitated by the amendments made in the Bill during its passage by the Legislative Assembly and the Council of State and the changes made consequential thereon in all references throughout the Bill be agreed to."

The motion was adopted.

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

"That the following amendment made by the Council of State in clause 38 of the Bill as so re-numbered and re-lettered and consequentially changed be agreed to: In sub-clause (4) of clause 38 for the words "The order" the words "Any order" were substituted."

The motion was adopted.

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

"That the following new clause 39 as inserted by the Council of State after clause 38 in the Bill as so re-numbered and re-lettered and consequentially changed be agreed to: 39. (1) Before any wakf property is notified for sale in execution of a decree, or for the recovery of any revenue, cess, rate or tax due to the Crown or to a local authority, notice shall be given to the Majlis by the Court or Collector or other person under whose order the sale is notified.

(2) If the notice required by sub-section (1) to be issued to the Majlis in respect of any sale is not issued the sale shall be voidable at the option of the Majlis."

The motion was adopted.

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

"That the following amendment made by the Council of State in clause 41 of the Bill as so re-numbered and re-lettered and consequentially changed be agreed to: In clause 41 of the words "or under the Land Acquisition Act, 1894", were omitted."

The motion was adopted.

THE HINDU MARRIAGE DISABILITIES REMOVAL BILL.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I

move
That the Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus be referred to a Select Committee consisting of the Honourable Sir Sultan

Ahmed, Mr. T. T. Krishnamachari, Raja T. Manavedan, Mr. Lalchand Navarai, Mr. Jamnadas M. Mehta, Dr. P. N. Banerjee, Mr. Amarendra Nath Chattopadhyaya, Pandit Lakshmi Kanta Maitra, Mr. Akhil Chandra Datta, Mr. Ananga Mohan Das, Bhai Parmanand, Sardar Sant Singh, Syed Ghulam Bhik Nairang and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I move this Bill with one eye on the Bill itself and the other on the Honourable the Law Member. This Bill is a very simple Bill. Under the Hindu Law marriages are prohibited if the persons are *sapindas* which means related by blood or belong to the same *gotra* which means that they are disciples of the same *Rishi*.

An Honourable Member: Where did you get this definition of the *gotra*?

Mr. Govind V. Deshmukh: You will find it in the books to which I referred in the course of my speech on the motion for the circulation of this Bill for public opinion. You consult those books and use your very exhaustive interpretation of what *gotra* is. The marriage between Hindus is prohibited if the persons belong to the same *sapinda* that is related by blood or belong to the same *gotra*. All that the Bill by clause 2 proposes is: notwithstanding any custom, rule or interpretation of the Hindu law, a marriage, which is otherwise valid shall not be invalid because it is between Hindus belonging to the same *gotra*; or it is between Hindus belonging to the different sub-divisions of the same caste. That is the operative clause. So it does not validate marriages between persons who are *sapindas*, that is, who are related to each other even to the extent of seven degrees on the father's side and five degrees on the mother's side. A *Sapinda* restriction or prohibition is not done away with by this section. This Bill is only a permissive Bill and it does not compel persons who are Hindus to contract marriage if they are members of the same *gotra* if they do not so wish. It merely says if persons who belong to the same *gotra* are desirous of contracting marriage then such a marriage shall be a valid one. More than that it does not intend to do. Then section 2(b) is also permissive and if there are marriages between persons belonging to different sub-castes of the same caste then such marriages shall be held valid. To a Bill like this for which there is voluminous opinion that this Bill should be enacted, I think, there should be no opposition. After my Bill was circulated for public opinion the Rau Committee was set up and it also issued a Communiqué. Sir, to the question which I put on the 28th October, 1942, the Honourable the Law Member replied as follows:

"Of the replies received to the relevant questions 58 per cent. were in favour of validating all inter-caste marriages, 70 per cent. were in favour of validating all *anuloma* marriages and 81 per cent. in favour of validating *sagotra* marriages."

That was the response so far as the public were concerned for validating *sagotra* marriages. And the replies to the questionnaire went further, they say that even so far as intercaste marriages are concerned they were prepared to legalise those marriages. From the public opinions that were received by us when the Bill went for circulation I find as many as 110 opinions are strongly in favour of the whole Bill and 54 are against. Out of those 54, 26 are of branches of the same body, the Varnashrama Swarajsangh, which should therefore be considered as one vote. I do not wish to refer to all the public opinions which are either in favour of the Bill or against it except one or two as samples to prove that though the general opinion is that the marriages between persons belonging to different sub-castes of a caste are not illegal, the conservative opinion which certainly is prevalent among the illiterate persons is against such marriages. There is first of all the opinion of one Shankaracharya of the Shri Bharat Dharma Mahamandal. He says that the marriage between persons of different sub-castes of the same caste is not so highly objectionable as that between persons of same *gotra*. But at present, the purity of *Raja* and *Virya* i.e., the Blood, and Seed is not observed strictly in all the sub-castes and many new sub-castes have sprung up, the people calling themselves to belong to them without their really being so. Hence marriage between persons of different sub-castes too cannot be encouraged freely. In other words many persons seem

[Mr. Govind V. Deshmukh.]

to think that there would be no objection to such marriages which legally are valid, but I have cited one opinion out of a few which belongs to the Sanatanist Body and which shows that they are not prepared to hold such marriages as valid marriages. Then there is the opinion of an orthodox body also which is against the sub-caste marriages. Now, when one wishes to introduce a Bill of this nature, he is told that those who do not wish to contract marriages strictly according to the Hindu Law why should they not go and marry under the Civil Marriage Act. Some persons do not like to do so. Apart from sentiments, there are certain legal disabilities imposed on him, under the Civil Marriages Act a person who marries according to its provision is instantaneously separated from his joint family. In other words, the moment a person marries under the Civil Marriage Act marriage means for him civil death, the joint family and its incidents end and his father is free to adopt a son. Under the Caste Disabilities Removal Act also, there are certain disabilities. There are certain individuals who, instead of getting married under the Civil Marriages Act, from sentimental point of view as well as to avoid the legal disabilities which attend the Civil Marriage Act, would like to marry according to the Hindu Law. As I said before this Bill is not a compulsory Bill, it is only a permissive Bill. It does not compel anybody to contract marriage in utter disregard of the present provision of the Hindu Law; provisions in this Bill allow persons to marry according to the injunction of the Hindu Law. All that the present Bill does is that it gives choice to those who wish to marry according to their inclination. Sir, this reform is long over due as will be seen from the voluminous opinions that we have received. Therefore, I commend this motion for the acceptance of the House, in view of the public opinion that we have got in favour of this Bill. I would only say one word more and that is, if the Marriage Bill that has been drafted by the Rau Committee could have been introduced in this Session, I would not have made this motion. As a matter of fact, I allowed my Bill to lapse, more than a year ago when I was given to understand that that draft Bill is to be introduced shortly. Having waited for a long time and found that there was no move on the part of the Government that the particular Bill which was recommended by the Rau Committee would be introduced, I revived my Bill and I am making this motion. If there is the slightest indication that the other Bill, will be brought forward, at the next Session, I would see my way to withdraw this motion. Let me remind the Honourable the Law Member that I am receiving letters that the Marriage Bill also should be proceeded with immediately. As a matter of fact I have received ten or twelve letters from Women's Associations. One, I received yesterday from my own province, from the Women's Conference, South Central Provinces. There again they urge that the Bill should be introduced as early as possible.

The Honourable Sir Sultan Ahmed: It has already been introduced.

Mr. Govind V. Deshmukh: If I am given some indication that at the next Session the other Bill would be considered in view of the large volume of opinion in its favour as well as of the urgency which women wish to impress upon, as well as of all shades of public opinion, both males and females, if the Honourable the Law Member would give me some indication or a promise that in the next Session it will be referred to a Select Committee, I would now withdraw this motion.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. T. T. Krishnamachari, Raja T. Manavedan, Mr. Lalchand Navabhai, Mr. Jannadas M. Mehta, Dr. P. N. Banerjee, Mr. Amarendra Nath Chattopadhyaya, Pandit Lakshmi Kanta Maitra, Mr. Akhil Chandra Datta, Mr. Ananga Mohan Dam, Bhai Parmanand, Sardar Sant Singh, Syed Ghulam Bhik Nairang and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mrs. Renuka Ray (Nominated Non-Official): Sir, I am glad to hear Mr. Govind V. Deshmukh say that he wants to get an assurance from the Honourable the Law Member and that then he would be willing to withdraw his motion.

As I have already said before, the women in India do not favour laws which are amended by piecemeal methods. This patchwork system leads to further anomalies in law as we have seen even in the case of the Acts of 1937 and 1938, Dr. Deshmukh's Property Act. But as the Honourable the Law Member has already introduced the Marriage Bill, if it is not taken up in this Session, I hope at least that Honourable Members of this Legislature will give the Honourable the Law Member the assurance that the Bill will receive the support of this House, if it is introduced in the next Session. It is only the first chapter of a comprehensive revision of the marriage code as the framers of the Marriage Bill have pointed out. This is not the time for me to go into any details of the Rau Committee Marriage Bill, but I should like to point out that there is only one reform of any significance, and that is the abolition of polygamy and the insistence on monogamy, and I do hope that there is no Honourable Member of this House, who even in these days, approves of polygamy. I do not think the Honourable the Law Member should find it very difficult to bring in a Bill next Session and carry it through even without referring to the Select Committee.

Sir, with these words, I should like to support Mr. Deshmukh in the latter part of his arguments that if the Bill is brought up next Session, then he will withdraw this present Bill.

The Honourable Sir Sultan Ahmed (Law Member): Sir, I have listened with great interest to the speech delivered by my Honourable friend Mr. Govind V. Deshmukh and also to the charming appeal made by my Honourable colleague Mrs. Renuka Ray. Sir, there was a motion here tabled that people above sixty should not be Members of the Legislature? I realise that the amendment which was moved by my Honourable friend Mr. Amarendra Nath Chattopadhyaya that nobody who is below sixty should be a Member of the Legislature, that was the correct one! My hairs have turned grey in public life and if I have learnt anything it is this, that discretion is the better part of valour. I have every sympathy with the object which both Mr. Govind V. Deshmukh and Mrs. Renuka Ray have, but in comes my Honourable friend Babu Baijnath Bajoria. If they can square him up, I am prepared to proceed with the Marriage Bill today. I can give no assurance. All that I can say is this, that they have my fullest sympathy. But when that Bill should be proceeded with will depend entirely, as I have said in my speech on the last occasion, on a propitious time. If the time comes, you will not find me wanting in bringing it up and pursuing it with the same courage which I hope I have shown in the progress of the Succession Bill. But as matters stand at present, I am bound to oppose this Bill.

Mr. Govind V. Deshmukh: Sir, we are threatened not only by my Honourable friend Babu Baijnath Bajoria by his presence, but the Honourable the Law Member also threatens us.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): You should have given me an opportunity to speak on your Bill. You should not have been in such a hurry to wind up the debate by replying.

Mr. Govind V. Deshmukh: I saw nobody got up and so I wanted to reply to the debate.

Sir, I have been threatened by the Honourable the Law Member and he wants to seek the help of Babu Baijnath Bajoria. Well, in view of the support which I mentioned in the beginning of my speech, I am really not afraid of my Honourable friend Babu Baijnath Bajoria. Sir, no one can hope for any social reform if one wants to get unanimous support from the public. If one were to hold up social reform or any other reform because unanimous support is not forthcoming from the public, then one will have to wait indefinitely. If you wish to introduce even labour reform, there are the capitalists who will hold up that legislation. If therefore any reform is to be carried out, one has to judge it on its own merits, whether that reform is likely to benefit society as a whole for whose benefit it is meant. If in the light of that test, it is found that the particular reform is certainly such as to be justified, then I submit whether there is objection or obstruction from any individual or from any corporate

[Mr. Govind V. Deshmukh.]

body whose principal representative is Babu Baijnath Bajoria, the Honourable the Law Member should not be afraid of. When I made the speech in this House while referring the Bill for public opinion, I was not aware of another disability which existed in Bengal. I received a number of letters in which it was pointed out that people in South Bengal could not marry people in north Bengal. That was another disability, another disqualification which was pointed out to me. Now, Sir, if there are restrictions like these, how can Hindu society be expected to achieve any solidarity or make any progress. The main idea of this Bill is to consolidate Hindu society and make it strong. There may be men like my Honourable friend Babu Baijnath Bajoria who will say, never mind if the society perishes.

Babu Baijnath Bajoria: You want it to perish, not I.

Mr. Govind V. Deshmukh: If the present injunction is there, well the book containing that injunction might well lie in the library or the book may be kept in a museum. So long as it is embodied in a book, it does not matter. But the question is whether society progresses or not. We are concerned more with the progress of the society. Mr. Bajoria and men of his type—when I say Mr. Bajoria, I do not mean anything personal.

Babu Baijnath Bajoria: But you have not heard me.

Mr. Govind V. Deshmukh: I can gather your views. He is a symbol of very very orthodox views. Some orthodox people are now coming round to the views which I am submitting before this House, but this orthodox section represented by Mr. Bajoria sticks to old rules and conventions; they do not want any change, whether it is beneficial, or not; they do not want the rules which were made and practised two thousand years ago to be changed today when the whole world is progressing, when the distances have been narrowed, when members of a family are scattered all over the country in search of their livelihood whereas in old days they used to live together. Rules which were made to suit old pastoral conditions, I submit, cannot hold good today, and, therefore, the law needs a change. However, as the Honourable the Law Member has said that when the time is propitious he will sponsor the Bill, I hope that the propitious time will come soon. If there is anything which I can do by way of observing some ritual.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Observe fast.

Mr. Govind V. Deshmukh: . . . or engage Brahmins to do it, I am prepared to do it so that the propitious time may come soon.

Babu Baijnath Bajoria: But it will be too late.

Mr. Govind V. Deshmukh: I want that the Marriage Bill should come before the House in the form of a motion for referring to a Select Committee. We have had too much of public opinion on this Bill and on the questionnaire of the Rau Committee.

Sir, I beg leave to withdraw this motion.

The motion was, by leave of the Assembly withdrawn.

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kasmi (Meerut Division: Muhammadan Rural):

Sir, I am not moving No. 8, but I shall move No. 9 on the List of Business.

Sir I move:

"That the Bill further to amend the Indian Medical Council Act, 1933, be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. J. D. Tyson, Dr. T. G. Spear, Dr. Sir Ratanji Dinshaw Dalal, Mr. Govind V. Deshmukh, Mr. Syed Raza Ali, Sir Muhammad Yamin Khan, Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. K. O. Neogy, Raja T. Manavedan, Maulvi Abdul Rasheed Choudhury, Mr. E. L. G. Gwill, Mr. Amarendra Nath Chattopadhyaya, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill, as the Statement of Objects and Reasons shows, is intended to make the All-India Medical Council an effective and real body not only in

name but in practice also. It is intended by this Bill to give this All-India Medical Council control over the vast number of medical men who are called licentiates and who as a matter of fact form the back-bone of the medical profession in India, and to regulate the standard of education of this body.

How this defective Bill was passed by this Assembly in 1933 requires a little going into the history of that Bill, but before doing that I wish to state a general proposition which is accepted not only by the Medical profession in India and in England, but throughout the world. Medical profession is intended for the safety of the public and it is incumbent upon the State to prescribe a minimum medical qualification for acceptance by the State and to let the public know that that is the minimum medical qualification which would entitle a practitioner to practise medicine in any country. It is also the duty of the State to provide that minimum standard of education and to provide a register of medical practitioners who are approved by the State as having the necessary qualifications. In England, such a Council, which is called 'General Medical Council' was started as early as 1858 and what they did was to enrol almost every person who was practising in the United Kingdom. They were brought on the register of practitioners and were given a representation on the Medical Council. Section 17 of that Act provided:

"Any person who was actually practising medicine in England before the first day of August, 1815, shall on payment of a fee to be fixed by the General Council, be entitled to be registered on producing to the Registrar of the Branch Council of England, Scotland or Ireland, a declaration according to the form and schedule B, to this Act, signed by him, or upon transmitting to such Registrar information as to his name, address enclosing such a declaration as aforesaid."

So, as a matter of fact, even barber-surgeons who were practising in those days were allowed to be enrolled and brought on to the medical practitioners register. And the object of the Act of 1858 as stated in the Preamble, which is a very short one, was: "An Act to regulate the qualifications of practitioners in Medicine and Surgery", and the persons who were expected to be enrolled were given in a schedule which, among others, includes Licentiate of the society of apothecaries, London, and Licentiate of the Apothecaries' Hall, Dublin. That is the minimum qualification that existed at that time and it exists even today. It was not only that they were recognized for the purposes of this Medical Act but they were also entitled to a membership of the General Medical Council. Not only that, Sir, but by section 42 of the Medical Act, any person who had not the requisite qualification was allowed to become a member if he satisfied the General Medical Council. The result was that almost every practitioner of medicine in England became subject to the regulation of this General Medical Council. In 1886 this Act was amended and power was given to recognise foreign qualifications in British Possessions also; and in 1905 a further amendment was made and it was provided that in British Possessions which have got provinces and Central Government separately, the Council was entitled to recognise provinces as separate British Possessions. So this means that the Council accepted the principle that persons who were practising in several Provinces of India were to be accepted as persons who were qualified to be registered as medical practitioners. Now, Sir, after that we find that several Provincial Governments started passing Acts for regulating Medical education in the various provinces and almost all the eleven big Provinces of India have passed Acts of that kind. At this stage I need not refer to all the Acts, but as a sample only I shall refer to one of the Acts. In Bengal we find that they passed an Act in 1914, and the preamble of that says:

"Whereas it is expedient to provide for the registration of medical practitioners in Bengal, and whereas the sanction of the Governor General has been obtained. . . . It is hereby enacted as follows:—"

It purports to provide for a Bengal Medical Council and the qualification it provides for the registration of persons who are to be entered on the register of the Province is given in section 17. It says.

"Every person referred to in this schedule, shall subject to the provisions hereinafter contained and on payment of such fee as may be prescribed by regulation made under Section 33 be entitled to have his name entered in the register of registered practitioners."

[Qazi Muhammad Ahmad Kazmi.]

In the schedule we find that the qualifications are:

"Every person who is for the time being registered or qualified to be registered under the Medical Acts."

And then part 3 of the schedule says:

"3. Every person who has been trained in a Government Medical College or School in India (or Burma), or in a Medical School in India (or Burma) not maintained but recognised by the (Provincial Government), for the purposes of this schedule, by notification in the (Official Gazette), and holds a diploma or certificate, granted by the (Government concerned) or granted by a (medical school not maintained by any Government) but recognised as aforesaid."

So every Licentiate or person who received a training in a Government school or State-aided school could be brought on to the register of the Province as a medical practitioner. These Acts were passed by Bengal, Madras, Assam, Bihar and Orissa, the Central Provinces, the Punjab, the United Provinces, Bombay and Sind. So the result was that all persons who were licentiates were allowed to be brought on the register of practitioners in those Provinces, and according to these Acts the education of these gentlemen was regulated by the Province or by Medical Boards appointed and approved by the Province itself. These various Acts were passed about the years 1914-16 with the exception of the Sind Act which was passed in 1940. Everything was going on calmly and smoothly, so much so that in 1916 an Act was passed by the Central Legislature, called the Medical Degrees Act. In that Act you will find that recognition was given to the licentiates as much as to the degree holders. It is Act No. 7 of 1916, section 3 provides:

"the right of conferring, granting or issuing in British India degrees, diplomas, licenses, certificates or other documents, stating or implying that the holder, grantee, or recipient thereof is qualified to practise western medical science, shall be exercisable only by the authorities specified and by such other authority as the Provincial Government may by notification in the official gazette and subject to such conditions and restrictions as it thinks fit to impose, authorize in this behalf"—

and in this list you will find—

"1. Every university established by an Act of the Central Legislature, 2. The State Medical Faculty in Bengal, 3. The College of Physicians and Surgeons, Bombay, 4. The Board of Examiners, Medical College, Madras."

So this Act was passed with a view to protect the public from persons who without proper medical training could pose themselves as doctors and rob the public by their false representations. Everything went on calmly and smoothly till we find that the General Medical Council of England in 1922 started some agitation against the Indian Universities. Now the significant fact is that the agitation was started in connection with education in Indian universities. They sent one gentleman in 1922 to inspect the various Indian Medical Universities and to find out the standard of education imparted in those institutions. So far as we have been able to find out, the real motive of making this enquiry into the standard of education of various universities was that Indian candidates who were entering in the I. M. S. competitions had started to take a very prominent place, and the English candidates were being replaced gradually by the Indians and therefore we understand that it was considered by the General Medical Council of England that in the interests of preserving for themselves a larger number of posts there must be some control over Indian universities and restrictions, so that the number of persons passing from those universities may not be very large so as to threaten the existence of the English people in the I. M. S. In 1926 again, the same gentleman was sent to this place and then the General Medical Council insisted on the Government of India to appoint inspectors who would see the standard of education in medical colleges. The medical colleges resented this interference by the General Medical Council in England, and the Calcutta colleges refused the inspectors appointed by the General Medical Council, and the result was that a regular struggle ensued between the General Medical Council in England and the medical profession in India. The medical profession in India wanted to be autonomous, and they said that a foreign body like the General Medical Council has got no right to interfere with the standards of education that are imparted in India. Reciprocity of treatment was also pleaded by the medical profession in India. Boycott of

British products was in their programme, and the struggle continued for a considerable time. The General Medical Council disaffiliated the Indian medical universities in February 1930, and this was very much resented by the whole of the medical profession in India.

It was at that time that Government brought a Bill which is called the All-India Medical Council Bill. So far as the All-India Medical Council Bill is concerned, it has got the fullest sympathy of every person in India that there must be an All-India Medical Council which must be in charge of all the medical education in India, must prescribe a minimum standard of medical education in India and must see that only proper persons are borne on the register of practitioners in India. There can be no doubt about it. But the medical council that was suggested by the Government of India was an absolutely different body. They did not consider it proper to include the whole of the medical profession in India but only the degree-qualified men. A conference of officials was held in Simla in June 1930, in which provincial ministers and other nominees of the Government assembled, and they drafted a Bill. The draft of that Bill was sent through the Government of India and the Secretary of State to the General Medical Council in England and the General Medical Council in England made the necessary changes which they considered in the interest of their own objects and after that draft had been approved by the General Medical Council, it was sent back and it was introduced in the Assembly and in spite of the protests the thing was passed by the Assembly. Even then the Government felt that they would not be justified in making the rules by which all these licentiates would be excluded; with the result that though the Bill contemplated a register of medical practitioners for India, it was rejected by the Select Committee and the Bill that emerged out of the Select Committee and was passed by the House did not provide for a medical register of practitioners, but only established a council which was to see the minimum qualification of medical colleges.

This resulted in a division in the profession. Now there exists a vast body of licentiates and other medical practitioners in provinces who received their education in several provinces and who got their diplomas and their certificates; the Government recognises their qualifications; they are on the provincial registers; and then we have got degree colleges which alone are being regulated by the All India Medical Council; and they only regulate the education in those colleges, though they in their turn are as much provincial subjects and are as much supported by the provinces as the other institutions; but we know that under the present constitution medical science and education is a transferred subject, and as such though the provinces really pay to all the medical colleges still the control is held by the All India Medical Council, but so far as the other examining bodies and other medical institutions are concerned, they are to be regulated by the provincial medical members or the Provincial Governments.

Now, it is not only a question of control but it is a question of minimum qualification. These licentiates receive a training of from four to five years in medical institutions, while the training prescribed by degree colleges is five years. Licentiates have been claiming for the last forty years that the standard of their education should be raised in the provincial medical schools, so that they may be on a par with other medical institutions. As a matter of fact, as I will show later from the opinions, it is not correct to say that the education and qualifications of licentiates are in any way less than the qualifications of persons who are allowed to be brought on the medical register of the General Medical Council in England. We are producing persons of no inferior status and position amongst the licentiates: they are on the same level of training and education as persons allowed by the General Medical Council to be brought on the register.

Dr. J. C. Chatterjee, Gynaecologist and specialist in diseases of women and children, in Calcutta Medical School and hospital, wrote in 1931:

"My reply to Government regarding the proposed Indian Medical Council was the same as that of the Bengal Branch of Indian Medical Association of 67, Dharamtolla Street. I have specially included the Licentiates in the group as I really feel that there cannot be a Medical Council in India if we omit this important and useful class."

This is the part on which I rely:

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): May I ask what the Honourable Member is reading from? Is it the circulation papers of 1933?

Qazi Muhammad Ahmad Kazmi: Yes.

"The General Medical Council (British) recognises the L.S.A. qualification of London which is a lower qualification. The L.R.C.P. of London and Edinburgh which is equivalent to our L.M.F. qualification is also recognised there. I find no reason for excluding this qualification."

So, according to an authoritative opinion, the qualification of L. M. F. of Indian Medical Schools is in no way less than the qualification of persons who are enrolled by the General Medical Council in England. So far as practice is concerned, Honourable Members may be familiar with the fact that L. M. F. people are very often kept in charge of hospitals as much as degree holders. Some licentiates of India have obtained very prominent positions in the medical profession. I may just point out that in actual practice the various Provincial Governments really make no differentiation or distinction as to the charge which is held by a licentiate or a medical degree holder. Just for the present I can cite the instance of Delhi; itself. Here I made enquiries and found that in the Civil Hospital of Delhi, Rai Bahadur Hari Ram who was an L. M. F. was in charge of the indoor section of the hospital in Delhi and an assistant surgeon was in charge of the outdoor section. That went on for a number of years. Subsequently the order was reversed and he was put in charge of the out-door section and a medical degree holder was put in charge of the indoor department. Again, we have a very good hospital of good standing known as the Willingdon Hospital. I enquired and found that Dr. Mujtaba who holds a licentiate qualification was in charge of the indoor section and a degree holder was in charge of the outdoor, but the position was subsequently changed. In actual practice the Government is making no differentiation or distinction between the two sets of people except for the purpose of pay. It is in their interest to keep a lower grade, a lower type of practitioners so that they may not have to pay them on the same level as to others, so that they may exploit the services of people who are equally qualified, but whose services can be obtained on a lower salary. That is the real reason I am afraid, that is the reason why various Provincial Governments have opposed this Bill. I know that the Government of India is guided by the opinions of Provincial Governments, but we have at the same time a right to examine and analyse the opinions of those Governments and find out the reasons why they are doing so. They want to get persons of good qualification but at the same time they want to pay them less. For that purpose, they, in India alone, have succeeded in making two watertight compartments in medical service. Of course, that division is deeply resented by the profession. So, the only thing left to the licentiates was to knock at the doors of Provincial Governments and say, "Any deficiency that you find in our education please remove". Not only did they do that, but they even approached the All India Medical Council. This All India Medical Council, it is very strange, is also in sympathy with these licentiates to some extent. They passed a resolution in 1942. I will read the resolution:

"(a) Provision should be made for the maintenance of an All-India Medical Register by the Medical Council of India.

(b) This Register should include the following two groups:

(i) All persons who hold qualifications borne on the schedules to the Indian Medical Council Act, 1933.

(ii) All persons who are practising the Modern Scientific system of Medicine in British India on the date the Register comes into force and possess qualifications granted on or before 31st December, 1947, by Examining Bodies in British India (other than the Universities) and whose names are on the Registers maintained by the Provincial Medical Councils on that date."

I need not read the rest.

Mr. J. D. Tyson: I would ask the Honourable Member to read the rest.

Qazi Muhammad Ahmad Kazmi: I will do so.

"The Council further resolved to request the Central Government to take early steps to implement the above proposals and also to ask the Provincial Governments to abolish

the medical schools for licentiates or raise them to the university standard in their respective Provinces so that there would in future be only one uniform minimum standard of medical qualification for the whole of British India."

The whole resolution is before the House, and Honourable Members will see that what was intended was that persons who have received education in these medical schools up to 1947 should be brought on the All India Register of Medical Practitioners, and by that time the standard of education of those schools should be raised to the status of colleges and these schools be abolished. On the question whether these persons should be brought on the All India Medical Register, the decision was that every person who received education in these institutions up to 1947, the date on which these institutions would be abolished would be brought on the All India Register; and as a matter of fact, no All India Register can be complete without bringing these licentiates on that Register, who are more than 60,000 in number, and the number of degree holders would be not more than 15,000.

Mr. J. D. Tyson: 30,000 licentiates at the outside.

Qazi Muhammad Ahmad Kazmi: And what is the number of degree holders?

Mr. J. D. Tyson: About 14,000.

Qazi Muhammad Ahmad Kazmi: According to the Honourable Member, the number of degree holders is about 14,000, and the number of licentiates is 30,000. That is almost double. How can you disregard the education and the qualifications of this vast bulk of people who handle human life in this country? You can say that you have got an efficient and proper All-India Medical Council. Why should not these persons also be regulated by the All India Medical Council? Why should they be left to the tender mercies of the Provincial Governments? I will read out the opinions of some of the Provincial Governments and you will understand the reason why they oppose my Bill. They say that they will lose control over these people. I will just quote the opinion of the Bengal Government: The Bengal Government has been guided by the opinion of the President of the Bengal Council. They have said so openly. They say: "While generally agreeing with the views of the Bengal Council of Medical Registration and those of its President, who is also the Surgeon General with this Government, . . ."

The Provincial Government observe as follows. Now, Sir, I will explain that the President of the Bengal Medical Council has been guided by the opinion of the Registrar of the Medical Council. This Bengal Medical Council is in charge of provincial education in Bengal. The reasons they give are very significant and I will request the Honourable Members to bear them in mind while reading the opinions. It says: "The amendments proposed are, however, important from the point of view of the Provincial Medical Councils and the Provincial Governments, for, if accepted, they will cripple (if not, altogether take away) the powers and functions of both in respect of medical school education and Licentiated diplomas, for which they now have powers and functions."

So, one of the chief reasons advanced by the Registrar of the Council is that he will lose control over medical licentiates if the Bill is accepted. They will come under the control of the All-India Medical Council and, therefore, they will have to suffer. It is for the House to consider how far this reasoning can be justified. The Provincial Government oppose the Bill simply because they will lose control over the licentiates.

Further on they say:

"The Statement of Objects and Reasons at the end of the Bill suggests a mistrust of the Provincial Governments (and *inter alia* of the Provincial Medical Councils) and makes no secret of the main purpose, namely, that the Central Medical Council (the All India Medical Council) should assume full control over the lower, i.e., medical school education, as well. It—and not the Provincial Government or the Provincial Medical Councils—will direct what should be the standard of education in the medical schools (and *inter alia* whether any such schools should be recognised), it being open to it to abolish altogether medical school education as such."

That clearly means that any transfer of power to the All India Medical Council may result in the advancement of the standards of these institutions, resulting in bringing about a number of qualified persons whom they do not want. Is it in equity or justice a proper thing that the Provincial Governments should encourage a large number of people to take care of the health of the

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masses? If the figures given by my Honourable friend are kept in mind, then there will be more people treated by these licentiates than by these degree holders. On the one hand you say that the standard of education is lower and should not be recognised for All India purposes and at the same time you maintain these schools because you get lower paid men. What right have they got to hand over the care of the masses of India to people whom they do not consider to be properly qualified? They themselves say:

"Judging the conditions in Bengal, for instance, the Licentiates supply the needs of the rural areas where the bulk of the people are poor, and where an M.B. would not, with his superior training and natural ambition, care to go. This does not mean that the medical school education should not be improved but that is a different matter and in any case is a matter for which the Provincial Government will have to find the finance."

On the one hand they say that these men serve on small pay and at the same time they say that they are not competent to carry on the medical profession. Then it says:

"It then proposes to include in the Schedule of the Indian Medical Council Act the diplomas (meaning the L.M.F.'s etc., from the medical schools) recognised by the Provincial Governments. This latter, at first reading, appears innocent: but taken with the consequential effects, as I have submitted above, the recognition by the Provincial Governments will always be subject to 'veto' by the Indian Medical Council and will thus mean nothing."

What the Provincial Governments are afraid of is that medical councils shall be taken away from their hands, their status will be increased and more efficient persons will come in, that in case of dual control, the power of veto may lie with the Provincial Councils, with the result that they will have no say in the matter. Is that not an absolutely selfish ground, for maintaining and trying to maintain a very large class of people with low qualifications?

Now, Sir, if you will examine the opinions of the various Governments you will find that on account of all this they have opposed this Bill. It is not only that but you will also find that some Governments and some gentlemen have termed the Bill as a retrograde Bill. Now, can the Bill be regarded a retrograde Bill? I have already submitted that what we want is to hand over the control of the medical schools to the All-India Medical Council who should prescribe the standard of qualifications which should be acceptable to the whole of India. We do not want to decrease it. Now, we were blamed by one Government that we want to increase the standard of education and, therefore, we wanted to refer it to the All-India Medical Council. Another province comes forward and says that the Bill will result in lowering the qualifications of the various persons. How it will lower the qualifications, I cannot understand. There is no question of lowering the standard. All that we want is to increase the qualification of the lower class and bring it on a proper level so that every medical practitioner should be a competent man. You will find, Sir, that the Government of its own necessity has not hesitated on account of their present emergencies to accept some licentiates as persons of higher qualifications though only temporarily. I am referring to L.C.M.F. and M.C.P.S. qualifications which are included in the Schedule of the Bill. Now, when the necessity has arisen, they select out of these people and say that they are properly qualified men. But we say that the Government should not look only to the present emergency or to the exigencies of the occasion but they must seriously consider the situation and give proper recognition to those who are to be properly qualified. We say let the All-India Medical Council abolish all those schools which do not come up to their standard. The Provincial Governments say, "No, we want to maintain them and we will continue to produce incompetent men."

Mr. J. D. Tyson: Will the Honourable Member please tell us how, even if this Bill is passed, the Indian Medical Council can abolish any school in a province?

Qazi Muhammad Ahmad Kazmi: Under the Indian Medical Council Act they can prescribe the minimum qualifications and if any educational institution is not imparting the proper standard of education, they can recommend to the Governor General in Council for its deletion from the Schedule. So, they can regulate the standard of education. Supposing anyone of the Indian Medical

Colleges does not impart education of the standard which is prescribed by the All-India Medical Council, will it not be disaffiliated?

Mr. J. D. Tyson: The graduates of that college can still go on practising in the province unless the Provincial Government does something. That is the present position.

Qazi Muhammad Ahmad Kazmi: My Honourable friend is again confusing. He asked me whether the Indian Medical Council can regulate their education and if any school is not.

Mr. J. D. Tyson: I asked the Honourable Member how they can abolish a school in a province.

Qazi Muhammad Ahmad Kazmi: They would not recognise it as an institution which should be on the Register of the All-India Medical Council. What I say is this that the Provincial Governments should not be allowed to be in sole charge of these institutions for their own profit but that medical education should be looked upon from the point of view of the public. The whole of the medical education in India should be co-ordinated. That is my point. A similar question was asked by one of the Provincial Governments. On page 20 the Madras Government say:

"In the first place Provincial Medical Councils are now exercising disciplinary control over the medical practitioners, graduate and licentiate, whose names are included in their register. If they are also included in the contemplated All-India Register and the Medical Council of India is given similar control that would at once involve dual control over the same set of practitioners with all its attendant complications. If, however, disciplinary control is to be exercised in future only by the All-India Council, it would be exercised by a remote authority and proceedings would be dilatory, expensive and burdensome."

They have contemplated that the medical control is to be exercised by each body. They say that if it is to be given to us, then it would be dual and if it is given to the Government of India or the Medical Council, the result will be that the control would be too remote. Now, Sir, the control would not be too remote in the case of medical graduates because they are being controlled by the Indian Medical Council and they say that if you bring in licentiates also under them, then the control will be lax. This is what the Madras Government says. But I maintain just the contrary. I say that the control must be with the All-India Medical Council.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Member can continue his speech after lunch.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, with your permission I should like to mention that through inadvertence my Party failed to nominate a candidate for the Railway Convention Committee. The time expired yesterday at noon but if you permit the House to extend the time, one nomination paper might be filed.

Mr. President (The Honourable Sir Abdur Rahim): In the exceptional circumstances, I extend the time to 5 O'clock this evening for the filing of the nomination to the Committee to consider the Convention regarding the railway finance.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Syed Ghulam Bhik Nairang (One of the Panel of Chairmen) in the Chair.

Qazi Muhammad Ahmad Kazmi: Mr. Chairman, when we adjourned for lunch I was discussing the letter sent by the Madras Government. The first part of this letter—leaving the first paragraph which is not relevant—in the first place, contains an objection to this Bill. The Madras Government in their letter say:

"In the first place Provincial Medical Councils are now exercising disciplinary control over the medical practitioners, graduate and licentiate, whose names are included in their register. If they are also included in the contemplated All-India Register and the Medical Council of India is given similar control that would at once involve dual control over the same set of practitioners with all its attendant complications. If, however, disciplinary control is to be exercised in future only by the All-India Council it would be exercised by a remote authority and proceedings would be dilatory, expensive and burdensome."

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Now, Sir, this almost summarises the many objections that have been raised by other Provincial Governments also. In brief this objection comes to this: that a control by the remote authority cannot be.

Mr. J. D. Tyson: Sir, may I just point out that the Madras Government's objection to which my Honourable friend is referring was not to his Bill—though, of course, they do object to his Bill, but to the proposal that there should be an All-India Medical Register which is not in my Honourable friend's Bill at all.

Qazi Muhammad Ahmad Kazmi: It is in connection with the resolution of the All-India Medical Council that was to the effect that all Licentiates up to 1947, should be enrolled on the Register of the All-India Medical Council and by that time the education of Medical Schools should be raised to one standard and then there will come into existence one All-India minimum standard of qualification. No doubt this opinion is not about it, but so far as I know same objection has been raised by other Provincial Governments also. The Bengal Government's objection was from the point of view that the medical schools will come directly under the control of an All-India Medical Council and Provinces will be deprived of that control. What loss will it be to the medical profession if the Provincial Governments cease to have control over those medical schools which will come directly under the control of an All-India Body? I personally find no reason for that proposition. But in this letter of the Government of Madras you find the reason given is that the control would be a remote control. My submission is.

Mr. J. D. Tyson: I am sorry to keep on interrupting my Honourable friend. It refers to a disciplinary control over medical practitioners, graduates and licentiates whose names are included in the Register. In other words what the Government of Madras is a little afraid of is not the matter before the House but what they are afraid of is the future central register. When a question arises of misconduct of a practitioner he will have to come to Delhi or where-soever the Central Body may be to defend himself and that is what the Madras Government is dealing with. It does not in any way arise out of the Bill before the House.

Mr. Chairman (Syed Ghulam Bhik Nairang): I think the Honourable Member should better keep himself relevant to the point under the Bill.

Qazi Muhammad Ahmad Kazmi: I think it is fully relevant. My Honourable friend has done well to have interrupted me at this moment, so that I may give a reply. The object of my present amendment is just as I said at the very outset to bring the whole of medical profession both education as well as profession under one All-India Medical Council. That All-India Medical Council would be a body which would regulate not only education but profession also and no All-India Medical Council can be an effective one unless it has got control over the profession. As a matter of fact, the Bill that was brought before the Assembly in 1938 gave both these powers to this All-India Medical Council, that, it will have a register for all-India medical practitioners as well as regulate the minimum standard of education in colleges. But Government at that time found some difficulty to maintain an All-India Register because an All-India Register could be complete without bringing in licentiates on that register. Therefore, that part of the Bill which related to a common register was dropped in the Select Committee. Therefore, what remained? There remained only an All-India Medical Council which is to regulate the standard of education. Now, Sir, I submitted at the very beginning that in every civilized country in the world the main central body is the General Medical Council. The All-India Medical Council is not only intended to prescribe the minimum standard of education but is also intended to have a register of qualified people who have degrees of M.B., etc., or who are licentiates or other persons with medical training, entitling them to register their names in the register kept by the Central Body. So far as the Provinces' objection is concerned, they say they will have no control. The Central Body cannot have such efficient control as the Provinces. If that argument is correct then it should apply to any

Register which is brought into existence by the Central Body. If this plea of control is to be taken as to be sufficient one then in my opinion the idea of an All-India Register would have to be abandoned for all time to come which is an absolute necessity for the profession. So, the Medical Council will have both things, that is, an All-India Register as well as prescribing of the minimum standard. That is the reason I have included it in my argument and I am prepared to supplement my Bill with these provisions if the Government are agreeable to it. Without these provisions the present Act is not an Act at all. If you want to have an Act, you must have full Act with all its implications. On account of certain contingencies, if you cannot have a full Act, then it is better to repeal the whole Medical Council Act. Either have the full Act or do not have anything at all. This shows that the opinions about which I was discussing were based on not a proper understanding of the whole position.

Now, let me come to the next position which more directly concerns my Bill. It is said that the inclusion in the All-India register of all the licentiates would inconvenience the medical graduates in many ways. If the licentiates and the medical graduates are given the right to stand as candidates for election to the All India Medical Council, the Licentiates will, by sheer weight of numbers, obtain a preponderant voice in the proceedings of the Council whose main function now is to control higher medical education. If on the other hand licentiates are merely enrolled in the register or are denied representation on the Council with or without the right to vote at elections, they would have legitimate case of discontent. This would provoke bitterness of mind among a numerous body of practitioners of medicine throughout India, a result which it would be expedient to avoid at any time and particularly in present conditions.

Now, just a remark about the interruption made by my Honourable friend sometime before. If he wants to be satisfied, I can quote other opinions. Instead of going to other opinions and quoting them before the House and taking up the time of the House, let me straightaway meet the criticism that is levelled against the Bill. By my Bill I want some more medical practitioners to be brought on the All-India Medical Council. Section 3 of the All-India Medical Council Act says that the Central Government shall cause to be constituted a Council consisting of the following members, namely, one Member from each Governor's Province to be nominated by the Central Government. This would mean eleven. The section further says: one member from each of the British Indian University to be elected by the members of the Senate of the University or in the case of the University of Lucknow, the Court from among the members of the medical faculty of the University. The number of medical Universities, so far as I know, is eight. So eight members from the medical Universities will be included. Next, one member from each province where the Provincial Medical Register is maintained to be elected from amongst those by persons enrolled on the register who possess the recognised qualifications granted by British Indian Universities. So far as I know their number is nine. Then comes four members to be nominated by the Central Government. The only change that I want to make in this constitution is that instead of four members, six members should be nominated by the Central Government out of whom three are to be licentiates. So, I want in this Council of 34, a representation for only three. It is urged against this that because in the Provincial Register the number of licentiates is larger than that of the M.Bs., therefore, they will sweep the polls and no medical graduates will be returned and, therefore, the whole thing will be unbalanced. Now, Sir, let us see how many persons are taken from the Provincial Register: they are only nine. Suppose for argument's sake, that if all the licentiates conspire together and not return any M.Bs. to the Medical Council, then the result would be that at the most nine persons from the Provincial Registers and three persons from clause (a), that is, 12 persons will come from the licentiates. We have got further to see that three persons who are to be elected from among the licentiates are to be nominated by the Government. So, you cannot say that those persons

[Qazi Muhammad Ahmad Kazmi:] who are nominated by the Governor General in Council even from among the number of licentiates would be such as to try to deteriorate the standard of education to be prescribed by the Medical Council. Taking the extreme case that all the 12 persons go against it, then in a body of 84, how can only 12 persons be able to over-ride the decisions of the majority. I want the House to appreciate this proposition fully, namely, that even if no medical graduate is returned and even if the licentiates sweep the polls, even then they cannot have their own way and lower the qualification. The whole system cannot be smashed. This is how they are arguing. But if they analyse the position, they will find how it is possible for 12 persons even if there is the bitterest enmity between these two classes,—so much so that no licentiate shall ever vote for any degree man,—then these 12 will not be good enough to over-ride the decisions of the council of 84. My submission is that this is absolutely off the point. This argument cannot be considered to have any weight behind it. This is the second point raised in this letter. In this connection, I want to mention one thing more. I have admitted and repeated that licentiates have been trying to raise the standard of their education.

The other question I want to bring to the House is that even the standard of education of licentiates is not lower than that of the licentiates of other places. Not only that. Even the persons who are recognised by the General Medical Council of England have not got a higher and better training compared with the licentiates of this place. I have already quoted opinions of Dr. Chatterjee. I now want to place before the House actually the curriculum that has been prescribed by the General Medical Council and I would request Honourable Members of this House to compare that curriculum and find out for themselves if it can be said that the standard of education here is lower. I am reading from the original Government Resolution sanctioning introduction of five years medical training at Agra.

"We reproduce below the details of the minimum qualification demanded by the General.

Mr. Chairman (Syed Ghulam Bhik Nairang): Is the Honourable Member quite sure that he can discuss matters of curriculum and all those details in connection with this Bill?

Qazi Muhammad Ahmad Kazmi: Yes, Sir.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member is going into too many minute details.

Qazi Muhammad Ahmad Kazmi: The difficulty is, Sir, that the L. M. S. of India is considered inferior to the L. M. S. which has been recognized by the General Medical Council of Britain. I say, he is not. But they say 'you are talking something for which you have got no foundation, because the name may be the same, the grade may be the same but the training is different'. The training is of two kinds: Training preliminary to the actual beginning of the medical education and the training which is given during the course of medical education. Now, Sir, so far as the actual medical education is concerned, the General Medical Council has prescribed a four-year curriculum for the teaching of medicine. They have included one year more for clinical work in the laboratory after finishing the studies, but in India we find that some of the Licentiates' period of actual medical training varies between $3\frac{1}{2}$ to $4\frac{1}{2}$ years. Some go so far as 5 years. So, the period of training for some of the Medical Schools is even larger than prescribed by the General Medical Council. Therefore, it is clear that so far as the period of Medical training is concerned, both stand on the same footing, but they may say that the persons who enter the Medical Schools have not got the same capacity to understand things as those persons who are allowed to enter the L. M. S. training of British institutions and for that reason, Sir, I am going to read out this. I will not read the whole Resolution but shall only indicate that the curriculum which is intended for the Universities there is in no way superior to the curriculum which is to be found in the Universities of India.

It is stated here:

"English grammar, composition and literature—Candidates should be prepared to answer questions in History and Geography arising out of the subject matter of the examination;
(b) Latin or Sanskrit or Persian or Arabic Grammar; translation into English from the prescribed Course; translation into Latin;
(c) Mathematics, Algebra Geometry including books No. 1, 2, 3 and simple deductions, and one of the following subjects:

(1) Translation into English—unprescribed, and
(2) Hindi, Urdu, Gujarati translation into English and vice versa."

These are the qualifications for entering into that examination; this is a preliminary necessity for a student for that examination. We can very well understand and judge that the subjects which are dealt with in this book are any better or superior to that of Matriculation Examination of any Indian University and there is no school, not today but for a considerable length of time, which has ever allowed candidates who had not the same preliminary training. And, as a matter of fact, now Science, Biology and other subjects have been introduced even in the Matriculation Examination which would qualify a person for entering that profession.

I submit that the course of study of medical education is five years:

"The following rules from the regulations of the General Medical Council regarding recognition of Medical qualifications are reproduced below which will show how far the Agra Medical School satisfies the requirements. Existing Licentiates fulfil these requirements."

"The period of professional study between the date of registration as a medical student and the date of the final examination for any diploma which entitles its holder to be registered under the Medical Act, should be a period of a *bona fide* study during not less than five years."

"The first four of the five years should be passed at a School or Schools of Medicine recognized by any of the Licencing bodies enumerated in Schedule (A) of the Medical Act (1858) and subsequent Acts." and

"the fifth year should be devoted to clinical work at one or more of the public hospitals or dispensaries, British or Foreign, recognized by any of the Medical authorities mentioned in Schedule A of the Medical Act of 1858, and subsequent Acts."

So, a perusal of this would convince the House that, as a matter of fact, from the point of view of medical training or from the point of view of preliminary qualifications the licentiate of India does not stand on a lower scale than the licentiate who is recognized by the General Medical Council.

Now, Sir, I would draw the attention of the House to the provisions of the Medical Council Act to show as to how this Act ignores the licentiates of India while it recognizes degrees of other places. Schedule 2 of the Indian Medical Council Act gives the qualifications of foreign universities or foreign places which are recognized as sufficient for one's registration in India as a qualified medical practitioner. It includes:

"Canada: College of Physicians and Surgeons of the Province of Alberta, C.P.S."

Leaving other big ones, I find that in so far as Nova Scotia is concerned, it includes:

"L.M.S. of Nova Scotia Provincial Medical Board."

And again, for Newfoundland:

"L.M.S. of Newfoundland Medical Board."

We can very well claim that the Provinces of Bombay, Madras and the United Provinces would be much greater and would have a more sound financial basis than places like Nova Scotia and Newfoundland. Now, we find that the L. M. S. is not turned out by any university in Nova Scotia but by the Provincial Medical Board, which is recognised as a sufficient qualification for enrolment as a practitioner by the All India Medical Council Bill.

Mr. J. D. Tyson: I am afraid, my Honourable friend's copy of the Act is not up to date. I submit that the Colonial degrees to which he referred are no longer recognised in the Second Schedule, i.e., from a date in 1942 no person who obtains those qualifications after that date will obtain qualifications recognised in India.

Qazi Muhammad Ahmad Kazmi: I am thankful to the Honourable Member for this correction. I took the Indian Medical Council Act from the Library and no corrections were there. Again, I would point out that I gave notice of this Bill in 1939, and then again in 1942. So that, at least at the time when

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the notice was given of the Bill and at the time the Bill was circulated, these qualifications stood and it appears now that they have colleges and those colleges are recognised. But I have no information about it.

Mr. J. D. Tyson: The position is that recognition will not be accorded to those qualifications if they have been acquired after certain dates, or perhaps they are of the same date.

Qazi Muhammad Ahmad Kazmi: After what date?

Mr. J. D. Tyson: After the 31st March, 1942.

Qazi Muhammad Ahmad Kazmi: It substantiates the point, I have been making out. You yourself now find that my criticisms are correct. The degrees of Nova Scotia and Newfoundland ought not to have been recognised, and now the Government is forced to say that we cannot recognise all persons who passed after 31st March, 1942. Now, you have so far recognised those people. Even now you are prepared to register persons who have qualified in the examination held by those medical boards before the 31st March, 1942. If any person comes you will have to register his name, but persons whom your own Provincial Governments have been recognising from as early as the Acts of 1916 and 1914, you are not going to recognise them. They were not recognised by this Medical Council Act of 1933. It is only after a period of nine years that the Government discovered that the Licentiate of Nova Scotia and Newfoundland do not possess the necessary qualification. But why the Licentiates of India were discarded from the first day of 1933? Now, I have the General Medical Council Act and probably my friend would himself be able to find out whether in the Act of 1886 this Nova Scotia and Newfoundland were recognised or not. One of the reasons may be that probably something has happened to the General Medical Council and they have made a change according to it. Anyway, this only substantiates the proposition that I have been laying before this Honourable House that persons of India, who have been discarded, are in no way possessed of less qualification than the persons who were recognised by the Indian Medical Council Act as entitled to have their names registered as efficient medical practitioners.

I will now leave that point and would very briefly refer to the main criticisms that have been offered by some of the Governments against this Bill. The Government of Baluchistan is for the Bill. Then I am sorry to find that the Government of Panth Piploda could not make up its mind about this Bill. Then we find that the Chief Commissioner of Coorg has supported the Bill. I then come to the Province of Sind which is fully represented in this House by my Honourable friend, Mr. Lalchand Navalrai, and I am very pleased to inform him that his Government also supports this Bill. They say:

"I am directed to state that the Government of Sind agree to the amendment proposed to the Indian Medical Council Act."

I do not want to attribute motives, but in my humble opinion what is the reason that this Government of Sind is with me? Probably they have got no medical college in that Province.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): We have got a school for licentiates.

Qazi Muhammad Ahmad Kazmi: Then your Government is a far-sighted one!

Then I come to the Punjab. The Punjab opposes the Bill. Leaving the other portions, the main criticism is contained in one para. It says:

"The Provincial Government do not support the Bill, the effect of which, they are advised, would be to add a substantial body of Licentiates to the Medical Council of India."

Now, Sir, I have already pointed out the hollowness of that argument. They further say:

"It is of course true that it is only the Central Government who are empowered to amend the Schedules to the Act. At the same time it is contended that the addition to the Council of a substantial body of Licentiates might lead to dissensions between the Council and the Central Government as well as to dissensions in the Council itself."

Now, Sir, is that an argument worth considering or worthy of a Provincial Government? They say that if the number becomes large the members will start fighting among themselves, or they will start fighting with the Government, or it might lead to a revolt in the Council itself. I have not been able to make out what is the basis of this extraordinary criticism that has been levelled by this Government of the Punjab against this Bill. Moreover, the Provincial Government say:

"That there is little justification for the amendments proposed. All-India Medical Council is concerned with international matters. The Licentiate has little standing and it seems to the Provincial Government that it will be wrong to allow this body to interfere in the settlement of schemes of reciprocity with foreign medical authorities."

I submit and I maintain that the standard of education, whether preliminary or later, in India, is quite comparable, favourably with that of any other country. So, this is no ground. These are the two grounds on which the Punjab Government have opposed this Bill. The N. W. F. Province have supported this Bill. Now, let me turn to persons who have opposed it so that I may examine the grounds on which they have opposed it. I have read Bengal already. Let me give a very short extract from a long note of the U. P. Government, and that is the most important part of their views:

"In the United Provinces, the Medical School at Agra has been converted into a Medical College affiliated to the Agra University but a large number of medical schools still exist in other provinces. If Provincial Governments are left to themselves these schools are likely to continue, the reasons being that their conversion into medical colleges would involve much additional cost while their abolition would be opposed by vested interests. It is well known that the medical schools with their lower standards of qualification for admission and curricula are historical anachronisms."

The Government, though they themselves have taken the step of abolishing the medical school and raising it to the status of a college, oppose this Bill not because they think that the standard of education will not be high, but only because the provinces will find themselves.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member has said that many a time. He need not repeat what the motives of the Provincial Governments are. That has been said so many times during the course of his speech.

Qazi Muhammad Ahmad Kazmi: But unfortunately for me, they have repeated the same argument. Then I would simply read their argument and shall not give a reply. Sir, I would, before closing, read out one or two passages regarding the allegations made by me that this All India Medical Council Bill was brought into this House on account of the insistence of the General Medical Council and that it was with the consent of the Secretary of State that this Bill was introduced in the Assembly. Unfortunately, I could not get the original opinions that were circulated at the time of the discussion of the Bill in 1933, but whatever extracts were quoted before the House itself are to be found in the proceedings of the Legislative Assembly of that time. I will read to the House a short extract. Mr. Maswood Ahmad in his speech on the 13th February, 1933, said:

"In this connection, Mr. Deputy President, I want to discuss the point which my Honourable friend, Mr. Bajpai, has given the first place in his speech, that this Bill is my not been drafted on the dictation of the General Medical Council. I say that this is my first objection and that there are several reasons for a suspicion in the public mind about this Bill. The Bill seems to be drafted, no doubt, to please the General Medical Council. Sir, in this connection, I want to read a passage from the opinions which have been supplied. At page 50, you will find a very interesting letter."

Mr. R. R. Gupta (Cities of the United Provinces: Non-Muhammadan Urban): I beg to draw your attention, Sir, to the fact that there is no quorum in the House.

(Mr. Chairman then ordered the ringing of the Division Bell; after taking a count.)

Mr. Chairman (Syed Ghulam Bhik Nairang): Now there is quorum. The Honourable Member can resume his speech.

Qazi Muhammad Ahmad Kazmi:

"At page 50, you will find a very interesting letter—I do not know whether the letter has been printed by mistake or not, but there is a letter from the India Office, dated the 17th December, 1931, which says:

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financed by the Provincial Governments, why should there be any difficulty for both the classes being placed on the list of the All-India Medical Council?
[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Of course, so far as the General Medical Council is concerned, there were obstacles. But if we agree to do certain things which the General Medical Council in England wants us to do to their own advantage, we will be showing our weakness. In that case, the Indian Government should be strong and they should say that in their opinion the qualifications of the licentiates and the graduates are virtually equal. On the contrary, they should plead for these licentiates and say that they are more competent than these graduates who come out from the colleges. We should not fear that, because we are now going to put these licentiates on the list, the General Medical Council in England will create some trouble. Let them create trouble. We will also treat them in the same manner as they would treat us. Therefore, we should not be frightened by them at all.

Then, Sir, as to the competency. We know that in India there are licentiates who are more competent than these graduates. I will mention one example. Dr. Mathra Das is an eye specialist. He is a licentiate. Is he not more competent and more popular than the graduates who are also eye specialists? He is considered in all respects to be more qualified than the other medical specialists. In the like manner we have in every province licentiates who have shown brilliant record and there is no reason why they should be kept lower down. I have seen these licentiates being put in charge as Civil Surgeons. Even in Sind, some of them have risen to the grade of Civil Surgeons.

Then, Sir, as regards the control. As I understood the Honourable Secretary, Department of Education, Health and Lands, he put a question that if there is a control, it will be a dual control—one control would be of the province and the other would be of the Indian Medical Council. What are the difficulties in that?

Mr. J. D. Tyson: I did not say that at all. The Honourable Member is putting something into my mouth that I did not say.

Mr. Lalchand Navalrai: I think the Honourable Member put a question to that effect.

Mr. J. D. Tyson: I did not use the phrase 'dual control'. Mr. Kazmi talked about the dual control.

Mr. Lalchand Navalrai: Then, I would submit that if the Provincial Councils have a control over these licentiates and if the Indian Medical Council were also to keep a control over them because they will be on their list, there is nothing wrong in it. Is not there a dual control of a Provincial Government and also of the Central Government on some subjects? Therefore, on this subject also let there be a dual control. There is nothing harmful in that at all; there is nothing deterrent.

Then, Sir, I find even the Medical Council of India have unanimously passed the Resolution of October, 1940, in which they recommended to the Government of India to legislate so as to recognise the qualifications of the licentiates. Thus the Indian Medical Council have agreed and are willing to take them on their list. Then, why should there be any obstruction about it. Therefore, if you consider this question from the point of view of qualification or competency or popularity, and when both are being financed by the Provincial Governments we should not lag behind to help them. All that these licentiates want is to put them on the same level. I do not see any reason to discourage them especially in these days of war, when such a step will be very detrimental to the war effort. If you are not prepared to refer this Bill to the Select Committee and kill it at this stage, you will be simply discouraging these licentiates who are an asset to you at this time. I think at this time you should encourage them rather than discourage them.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): You want it to be a temporary measure.

Mr. Lalchand Navalrai: I do not want it to be a temporary measure but at the present moment they are giving temporary commissions even to the graduates. They have made some difference but it is not a very substantial one. The difference is this that the commission which is being given to the graduates is called the I. M. S. and the one which is given to the Licentiates is called the I.M.D. I do not think there is very much difference. So far as pay is concerned, even these graduates, the M.B., B.S.'s, are some times accepting Rs. 70 or Rs. 80 and the licentiates also get the same amount.

Then, Sir, what the Honourable the Mover of this Bill wants is that in the Indian Medical Council Act, section 3, there should be an amendment. It reads:

"The Central Government shall cause to be constituted a Council consisting of the following members, namely:

One member from each Governor's province to be nominated by the Central Government."

That is already being done—

"one member from each British Indian University to be elected by the members of the Senate of the University or in the case of the University of Lucknow, the Court, . . . from amongst the members of the medical faculty of the university."

So far as they are graduates—

"one member from each province where a Provincial Medical Register is maintained to be elected from amongst themselves by persons enrolled on the Register who possess . . ."

Now, these are the words which my Honourable friend wants to be changed or rather to be added to.

Mr. President (The Honourable Sir Abdur Rahim): What the Honourable Member is reading is in the Bill itself.

Mr. Lalchand Navalrai: I want to say:

"who possess medical qualifications granted by a British Indian University;"

Now, it is an addition to these words which is being asked for. There should be not only university graduates but also the licentiates should be included in this sentence. At present there are four members to be nominated by the Central Government and what the amendment asks for is that there should be six and out of those six there should be three licentiates. I hope I have sufficiently shown to the House that this Bill is one which is very important from the point of view of the medical practitioners and I trust it will be sent to the Select Committee.

Mr. J. D. Tyson: Sir, I rise to oppose this motion, but I do so with very great regret and not out of any lack of sympathy for the admirable body of men and women whom this Bill seeks to benefit. In Government service, in war and peace, the licentiates have an excellent record. Outside Government service, they deservedly enjoy the confidence of a large part of our population. I am not prepared necessarily to subscribe to my Honourable friend's argument that because there are two licentiates to every graduate they must serve twice as many members of the population as graduates do but I do not dispute that they enjoy the confidence of a large part of our population and that the licentiates as a body have produced many outstanding practitioners. If I believed that the Bill before the House was likely to improve the status and lot of the licentiates I would not have raised my voice against it, but I am afraid that an approach on the lines of this Bill will not achieve what Mr. Kazmi, I believe wishes to achieve or what I would wish and I think what the whole House would wish on behalf of the licentiates. I shall not take as my Honourable friend did an hour and three quarters to deal with the Bill. I hope to show in much less time why it should be rejected. But I do wish at the very outset to make it perfectly clear that it is the Bill that I am criticizing and not in any way the very deserving body of practitioners whom the Bill is intended to benefit.

Sir, I shall not follow my Honourable friend in discussing the history of the parent Act. Honourable Members who are interested in its history

[Qazi Muhammad Ahmad Kazmi.]

I am directed by the Secretary of State for India in Council to transmit, for the information of the Government of India, a copy of the correspondence with the General Medical Council on the subject of the Revised Draft Bill for the Establishment of an All-India Medical Council.

Further on,—

"2. The Secretary of State has no doubt, that revised draft Bill has now been accepted by the General Medical Council."

The letter further says:

"and he trusts that it will be possible to introduce it at the next Delhi session of the Indian Legislature."

There is one more reference that I want to place before the House, and it is a quotation from the British Medical Journal, which is the chief official organ of the General Medical Council. It says:

"The Council had, however, in recent years laid stress on the fact that there should be adequate opportunities for employment on the civil side and in the new proposals for the reorganisation of the service valuable concessions have been obtained from the India Office by the Association in this respect."

These few quotations make it abundantly clear that the very object of this interference by the General Medical Council was only to keep some hand in reducing the number of persons who qualify themselves as medical licentiates. To summarise my argument, I do not want to repeat, the present All India Medical Council Act is against the traditions.

Mr. Chairman (Syed Ghulam Bhik Nairang): Is not the Honourable Member merely repeating what he has said, when he says that he is going to summarise? His whole argument is before the House.

Qazi Muhammad Ahmad Kazmi: I would not be repeating, I would only just enumerate.

Mr. Chairman (Syed Ghulam Bhik Nairang): Enumeration of what has gone before?

Qazi Muhammad Ahmad Kazmi: Of the points that have to be considered by the House.

Mr. Chairman (Syed Ghulam Bhik Nairang): All the points are already before the House. To enumerate them again would be merely taking too much time of the House.

Qazi Muhammad Ahmad Kazmi: Then I think it is unnecessary for me to say anything more, except to commend my motion to the House.

Mr. Chairman (Syed Ghulam Bhik Nairang): Motion moved: "That the Bill further to amend the Indian Medical Council Act, 1933 be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. J. D. Tyson, Dr. T. G. Spear, Dr. Sir Ratanji Dinshaw Dalal, Mr. Govind V. Deshmukh, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. K. C. Neogy, Raja T. Manavedan, Maulvi Abdur Rasheed Choudhury, Mr. E. L. C. Gwillt, Mr. Amarendra Nath Chattopadhyaya, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. Sir Ratanji Dinshaw Dalal (Nominated Non-Official): Mr. Chairman, I shall not detain the House for more than a few minutes. Sir, I fully recognise the services rendered by the licentiates, the men who come into contact with suffering and who come to the relief of the poor and who carry the torch of Western medicine into the remote corners of the rural areas. But, Sir, the Bill, which is now before this Honourable House, does not provide for any improvement in the medical education of the licentiates. The system of education given in the medical schools is quite different to that in the medical colleges. This Bill seeks to perpetuate the present educational standard of the licentiates, and by removing the word 'higher' from the Preamble of the Indian Medical Council Act of 1933 it proposes to give to the present licentiates, with the present educational qualifications, the same position as that of the medical graduates. Therefore, this Bill seeks to lower the minimum standard of medical education in the whole of India to the level of that now obtaining in the case of licentiates. So, the object of creating the Indian Medical Council will be defeated if recognition of the licentiates is provided in the Indian Medical Council Act, and the General Medical Council would decline to accord recognition to medical qualifications recognised by the Indian Medical Council. My Honourable friend, Qazi Muhammad Ahmad Kazmi,

makes the most of the fact that the licentiates have been put on the Provincial Register, and so he urges that they should be on the All-India Medical Register also. That the licentiates have been put on the Provincial Register is due to the peculiar conditions of India and to discriminate them from unqualified practitioners for Government and local board service of a subordinate grade and to bring them under the disciplinary jurisdiction and control of the medical councils for unprofessional conduct. My Honourable friend, Qazi Muhammad Ahmad Kazmi, is wonderstruck at the figure of 30,000 licentiates for the whole of India. But, Sir, considering the population of India, I would like to have 500,000 licentiates; and considering the large rural population of India, two standards of medical education are inevitable, the school standard and the University standard; and the financial exigencies of extending medical relief to the vast rural areas of India make it impracticable that the standard of education of the licentiates should be brought up to the level of the education of the medical graduates.

Sir, if this Bill be passed, I am sure that the reciprocity between Great Britain and India will again be interrupted by the refusal of the General Medical Council to recognise the medical degrees of the Indian Universities. Sir, I have not done anything which may cast a reflection on the licentiates. I have laid the whole case before this Honourable House—I have extenuated nothing and I have exaggerated nothing. I am strongly of opinion that no useful purpose will be served by referring this Bill to a Select Committee. Sir, I oppose the Bill.

Mr. Lalchand Navalrai: Sir, I emphatically differ from the opinion of my Honourable friend who spoke just now. I wholeheartedly support this Bill and I think it is a Bill which must go to the Select Committee. At present we have one class of medical practitioners called licentiates and the other called graduates, or M.B.B.S. It is true that in the provinces there are medical councils and those councils are financed by the Provincial Governments and are under the control of Provincial Governments, whereas on the other side there are colleges where these graduates are trained and given education. They are also financed by the Provincial Governments. There is only the question of their control. In their case the control is in the hands of the Indian Medical Council. What is proposed by this Bill is that the graduates and the licentiates should be brought on the same list. There was a time, no doubt, when these licentiates used to get lesser education and practice than graduates in the colleges but now we find that they are getting the same education and training, the same practice and they are more or less on the same level, so far as education is concerned. In our Sind, there is a medical school where formerly they used to get education for three years. They increased it to 4 years and later on to five years, whereas in the colleges, the education given to the graduates is for six years. There is only that difference but they are being trained in the same manner and to the same extent. They are being given education in surgical cases in the same way as the graduates get and then we find that, more or less, there is no difference with regard to their qualifications. Now, only one year more puts these graduates above these licentiates and, therefore, they do not want to associate with them. But the House knows that these licentiates are more popular and are more useful to the public. Besides, the number of licentiates is very large now and the graduates are not so many in number. So, if these licentiates are made discontented and they are put on a lower level, then I do not think it will be for the good of the country. Therefore, time has arrived when they should be brought on the same level with the graduates. Even the Government recognises this nowadays. Are they not taking these licentiates for war and giving them commissions? They are giving advertisements for them and they are asking the Provincial Governments to canvass them for the war. And yet they are telling them now on the floor of this House that they are not going to put them on the same level as the graduates. That is not fair to them. I submit that so far as the qualifications of these licentiates are concerned there is not much difference in the qualifications of the graduates and the licentiates. When both the colleges and the schools are being

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will find some history and a good deal of wild surmise in the debates of the Legislative Assembly in 1933. But by my Honourable friend's own showing the squabble at that time was really between the General Medical Council and the colleges in India and the General Medical Council was not interested, I imagine, in the licentiates. This Bill is to promote the interest of the licentiates, so I will not follow my Honourable friend there.

I propose to ask the House to look at the Bill from two angles. First, what is its scope and what does it actually seek to do? And then with what aims has it been promoted: are they aims which this House ought to support and is the Bill likely to facilitate the attainment of those aims? First of all what is it that the Bill seeks to do? I must, I am afraid, explain this to the House because my Honourable friend has mentioned so many things as aims of his which the Bill does not on the face of it seek to do. I think I must show what the Bill does seek to do and what it does not seek to do. In the first place, the Bill does not purport to provide for an All-India Register. A great deal of my Honourable friend's advocacy of the Bill this morning seemed to proceed on the basis that an All-India Register was a good thing: that the Indian Medical Council had blessed the idea and that that many benefits would accrue from having an All-India Register to include the names of "this vast number of people who handle human life". Honourable Members on reading his Bill will be surprised to find that there is nothing in the Bill about an All-India Register. Without going into details I might say, quite briefly, that what his Bill does seek to do is first to obtain for licentiates' representation on the All-India Medical Council itself and secondly, to accord recognition to the qualifications awarded by the medical schools in India by including them in Schedule I of the Act. That is, Sir, all that the Bill actually will do if it is passed in its present form. Representation on the Indian Medical Council would come in, as my Honourable friend, Mr. Kazmi, has explained to us, in two ways—first, by direct nomination by the Governor General in Council,—I think it should be "the Central Government". I am afraid, he forgot to mention to the House, when he said that the Governor General in Council would not choose people who would "let down" the standard set by the Indian Medical Council,—I am afraid, he did not bring to the notice of the House that the three licentiates who would be nominated by the Governor General in Council (or the Central Government) would be licentiates who would be "elected by the All-India Medical Licentiates Association". The Central Government, or the Governor General, would not have any discretion in the matter. I have nothing against the All-India Medical Licentiates Association. It is a body for whom I have a great respect, but I understand it does not represent more than about one third of the licentiates and I am not quite sure why it should be allowed to have a monopoly in electing the three direct representatives of the licentiates.

Qazi Muhammad Ahmad Kazmi: Does the Honourable Member agree to allow the whole body of the licentiates to elect their representatives?

Mr. J. D. Tyson: I think that might meet the objection that has been raised by some parties during circulation of the Bill but I can deal with the Bill only as it has been placed before the House. Secondly, licentiates may come in by being allowed to vote and to stand for elections for the nine seats of the Council which are allocated at present to those who hold recognized qualifications of the Indian Universities and have their names on the Provincial Register.

The House will recollect that, in most of the Provinces, the licentiates outnumber those with qualifications at present recognised by about two to one. It may vary in the different provinces, but in India as a whole it is about 2:1. It would follow, therefore, if this proposal were made law, that the licentiates could, if they chose,—I do not say they would, but they could—return all the nine persons to represent what I might call the Provincial Registers. If that were to happen, there would be three plus nine, that is 12 licentiates in a body of 38 or 34. There would be 12 licentiates as against

seven other elected representatives or it may be eight from the Universities that have faculties. So, it is clear that this provision would make it possible for the licentiates to outnumber at all events the elected element of the Council. No doubt it may be said that the balance would be restored from among the nominated Members, four nominated by the Central Government on its own behalf and eleven nominated by the Central Government on behalf of the Provinces. But considering that the primary object for which the Council exists is the establishment and maintenance of a standard of qualification in medicine which will form the basis for reciprocal arrangements with other countries, I think one must ask how the presence of probably 12 or even more licentiates in a body of 34 is going to help towards the attainment of that object or to assist the Council in the discharge of its responsibilities of negotiating with the Medical Councils of other countries. As one Government has remarked in that connection, the Government of the United Provinces:

"On principle also no Licentiate, however experienced he may be, should share in fixing the standards of medical degrees. If Licentiates are allowed to become members of the Medical Council of India either by election or by nomination, it is bound to result in a lowering of the standards all round with the resultant risk of affecting reciprocal arrangements with other countries."

The Inspector General of Civil Hospitals of the same Province has explained this view a little further and said:

"Presumably the members of this body, (the Indian Medical Council) should possess themselves the necessary standard to enable them to formulate curricula and courses suitable to the same. It does not appear to me logical now to introduce into this body members with a lower standard of education as, if this is done, it would appear to me that the object of establishing the Indian Medical Council would be to a large extent nullified."

So, Sir, the object of the Act being what it is, the introduction of licentiates into the Council is not calculated to promote that object.

In passing I might say, on the question of reciprocity, that some Honourable Members may not value reciprocity. I have seen the line taken—how many of our members want to go overseas and practise? It does not however end there. Apart from the question of self-respect, though that is a serious matter, and apart from the question of a certain number of our doctors practising overseas, there is the question of post-graduate study. Science is no respecter of international boundaries and we do get, in all countries at different times, great practitioners, great medical scientists arising, who develop some new phase of medical practice or medical science, and it is to the interest of India that our doctors should be able to go overseas and study in those places wherever they may be. The value to India is not to be measured by what one doctor may himself gain by going overseas, but by what we may gain here by that man bringing back knowledge that he has acquired: and it would be a very regrettable thing, I feel, from that point of view, if anything were done to affect the reciprocity. That is all I have to say as regards those parts of the Bill before us which affect representation of Licentiates on the Council.

The other main proposal of the Bill seeks to add to the list of Indian qualifications recognised by the Indian Medical Council the Licentiate qualifications of all the medical schools in British India. Now, Sir, this is a very serious proposal and one which I hope the House will long hesitate to accept. Some years ago, the then Director General, Sir Cuthbert Sprawson, in a report that has been published said:

"There are 27 medical schools in India. . . . No one can have visited many of them without being struck by the different standard amongst them, by the variations in buildings, equipment and staff."

And he went on to say that there was as much difference between the best and the worst medical school as there was between a good medical school and a Medical College affiliated to a University. My Honourable friend, Mr. Lalchand Navalrai, not only argued from the particular to the general as regards individual licentiates—(he mentioned one well-known eye specialist)—but he also, I am afraid, did the same as regards the schools themselves. Though he did not at first know, I think, that there was a medical school

[Mr. J. D. Tyson.]

in Sind, he later assumed that that school was a good one and from this he went on to argue that because the curriculum in Sind was a high one, therefore, all the medical schools were to be regarded as being as good as colleges and their education as being as good as college education. I hope I have not misunderstood him.

Mr. Lalchand Navalrai: I said I knew that there was a school there and in that school, education was imparted for five years. I, therefore, hoped that in other Provinces also the curriculum may be the same.

Mr. J. D. Tyson: It "may be the same", but it is not, I am afraid.

Mr. Lalchand Navalrai: That makes all the difference.

Mr. J. D. Tyson: Sir, Cuthbert Sprawson to whom I was referring drew up a list of standards, not very exacting standards, about equipment and clinical requirements in the medical schools in 1935 and on that basis statistics were collected and it was shown that not one out of 27 then existing schools completely satisfied his seven standards and no less than 14 were deficient in all the seven standards.

Mr. Lalchand Navalrai: They can be improved by Local Governments.

Mr. J. D. Tyson: My point, is there are great differences and this Bill treats them as if they were all the same. The argument has been on the basis that they were all the same. There are only 21 schools at present and I do not think that any one who has seen any considerable number of them would deny that, whether the standards have gone up or gone down since Sir Cuthbert Sprawson's day, what he said about variation in standard is as true today as it was then. For example, six of the existing schools are able to insist on Intermediate Science as the minimum qualification for admission: one admits Intermediate Science or Intermediate Arts; but the remaining 14 admit Matriculates. Again, the period of scientific study varies from 5½ years, I believe, in one case, in the cases in which admission is on the "intermediate" qualification, to four years only in the case of those who give admission to matriculates. Sir, to a layman it does seem that there is here a variation sufficient to warrant us in hesitating about lumping together all these different qualifications as if they were all of the same value, or all of a value sufficient to justify including them just as they stand in the All-India list of recognised qualifications. Honourable Members will observe that the Bill before us does not even propose to give the Indian Medical Council the right to prescribe a standard and then to test each of the individual qualifications by that standard.

Honourable Members will remember that the Indian Medical Council Act itself recognized straight off certain Graduate qualifications but it held over three University qualifications—Patna, Vizagapatam and Rangoon at that time—which had not up till then been recognized by the General Medical Council, and it made a special provision in the Act whereby these three faculties could apply for recognition, and the Indian Medical Council was to test them, inspect them and advise Government as to whether they should be recognized or not. But I am afraid, that this Bill includes no such provision. We have got to put them all into the Schedule straight away as though they were, if not of equal value, at all events of sufficient value to be put in without any further test. That is what the Bill proposes to do actually: these two things—to put all the qualifications of the Medical Schools straight into the schedule; and to admit a certain number of licentiates to the Council itself.

Now, Sir, what are the real objects behind these proposals? Sir, I think that they are two, if I have followed my Honourable friend aright: One, to establish a uniform minimum standard of medical education; and, secondly, to remove what is felt to be an injustice to the licentiates, an injustice that, according to my friend, was perpetrated in 1938.

To take the first,—establishing a uniform system of medical education—the Act which he seeks to amend was passed to establish a uniform minimum standard of higher medical education and this was, of course, primarily with a view to securing reciprocity for our doctors with other countries; and that is

the effect of the Act. I doubt if the Act has any other real effect than that, maintaining a standard with which we may bargain for reciprocity. It is probably nowhere seriously suggested that our licentiates on their present level will be recognized abroad. That being so, I submit that the establishment of a uniform minimum standard of medical education in medical schools by the Indian Medical Council will not benefit the licentiates either abroad, because their qualifications, I am afraid, will not be recognized at present abroad, nor in India either.

I have already dealt with recognition abroad. I do not think that, taking a long view, the inclusion of these qualifications in the schedule will benefit the licentiates in India itself if they are put into the schedule in the wholesale way proposed in this Bill. These qualifications are already recognized in the provinces for the purpose of professional practice. The presence in the schedule of the qualifications at present recognized by Schedule I of the Act does not in itself confer any right to practice. That is only acquired by registration on the provincial register. I do not think that recognition of these qualifications in the first schedule of the Act will give the licentiate anything that he has not got already in India. He practises already by virtue of his registration in the provinces.

I think the Mover's object is, in some undefined way, to improve the standard of medical education in schools by getting it brought under the influence, or, as he said, the "control" of the Indian Medical Council. The improvement of the standard of medical education and the establishment of a uniform minimum standard, if this can be done at a sufficiently high level, are undoubtedly very desirable objectives, but how does the Bill propose to achieve them? It proposes to achieve them by lowering the minimum standard to that of the licentiate, indeed by lowering it to that of the most inefficient Medical School. I think, Sir, that though my friend took exception to the word when used by some Provincial Government, I think this would be an extremely "retrograde" step. Does India wish to have a lower standard than other countries? I am sure that the licentiates themselves do not wish to have a lower standard stereotyped. At the Conference, to which my Honourable friend has referred, on Medical School Education in 1938, they favoured upgrading of the medical schools, not degrading standards. Merely as a matter of procedure, I am afraid, you do not go the right way to improve the standard of an institution if you start by accepting existing standards. By giving central recognition to the qualifications of the Schools as they are, aren't we tilting the balance in favour of producing medical men of the existing licentiate standard instead of, what I think we really want, encouraging them to go for higher qualifications?

The other ostensible object of the Bill is to remove what is felt to be an injustice to the Medical School Licentiates. Sir, the valuable services rendered by the licentiates to the community at large are not in question, but it does not derogate in any way from those services to say that there is now a widespread feeling, shared by the licentiates themselves, that, quite apart from the question of reciprocity, the minimum standard for admission to medical study and the minimum standard of specialised training should be not lower than those at present recognized by the Indian Medical Council. That was the effect of the resolutions passed at the Conference on Medical School Education held in New Delhi on the 7th and 8th November, 1938, and attended by representatives of the All-India Medical Licentiate Association. They passed unanimously eight resolutions, and I will only take the time of the House to read three of them:

1. This Conference recommends that one uniform minimum standard of training and qualification for practitioners of modern scientific medicine should be established throughout India at an early date and that this standard should be such as shall satisfy the requirements laid down by the Medical Council of India.

2. In accordance with Resolution No. 1, this Conference recommends that the standards of equipment and training in medical schools should be raised to those required for recognition by the Medical Council of India."

[Mr. J. D. Tyson.]

would remind the House of one striking feature in the replies received from the Governments and many influential and important bodies, which is that those who support the measure do so for reasons which on examination will be found to be almost entirely sentimental and that the hard facts and the arguments seem, if I may say so, to be on the side of those who have advised against the Bill. Sir, I would ask the House to negative the motion to refer the Bill to a Select Committee.

Qazi Muhammad Ahmad Kazmi: Mr. President, I must thank the Honourable Member for the great sympathy that he has shown for the licentiates whose cause, I think, I was advocating. But at the same time I feel rather disappointed that though my learned friend has not probably been practising as a lawyer, he has entered into criticisms only for the sake of criticism, and he has placed no constructive proposals before the House. In spite of all his sympathy for the licentiates and in spite of the fact that he has criticised the Bill, he has not disclosed what the Government would like to see provided in the Bill, what every well-wisher of the licentiates would like to provide. What I have suggested does not fulfil that high ambition and, therefore, he says that the Bill must be rejected. That is a piece of logic which I am unable to follow or understand. They say that I have not provided for the All-India Medical Register. Are the Government prepared to have an All-India Medical Register? May I ask if they are prepared to have it?

Mr. J. D. Tyson: I said that we have it under consideration in consultation with the Provincial Governments. We have consulted Provincial Governments.

Qazi Muhammad Ahmad Kazmi: Consultation for ten years is already over and there will be consultation for another ten years before that consultation finishes. Since how long have you been consulting the Provincial Governments? In 1933, you brought the Bill. You suggested an All-India register. You passed an Act and still the consultation continues. When I started this Bill, consultation was started again and when the Bill is finished, consultation will start again. What is the result you have achieved. Mere lip sympathy would not be sufficient to console the hearts of people who are suffering.

It has been admitted that the Bill has the definite object of improving the status of the licentiates and I am sorry to find that in spite of all I have said my learned friend did not hesitate to say that the Bill was a retrograde one. I fail to see how the handing over of the standard of education from the Provincial Governments to the All India Medical Council can be called a retrograde measure, when it is recognised that the consistent demand of the licentiates is that the standard must be raised. You just want to give the dog a bad name and hang it. That policy cannot have the approval of this House. Have the Government got any proposals in their mind? If there are any defects in the Bill they can be removed in the Select Committee. If the Government have any constructive proposals, they can bring in a Bill bringing the education of the licentiates to the level of the degree colleges. Nothing of the kind is being done. They say that they have the fullest sympathy but the aspirations of the licentiates cannot be achieved by this Bill. I would drop this Bill if Government are prepared to make a declaration that constructive proposals more beneficial to the licentiates are in their mind. No such promise is forthcoming. Unfortunately the idea is to exploit these licentiates and not allow them to rise to a higher level. The Central Government blames the Provincial Governments and the Provincial Governments blame the Central Government and this dispute goes on. As to the criticism of my friend about reciprocity, I have tried to point out that even this Medical Council has recognised qualifications which were of a lower standard than that of licentiates and according to the showing of the Honourable Member they were such as had to be deleted after a period of ten years' experience.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to finish his speech to-day, he has only three minutes. He cannot go on after five.

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL

Qazi Muhammad Ahmad Kazmi: I will finish now. I will conclude by saying that Government should bring forward their own Bill before this House for the improvement of the condition of the licentiates.

Mr. President (The Honourable Sir Abdur Rahim): The question is: That the Bill further to amend the Indian Medical Council Act, 1933, be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Mr. J. D. Tyson, Dr. T. G. Spear, Dr. Sir Ratanji Dinshaw Dalal, Mr. Govind V. Deshmukh, Sir Syed Ali, Sir Muhammad Yamin Khan, Mr. Lalchand Navarai, Sardar Sant Singh, Mr. E. C. Neogy, Raja T. Manavedan, Maulvi Abdur Rasheed Chaudhury, Mr. E. L. O. Gwill, Mr. Amarendra Nath Chattopadhyaya and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

The motion was negatived.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE COMMERCE DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon to-day, the time fixed for receiving nominations for the Standing Committee for the Department of Commerce only, three nominations were received. As the number of candidates is less than the number of vacancies to be filled, I extend the time for receiving nominations upto 12 Noon on Monday, the 29th March, 1943. The Notice Office will remain open to receive nominations upto 12 Noon on Monday, the 29th March, 1943, and the election, if necessary, will take place on Wednesday, the 31st March, 1943. 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 Assembly then adjourned till Eleven of the Clock on Monday, the 29th March, 1943.

LEGISLATIVE ASSEMBLY

Monday, 29th March, 1943.

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. Geoffrey Stephen Bozman, C.I.E., I.C.S., M.L.A. (Secretary, Department of Indians Overseas).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MUSLIM AND NON-MUSLIM APPRENTICE PERMANENT WAY INSPECTORS ON BENGAL AND ASSAM RAILWAY.

390. Mr. Muhammad Nauman (on behalf of Mr. Muhammad Ahsan): (a) Will the Honourable Member for Railways be pleased to state the number of Muslims and non-Muslims recruited as Apprentice Permanent Way Inspectors on the Bengal and Assam Railway during the period from January 1935 to December 1942?

(b) Is it a fact that the qualifications for Apprentice Permanent Way Inspectors laid down in paragraph 37 of the Rules for Recruitment and Training of Non-Gazetted Staff of the State-managed Railways are such that Muslims are always available for recruitment in that category?

(c) Is it a fact that the non-Muslim apprentices recruited in the year 1935 and who completed their training in the year 1938 were suitably employed in preference to Muslims who were kept out of permanent employment on the plea of non-availability of vacancies?

(d) If the reply to part (c) be in the negative, does the Honourable Member propose to state the dates of the permanent appointment of Muslim and non-Muslim apprentices after the completion of their training in the year 1938?

The Honourable Sir Edward Benthall: (a), (c) and (d). I have called for such information as may be readily available and a further reply will be laid on the table of the House in due course.

(b) The qualifications are such as impose no special disability on any community.

NON-OBSERVANCE OF MUSLIM QUOTA OF ASSISTANT PERMANENT WAY INSPECTORS ON THE BENGAL AND ASSAM RAILWAY.

391. Mr. Muhammad Nauman (on behalf of Mr. Muhammad Ahsan): (a) Is the Honourable Member for Railways aware of the fact that the temporary and permanent vacancies of Assistant Permanent Way Inspectors and Sub-Permanent Way Inspectors during the period from January 1935 to December 1942 on the Bengal and Assam Railway were filled up by Head Mates, Mates and Mistries?

(b) Is it a fact that the posts of Head Mates, Mates and Mistries on the Bengal and Assam Railway are categorised as non-Subordinate posts?

(c) Is it a fact that the promotion of Head Mates, Mates and Mistries to the posts of Assistant Permanent Way Inspectors and Sub-Permanent Way Inspectors constitutes direct recruitment for the purpose of communal quota?

(d) Is it a fact that the Muslim quota was not observed in filling up the posts of Assistant Permanent Way Inspectors and Sub-Permanent Way Inspectors?

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

PAUCITY OF MUSLIM HEAD MATES, ETC., ON THE BENGAL AND ASSAM RAILWAY.

392. Mr. Muhammad Nauman (on behalf of Mr. Muhammad Ahsan): (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway Muslim representation has never been raised when filling up vacancies of Head Mates, Mates and Mistries (Engineering Department) during the period from January 1935 to December 1942?

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

Qazi Muhammad Ahmad Kazmi: May I know if the case of people who have got some experience will be considered more favourably and will they be allowed to sit for the competitive examination?

Sir Gurnath Bewoor: There is no objection to their sitting for the open competitive examination if they fulfil the conditions which are laid down for appearing in that examination.

GRIEVANCES OF TEMPORARY CLERKS IN THE GENERAL POST OFFICE, DELHI.

396. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary of the Posts and Air Department please state if it is or it is not a fact that the temporary clerks in the General Post Office, Delhi, have made several representations to Government but they have been stopped by their officers?

(b) Do Government propose to consider the advisability of considering the case of these clerks at the time of new permanent appointments, and to give them preference over the equally qualified outsiders?

(c) Do Government propose to consider the advisability of allowing these clerks to sit for the qualifying or competitive examinations of the Department? If not, why not?

Sir Gurnath Bewoor: (a) Two representations were received and were withheld by the Director General under the rules.

(b) These clerks were appointed on a purely temporary basis on the distinct understanding that their temporary service would not render them eligible for permanent employment in the Department. As recruitment to permanent posts in the Department is made only through a competitive examination, these men are not eligible for permanent posts unless they qualify in that examination.

(c) Those of them who fulfil the conditions of eligibility for the competitive examination, can appear in that examination. Government are not prepared to allow others to appear in the examination.

Qazi Muhammad Ahmad Kazmi: With reference to part (b), the question of age is an important one. Will the Government consider the advisability of making some concession regarding age in the case of candidates who are already serving in the Department?

Sir Gurnath Bewoor: No, Sir. These people were employed on the distinct understanding that they would not be eligible for permanent employment and I may add for the Honourable Member's information that under recent orders of the Government no posts are going to be filled up on a permanent basis during the period of the war.

DETERIORATION OF TELEPHONE SERVICE IN DELHI AND NEW DELHI.

397. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary of the Posts and Air Department please state if it is or it is not a fact that the telephone service in Delhi and New Delhi has deteriorated since last year and that the public and business connections especially are not properly attended to by the department, and their complaints are not taken seriously?

(b) Is it or is it not a fact that there is a general complaint that there is dearth of competent men who can set the connections right, and the persons generally sent by the department to remove the defects are mere novices who cannot be of much use for the purpose?

(c) Do Government propose to consider the advisability of increasing the qualified staff consistently with the increase in the telephonic service so as to remove the complaints of the public?

Sir Gurnath Bewoor: (a) to (c). Government are aware that the working of the telephone system in Delhi is not as perfect and efficient as they wish it to be. The reasons for the imperfect working are—a considerable increase in the number of telephone connections, a heavy calling rate involving abnormal wear and tear of parts, difficulty in obtaining exchange equipment and spare parts to replace worn out parts, destruction of certain plant during the disturbances in the latter part of 1942, and the difficulty of providing sufficiently trained and experienced staff to meet the needs of the expanded system in Delhi. I understand that all complaints are generally promptly attended to and every effort made to set connections right as early as practicable. Steps have also

been taken to increase the number of trained staff. I am, however, drawing the attention of the Director General of Posts and Telegraphs to this question in order that he may take such steps as may be practicable to improve the service.

Qazi Muhammad Ahmad Kazmi: Has the staff been proportionately increased according to the extension of service or has it not been proportionately increased?

Sir Gurnath Bewoor: The staff has been increased. I have here some figures which show that the number of Engineering Supervisors has been increased from 7 to 15, Inspectors from 6 to 7, Mechanics from 17 to 41, Linemen from 32 to 63. But the trouble is that we have not got trained men. It takes some months to train men in these technical works. We have opened new classes and we hope to get new trained men as soon as possible.

Mr. Hooseinbhoy A. Laljee: My Honourable friend's question was whether the staff has been increased in proportion to the extension of service. We do not know from the figures given by the Honourable Member whether the proportion of increase has been maintained?

Sir Gurnath Bewoor: Before the war we had 3,000 subscribers in Delhi, today there are 4,210 and the extensions which were 370 are now 842. We fully recognise the great increase and we are trying our best to increase the trained staff and more are being sanctioned.

DESIRABILITY OF GIVING RAILWAY ADVERTISEMENTS TO BIHAR VERNACULAR NEWSPAPERS.

398. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Railway Member please state:

(a) whether advertisements and other information concerning the East Indian, the Bengal Nagpur, the Bengal and Assam and the Oudh and Tirhut Railways which pass through the Bihar Province are published in the Provincial vernacular papers, like *Ittihad* of Patna, for the information of the travelling public, trading interests and others; if not, why not; and

(b) whether Government are aware that the Chief English daily papers—*Searchlight* and *Indian Nation*—have ceased publication? If so, what the present method is of giving the public necessary information about the said Railways?

The Honourable Sir Edward Benthall: (a) The answer to the first part of the question is in the affirmative, except in the case of the Bengal and Assam Railway which inserts general announcements and notices in the Calcutta vernacular papers which also have a circulation in the small portion of Bihar served by that Railway. The second part does not arise.

(b). Yes. The East Indian and the Bengal and Assam Railways publish information both in the Calcutta English and vernacular newspapers which, I am informed, have a large circulation in Bihar. The Oudh and Tirhut Railway publish information in the *Patna Daily News* and *Ittihad*, and the Bengal Nagpur Railway send advertisements to other suitable papers in Bihar when occasion arises. Information regarding train timings is, of course, available at all stations on these Railways.

Mr. Muhammad Nauman: Are they published in the vernacular newspapers of Patna in Bihar?

The Honourable Sir Edward Benthall: I understand so, Sir.

Mr. Muhammad Nauman: What are the names?

(No answer.)

Maulana Zafar Ali Khan: With reference to the answer to part (b) may I know whether *Aer-i-Jadid* of Bengal is on the list of newspapers in which these advertisements appear.

The Honourable Sir Edward Benthall: I am not sure; I require notice.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member please inform this House if there is any idea of publishing a regular time table? It used to be published before, but in the case of E. I. R. time table, it has not been published for the last six months.

The Honourable Sir Edward Benthall: I submit that that question does not arise. There has of course been great difficulty in publishing time tables owing

to the delayed timings which took place after the disturbances of last August. The timings are now constantly being altered in an improved direction and I should imagine, without certain knowledge of the position, that to produce a time table at the present moment will be useless because it may have to be revised again at a very early date.

Maulvi Muhammad Abdul Ghani: Will the Honourable Member be pleased to verify the reply given that the Calcutta vernacular papers are widely circulated in Bihar. I say that they are not.

The Honourable Sir Edward Benthall: I will verify that.

Kunwar Hajee Ismael Ali Khan: Is it the intention of the Honourable Member to publish the revised time table very shortly?

The Honourable Sir Edward Benthall: I have already answered that question.

APPLICATION OF ESSENTIAL SERVICES (MAINTENANCE) ORDINANCE TO SHAHDARA SAHARANPUR LIGHT RAILWAY.

†399. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member for Railways please state:

(a) if the Shahdara (Delhi) Saharanpur Light Railway has been declared by the Central Government or by the Provincial Governments of Delhi and the United Provinces as an Essential Service to come within section 3 of Ordinance No. XI of 1941, dated New Delhi, the 20th December, 1941, and quote specific reference to such order or orders; and

(b) if the answer to (a) be in the negative, do Government propose to ascertain from the authorities concerned why this public utility concern has not been declared so?

The Honourable Sir Edward Benthall: (a) Yes, under Government of India (former) Defence Co-ordination Department Notification No. 1178-SM/41 of 29th December, 1941, published in the *Gazette of India Extraordinary*, dated 29th December, 1941, which extends the Ordinance to cover employment, on Federal Railways.

(b) Does not arise.

COMPLAINTS AGAINST THE SUPERINTENDENT, SHAHDARA SAHARANPUR LIGHT RAILWAY.

†400. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for Railways please state if it is a fact that the Superintendent, Shahdara (Delhi) Saharanpur Light Railway, has been allowing the export of commodities worth lakhs of rupees controlled by Government in defiance of the Defence of India Act and in spite of the intervention by the North Western Railway and regardless of repeated protests by the police of Baghpat and Khekra, United Provinces?

(b) Is it a fact that the said Superintendent has illegally opened a Goods Booking Office at Baghpat wherefrom essential commodities controlled by Government are being freely booked?

(c) Is it a fact that the said Superintendent made special and exclusive arrangements by telegraphic orders, in preference to all other traffic, to complete the export of sugar from the Upper Doab Sugar Mills, Limited, Shamli, United Provinces, before the 30th June, 1942? If so, why were such arrangements necessary, and was sugar control effective from the 30th June, 1942?

(d) What action have the General Manager and the Managing Agents taken in connection with parts (a) to (c)?

(e) Do Government propose to take any action in connection with parts (a) to (d)? If not, why not?

The Honourable Sir Edward Benthall: (a) to (d). I have no information. I would add that questions concerning any alleged infringement of a control order issued under the Defence of India Rules should be put to the Department of Government promulgating such order.

(e) Does not arise.

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

COMPLAINTS AGAINST THE SUPERINTENDENT, SHAHDARA SAHARANPUR LIGHT RAILWAY.

†401. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Railway Member please state:

(a) if it is a fact that the Superintendent, Shahdara (Delhi) Saharanpur Light Railway, has been arbitrarily reducing the rates and freights of the important commodities against the repeated orders of the competent authorities.

(b) if it is a fact that the said Superintendent has been giving unreasonable and unauthorised advantage to the Upper Doab Sugar Mills, Limited, Shamli, United Provinces, in respect of the reduced freights for carriage of sugarcane and in allotments of wagons on the request of the mills; and

(c) if it is a fact that the said Superintendent has been causing undue and unreasonable harassment to the travelling public by detaining trains at the starting stations and en route for his personal convenience?

The Honourable Sir Edward Benthall: (a) I understand this is not a fact.

(b) and (c). As far as I am aware, no such complaints have been received by the Railway Board.

DESIRABILITY OF INCREASING THE ALLOWANCE OF THE ex-DETENU AGHA SYED ZAMAN SHAH.

402. *Mr. Govind V. Deshmukh: Will the Foreign Secretary please state:

(a) whether Agha Syed Zaman Shah, an Afghan subject, was detained in the Deoli Camp from the 16th July, 1940 to November, 1942;

(b) whether he was then released on furnishing a security of Rs. 3,000 and is not allowed to leave the limits of the Peshawar Municipal Committee;

(c) the allowance which is paid to him per month;

(d) whether he has ten dependents, i.e., wife and minor children, and five of his children need education; if so, do Government propose to increase his allowance to an amount which will enable him to make both ends meet; if not, the reasons therefor; and

(e) if Government is not inclined to increase his allowance, whether Government will permit him to leave for Afghanistan where he can begin his profession as a businessman; if not, why not?

Sir George Spence: The question should have been addressed to Home Department.

MUSLIMS IN WATCH AND WARD DEPARTMENT OF BENGAL AND ASSAM RAILWAY.

403. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that there has been no increase of Muslim clerks, stenographers, typists and office menials in the Watch and Ward Department of the Bengal and Assam Railway during the period from January 1935 to January 1943?

(b) If the reply to part (a) is in the negative, will the Honourable Member be pleased to state:

(i) the number of temporary and permanent vacancies of the categories of the staff mentioned in part (a) during the period from January 1935 to January 1943;

(ii) the number of Muslims who were appointed in those vacancies;

(iii) the periods for which they worked in those vacancies; and

(iv) the Departments where they were ultimately absorbed?

The Honourable Sir Edward Benthall: (a) No.

(b) I regret I cannot undertake to collect such detailed information under present conditions.

Mr. Muhammad Nauman: May I know whether this information is available to the Railway Board, if not to this House, and that the Railway Board is convinced that the conditions are not as bad as we are willing to believe?

The Honourable Sir Edward Benthall: This information concerns a department of the Bengal and Assam Railway, which, as the Honourable Member himself knows, is very fully engaged in war activities at the present moment. To

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

(b) If the reply to part (a) be in the negative, does the Honourable Member propose to state the number of Muslims and non-Muslims in these categories of service in the years 1935 and 1942 comparatively and is there any increase of Muslims in them?

The Honourable Sir Edward Benthall: (a) I am unable to understand what the Honourable Member means by "raised" but I am informed that these posts are filled by promotion and, therefore, the reservation for communities in recruitment to inferior posts does not apply to the filling up of these posts.

(b) I have no information and cannot undertake to collect it under present conditions.

PAUCITY OF MUSLIMS IN CERTAIN POSTS OF BENGAL AND ASSAM RAILWAY.

393. *Mr. Muhammad Nauman (on behalf of **Mr. Muhammad Ahsan**): (a) Is the Honourable Member for Railways aware of the fact that on the Bengal and Assam Railway Muslims have been recruited short of their quota in the following posts during the period from 1935 to 1942 and the deficiency in their quota has been made up by the appointment of Tally Clerks or Shunters in the scales of Rs. 20—1—28 and 28—2—27:

1. Draftsmen (Mechanical and Engineering), 2. Assistant Draftsmen (Mechanical and Engineering), 3. Tracers, 4. Inspector of Works, 5. Assistant Inspector of Works, 6. Works Mistries, 7. Doctors, 8. Nurses, 9. Journeymen, 10. Chargemen, 11. Boiler Inspectors, 12. Electricians, 13. Train Examiners, 14. Stenographers, 15. Typists and 16. Assistant Station Masters?

(b) If the reply to (a) be in the negative, does the Honourable Member propose to state the specific posts where the deficiency in the Muslim quota for the above mentioned posts has been made up?

The Honourable Sir Edward Benthall: (a) The Railway has experienced difficulty in obtaining suitably qualified Muslims for filling vacancies in technical grades and has had to make up the deficiency thus caused by extra recruitment in non-technical grades like clerks and tally clerks. Shunters and Assistant Station Masters are grades filled by promotion.

(b) Does not arise.

Mr. Muhammad Nauman: In filling up posts for Muslims, in case of non-technical posts, do they take into consideration the amount of salaries and the difference between the two?

The Honourable Sir Edward Benthall: It is not a question of salaries, it is a question of getting men with suitable qualifications.

Mr. Muhammad Nauman: Am I to understand that it only means the number was made right on both sides without consideration of the salaries?

The Honourable Sir Edward Benthall: It was certainly considered; but if the technical candidates are not available, obviously the posts cannot be filled.

Sardar Sant Singh: Will the Honourable Member consider the advisability of communal representation on the salary basis instead of percentage basis?

The Honourable Sir Edward Benthall: No, Sir.

Maulvi Syed Murtuza Sahib Bahadur: May I know if no technically qualified Muslims are available, will the department be pleased to refer such cases to the Muslim League so that they may send qualified men?

The Honourable Sir Edward Benthall: No. As a matter of fact, however, very great care has already been taken in applying to important Advisory Boards and to Muslim representatives in order to get candidates; but difficulty has been found in spite of that.

Maulvi Muhammad Abdul Ghani: Will it be advertised in the *Dawn* which is generally read by the Mussalmans all over India?

The Honourable Sir Edward Benthall: Numerous advertisements have been placed, but in spite of that, there has been difficulty in getting qualified candidates.

Mr. Muhammad Nauman: May I inform the Honourable Member that some of the difficulties in filling some of the vacancies, some were concerned with the recruitment of Muslims in the year 1942?

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

NON-OPERATION OF SCHEME FOR TRAINING MUSLIMS FOR POSTS OF DRAFTSMEN, ETC., ON BENGAL AND ASSAM RAILWAY.

394. *Mr. Muhammad Nauman (on behalf of **Mr. Muhammad Ahsan**): (a) Is the Honourable Member for Railways aware of the fact that the Bengal and Assam Railway announced their intention of training Muslims for the posts of Draftsmen, Assistant Draftsmen, and Tracers (Civil and Mechanical Engineering) in the year 1940, as depicted in the DeSouza Report on the representation of minority communities on Railways?

(b) Is it a fact that no such scheme has so far been put into operation on the Bengal and Assam Railway?

(c) Is it a fact that Muslims who are qualified overseers have been compelled to work as Assistant Draftsmen and Tracers?

(d) If the reply to part (c) be in the negative, does the Honourable Member propose to state the names and qualifications of Muslims in these posts on the Bengal and Assam Railway?

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

FILLING OF VACANCIES IN THE GENERAL POST OFFICE, DELHI.

395. *Qazi Muhammad Ahmad Kasmi: (a) Will the Secretary of the Posts and Air Department please state how many vacancies for the General Post Office, Delhi, were announced during the last five years, separately?

(b) How many vacancies were actually in existence during the said period?

(c) How many vacancies were filled in by successful candidates?

(d) How many vacancies were filled in by unqualified persons?

(e) For how long have these unqualified persons been working in such vacancies as temporary clerks?

(f) Have these temporary clerks been granted any increment for having performed service in the department for over a year or so? If not, why not?

(g) Why have these temporary clerks been not confirmed in the department if they possess the minimum qualifications, and when they are sure to be much more useful than the new entrants?

Sir Gurunath Bewoor: (a) to (d). A statement is laid on the table.

(e) There are at present 86 unqualified persons employed as temporary clerks. Their periods of temporary service vary from less than one month to five years.

(f) No. Under the departmental rules no increment is admissible to clerks until their confirmation.

(g) Recruitment to the clerical cadres in the Posts and Telegraphs Department is made through an open competitive examination. Only approved candidates recruited through the examination are eligible for permanent appointment.

Statement.

Year.	Number of vacancies announced (permanent & temporary).	Number of actual vacancies (permanent & temporary).	Number of vacancies filled by approved candidates.	Number of temporary vacancies filled by unqualified candidates.
1	2	3	4	5
1938	19	38	13	17
1939	15	58	10	40
1940	43	86	11	39
1941	38	122	67	47
1942	Nil	156	84	56
Total		439	164	229

The figures in Col. 3 are higher than those in Col. 2 on account of the large number of appointments created after the announcement of the examination, to meet the requirements of work up to the year.

There is a difference between the figures shown in Col. 3 and the total of Col. 4 and Col. 5 on account of the appointment of unqualified persons on account of vacancies.

collect all the information which he asks for would require nothing less than a special investigation, which would not be justified at the present moment. The Railway Board does, however, watch these questions in a general way.

Maulvi Muhammad Abdul Ghani: This information is for a very long period. But may I know

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not argue.

Maulvi Muhammad Abdul Ghani: May I know if the Honourable Member would be pleased to collect the information only for the last two years.

The Honourable Sir Edward Benthall: Without having precise information as to how much work would be involved, I cannot give that undertaking.

MUSLIMS IN WATCH AND WARD DEPARTMENT OF BENGAL AND ASSAM RAILWAY.

404. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that the Muslim clerks, stenographers and typists whom the General Manager, Bengal and Assam Railway, sent to the Watch and Ward Department, Bengal and Assam Railway, to be absorbed in the temporary, substitute, or permanent vacancies during the period from January 1935 to January 1943, were not retained in the said Department but were returned to the Head Office as unsuitable?

(b) If the reply to part (a) is in the negative, will the Honourable Member be pleased to state the number of the newly appointed Muslims in these categories during the said period who were retained by the Superintendent, Watch and Ward, for the whole terms for which they were sent to this Department and who were ultimately made permanent in the said Department?

The Honourable Sir Edward Benthall: (a) No.

(b) I regret I cannot undertake to collect such detailed information under present conditions.

MUSLIMS IN WATCH AND WARD DEPARTMENT OF BENGAL AND ASSAM RAILWAY.

405. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state the total number of the posts of Crewmen and Crew-in-Charges in the Watch and Ward Department of the Bengal and Assam Railway which were filled by direct recruitment subject to the communal quota during the period 1st April, 1937 to 31st December, 1942?

(b) Is it a fact that the actual appointments did not correspond with the Muslim quota of forty-five per cent.?

(c) Is it a fact that Muslims who were appointed in those posts and left that Department on account of transfers, promotions or resignations before their confirmation were not replaced by Muslims?

(d) If the reply to part (c) is in the negative, will the Honourable Member kindly state the number of Muslims who were appointed in place of those Muslims who left the Watch and Ward Department before their confirmation?

The Honourable Sir Edward Benthall: (a) to (d). I have no information concerning these details but I shall send a copy of the question and the reply to the General Manager for such action as he may consider necessary.

Mr. Muhammad Nauman: Will the Honourable Member kindly request him to send the reply to the Railway Board. That will give the Railway Board a chance to find out the information for themselves.

The Honourable Sir Edward Benthall: The General Manager will undoubtedly answer the Railway Board's letter.

TRANSFER OF MUSLIM CLERKS IN THE OFFICE OF SUPERINTENDENT, WATCH AND WARD, BENGAL AND ASSAM RAILWAY.

406. *Mr. Muhammad Nauman: Will the Honourable Member for Railways be pleased to state if it is a fact that Muslim Clerks working in the office of the Superintendent, Watch and Ward, Bengal and Assam Railway, in the scale of Rs. 30-3-45-5-60 during the period from 1939 to 1941 were transferred to out-stations as Station Inspector's Clerks in the scale of Rs. 30-2-40 and that Hindus were taken in their places?

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

MUSLIM WATCHMEN IN WATCH AND WARD DEPARTMENT OF BENGAL AND ASSAM RAILWAY.

407. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware of the fact that Muslims have always been kept out from employment as special or literate Watchmen in the Watch and Ward Department of the Bengal and Assam Railway during the period from April 1935 to December 1942?

(b) If the reply to part (a) is in the negative, will the Honourable Member be pleased to state the number of Muslims and non-Muslims appointed in the said category during the said period?

(c) Is it a fact that the quota of 40 per cent. reserved for the appointment of Muslims in the said category, has not been observed?

The Honourable Sir Edward Benthall: (a) No, but I have no reason to believe that Muslims were deliberately kept out of these posts, if that is what the Honourable Member means.

(b) I have no information and cannot undertake to collect it under present conditions.

(c) The reservation for Muslims in recruitment to Inferior Services on the Bengal and Assam has only recently been raised to 45 per cent. This applies to Inferior Services as a whole.

Mr. Muhammad Nauman: May I know, Sir, if the Honourable Member is prepared to ask for the information, because I based this question on certain information given to me, viz., that the quota was not being maintained in that cadre.

The Honourable Sir Edward Benthall: If the Honourable Member would give me that information in detail, it might facilitate action.

Mr. Muhammad Nauman: Thank you, Sir.

MAXIMUM AGE LIMIT FOR CLERICAL RECRUITMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT.

408. *Mr. Muhammad Nauman: (a) Will the Secretary of the Posts and Air Department be pleased to state the maximum age limit up to which clerical candidates can be employed in Secretariat, Railways and in Posts and Telegraphs Department?

(b) If the age limit in the Posts and Telegraphs Department is the lowest, what are the reasons for this?

(c) Is it a fact that Muslims in Sind represented to the Director General, Posts and Telegraphs, that members of their community start religious education in the beginning and become Matriculates at about the age of 21 and as such they are not getting full quota of 55 per cent. reservation on that account? If so, what action has been taken by the Department?

(d) How many Muslim and non-Muslim graduates have been taken from the last competitive examination?

(e) Have the clerks any prospects of promotion to gazetted posts in the Post Office? If the reply is in the affirmative, are Government prepared to extend the age limit to encourage the recruitment of sufficient Muslim graduates and under-graduates?

(f) Is it a fact that in the Posts and Telegraphs Department a competitive examination has been introduced recently for promotion to Inspectors and Telegraph Masters line? If so, how many Muslims have been selected in the last examination for Inspectors and Telegraph Masters? Is there any reservation for minority communities in these appointments like other competitive examinations? If not, what steps do Government propose to take to safeguard the interests of the Muslim community in these appointments?

(g) In what departments is a competitive examination prescribed for promotion from lower to higher grades? If it is not universal do Government propose to follow the principle observed in other Departments or to make reservation for the minority communities?

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

Sir Gurunath Bewoor: (a) The maximum age limit up to which clerical candidates can be employed in the Secretariat, Railways and the Posts and Telegraphs Department is generally 25 years, but there are certain age limits prescribed for the recruitment examinations which are held for the selection of candidates for clerical posts. In the Secretariat, the maximum age limit is 19 for typists and Routine Division clerks for whom the minimum educational qualification is Matriculation and 22 for Assistants and Second Division clerks who must be graduates. For the Posts and Telegraphs Department the maximum age limit is 21 and the minimum education qualification is Matriculation.

(b) Does not arise, in view of the reply given to part (a).

(c) Certain representations of this nature were received in the past. Government decided not to raise the maximum age limit but the matter is being examined again. In the meantime, a reduction has been made in the minimum marks prescribed for securing a pass for the recruitment examination and as a result the full quota of Muslims, which is 58½ per cent. in the Sind and Baluchistan Circle, was obtained on the results of the examination held in November 1941 the results of which were announced early in 1942.

(d) Information is being collected and will be laid on the table of the House in due course.

(e) The reply to the first part of the question is in the affirmative. As regards the latter part, no educational qualifications are prescribed for promotion from the clerical cadre to the gazetted grades.

(f) In 1939, the examination for the selection of departmental employees for promotion to the cadre of Inspectors was made competitive in character. The examination for the selection of departmental employees for promotion to the grade of Telegraph Masters is partly competitive and partly qualifying and the first examination on this system was held in 1940. In the last Inspectors' examination 10 Muslims were selected; in Telegraph Masters' examination no Muslim was successful. The reply to the second part of the question is in the negative. As regards the last part, the rules relating to reservation of posts for minority communities do not apply to posts filled by promotion.

(g) Information is being collected and will be laid on the table of the House in due course.

CASUALTIES IN THE POSTS AND TELEGRAPHS SERVICES.

409. *Maulvi Muhammad Abdul Ghani: (a) Will the Secretary of the Posts and Air Department please state the total number of casualties which occurred during 1941-42 in the Posts and Telegraphs services under the heads

- (i) Gazetted;
- (ii) Engineering Supervisors;
- (iii) Wireless Supervisors; and
- (iv) Telegraphists and Telegraph Masters?

(b) Of the number of casualties which occurred under part (a) will he please state the number filled by (i) direct recruitment and (ii) by promotions, separately, under each head and the number of Muslims therein?

Sir Gurunath Bewoor: (a) (i) 52, (ii) 15, (iii) 1, (iv) Telegraphists: 46. Telegraph Masters: 44. Figures under item (iv) have been furnished for the calendar year 1941 as those for the official year 1941-42 are not available.

(b) I lay on the table a statement giving the information required by the Honourable Member.

Statement.

Grade.

	Direct recruitment.		Promotion.	
	Total.	Muslims.	Total.	Muslims.
Gazetted				
Engineering Supervisors	4	3	45	1
Wireless Supervisors	7	2	8	1
Telegraphists			1	
Telegraph Masters	46	17	46	8

RETENTION IN SERVICE OF OFFICERS AGED ABOVE SIXTY IN SUPPLY DEPARTMENT.

410. *Nawab Siddique Ali Khan: (a) Will the Honourable the Supply Member please state the total number of gazetted officers serving under the Supply Department who have reached the age of 60? How many of such officers are being retained in service, and for what reasons?

(b) Is it not a fact that retired officers have been re-employed in some of the Directorates under the Director General of Supply, and they are being retained in service after they have reached the age of 60? If so, why?

(c) Does the Honourable Member realise that by retaining such officers in service, younger officers are penalised and do not get the expected promotion they deserve?

(d) Does the Honourable Member propose to scrutinize his list and dispense with the services of all officers who have reached the age of 60, and to give a chance of promotion to junior officers? If not, why not?

Mr. J. A. Mackeown: (a) Three. All are being retained in service on account of the special knowledge and experience required for the duties entrusted to them.

(b) Yes. Two re-employed officers have been retained in service after attaining the age of 60, for the reasons already given.

(c) and (d). The claims of younger officers are given due consideration, but it is not always possible to dispense with the services of older men possessing special qualifications and experience. The three officers concerned are specialists and could not at present be replaced by younger men.

SMALL CHANGE DIFFICULTIES IN POST AND TELEGRAPH OFFICES.

411. *Bhai Parma Nand: (a) Will the Secretary for Posts and Air please state whether it is a fact that the Post and Telegraph Offices generally, and the Imperial Secretariat North, in particular, do not give any small change when anybody tenders a currency note to cover postal charges or for purchase of postage stamps, etc., or for telegrams?

(b) Is it a fact that postage stamps are given by these Post and Telegraph Offices for small change?

(c) Is the Honourable Member aware that the action mentioned in part (b) above is being taken despite definite instructions from the Director General, Posts and Telegraphs, that no stamps should be offered in lieu of change?

(d) Is the Honourable Member aware that if anybody from public presents stamps to cover the postal charges or in exchange for postal envelopes or cards, etc., the postal and telegraph authorities refuse to accept them?

(e) What are the reasons for the postal and telegraph authorities issuing postage stamps as small change currency and not accepting the same from the public?

(f) What happens to the small change which the public is made to pay at the postal and telegraph counters, especially when absolutely no change is given by these counters to the public?

(g) Is it contemplated to prosecute any of these postal and telegraph authorities who are found guilty of hoarding in the manner stated above? If not, why not?

Sir Gurunath Bewoor: (a) Government are aware that recently owing to the general scarcity of small coins Post and Telegraph Offices have not been able to give small change freely on all occasions to the public in respect of Post and Telegraph transactions. But I understand that when change is available it is given. In this connection, attention is invited to clause 11 of the Post and Telegraph Guide which states that Post Offices are not bound to give change.

(b) and (c). Postage stamps are given to the public in lieu of small coins when such coins are not available only if the member of the public definitely expresses a desire to receive such stamps in the absence of small coins. This is in accordance with the specific order issued by the Director General on the subject.

(d) and (e). Postage stamps are not accepted in lieu of postal charges or in exchange for postal envelopes or postcards for which payment has to be

made in cash because postage stamps are not currency. As already stated, postage stamps are given to the public in lieu of small change only when the public definitely agree to accept them.

(f) Small change received from the Public at Post and Telegraph counters is given out in making payments to the Public in various transactions, as for example, at the counter itself, for money order payments, Savings Bank withdrawals, etc.

(g) The Director General has issued instructions to all the staff informing them that severe action will be taken against any official who fails to give change within reasonable limits to a member of the public when it is available with him. Government have no reason to believe that any Post and Telegraph authorities are hoarding small change, but if any such cases come to notice, suitable action will be taken on the merits of each case.

Mr. Lalchand Navalrai: May I know if the Honourable Member is aware that these Postal stamps have become currency all through the country?

Sir Gurunath Bewoor: No, Sir. I am not aware of it, but I know that certain shopkeepers and others offer postage stamps for small change.

Mr. Lalchand Navalrai: Does the Honourable Member know that even these tongawallahs have stamps in their pockets and they give these stamps, instead of the change?

Sir Gurunath Bewoor: I am aware that it has happened.

Mr. Lalchand Navalrai: May I know from the Honourable Member, if as he says the Post Office is not bound to give any change on account of certain rules that he has quoted, what will happen when we give the money and there is no other residue to be given. How is the situation at that time to be met?

Sir Gurunath Bewoor: Sir, the transaction cannot be effected in that case.

Mr. Lalchand Navalrai: In that case the Post Office should come to an end and it should close rather than transact business in this way. Is the Honourable Member going to make some arrangements so that small coins are given when we actually pay? For instance, if I pay one anna for a stamp and I have to get back half an anna, how will I get it back?

Sir Gurunath Bewoor: Whenever small change is available it is given.

Mr. K. O. Neogy: Just five minutes ago I was given seven envelopes and two postcards in lieu of change by the Post Office in the Council Chamber. Is this in accordance with the instructions of the Department?

Sir Gurunath Bewoor: The Honourable Member need not have accepted them.

Mr. K. O. Neogy: May I know whether the office will accept the change that they have given to me in lieu of any service that I may demand of them?

Sir Gurunath Bewoor: It is not currency.

Mr. Hooseinbhoj A. Lalljee: Will a postal cover be useful?

Sir Gurunath Bewoor: If the Honourable Member wishes to write a letter it will be useful.

Mr. Hooseinbhoj A. Lalljee: Is that not a service?

Sir Cowasjee Jehangir: May I ask what is to happen if members of the public refuse to take these envelopes and there is no change in the post office? If Mr. Neogy refused to take these covers and there was no change, Mr. Neogy will have to go without his money?

Sir Gurunath Bewoor: I am sorry I do not see the point. I mentioned that if Mr. Neogy went with a rupee and wanted to buy nine annas worth of stamps and the postal clerk did not have the remaining change for seven annas, there were two alternatives—one is for Mr. Neogy to go and obtain change for nine annas and present it at the post office, and the other is to accept the remainder of seven annas in the form of postage stamps or cards if he likes. There is no compulsion and it is wrong to say that the post office has given him change in the form of postage stamps.

Mr. R. N. Banerjee: Can you not make arrangements to give change?

Sir Gurunath Bewoor: It is being made; as I said, it does not often happen. In the old days the post offices collected a large quantity of small coins and frequently had to send it to the treasury at the end of the day; but unfortunately now, very little change comes in at the counter and it goes out and nothing remains now. It is a one way traffic.

Mr. Lalchand Navalrai: Will the Honourable Members on the Treasury Benches consider this position which is very critical, whether transactions are not going to be done at all?

The Honourable Sir Jeremy Raisman: Government are fully aware of the extreme inconvenience which has arisen from the present position, and I have explained what Government are doing to meet the situation. It is my belief that within a reasonable time it will be overcome and that there will be a plethora of small coins in the country.

Mr. K. C. Neogy: May I tell the Honourable the Finance Member that many of us have not as yet seen his new pice coin?

The Honourable Sir Jeremy Raisman: That may be; it does not follow that a newly issued coin appears in all parts of the country at the same time.

Sir Muhammad Yamin Khan: Does the Honourable Member know that these new pice coins are being used in place of washers, which now cost an anna and a half if you purchase them?

The Honourable Sir Jeremy Raisman: We regard that as a good joke.

Qazi Muhammad Ahmad Kazmi: Will Government consider the advisability of making postage stamps the currency of the country?

The Honourable Sir Jeremy Raisman: Yes; the answer is that they are obviously unsuitable for the purpose.

ESTABLISHMENT OF MOTOR CAR ASSEMBLY PLANTS IN INDIA.

412. ***Mr. K. O. Neogy:** Will the Honourable Member representing the Supply Department be pleased to state:

(a) whether the Government of India have already made arrangements for the establishment of motor car assembly plants in India; and

(b) whether it is a fact that facilities in this behalf have been given to a non-Indian concern in India, while the repeated requests of the Indian manufacturers have been turned down?

Mr. J. A. Mackeown: (a) and (b). No.

Mr. K. O. Neogy: May I know whether any assembly plants have at all been set up in this country?

Mr. J. A. Mackeown: Not since the beginning of the war, so far as I am aware.

Mr. K. O. Neogy: Is there any proposal to set up any such assembly plant?

Mr. J. A. Mackeown: There was a proposal which was abandoned. I believe that the matter is constantly under consideration to see whether any further plants are necessary or not in the interests of the war effort; but at the moment there is no definite proposal whatever.

Mr. K. O. Neogy: How long will it take the Government to come to any decision on the proposal which the Honourable Member said was under consideration?

Mr. J. A. Mackeown: I did not say it was under consideration. I only said that no such specific proposal was under consideration. The position is that naturally the military authorities have to consider from time to time whether the existing plant is sufficient for their needs; and as far as we know that process is a continuous one. There is no definite proposal at present for setting up any further assembly plant.

Mr. K. O. Neogy: What is the attitude of Government towards the question of starting a motor industry in India generally?

Mr. J. A. Mackeown: I submit that does not arise out of this.

GOVERNMENT POLICY REGARDING IMPORT OF PLANTS AND MACHINERY FOR PRODUCTION OF POWER ALCOHOL.

413. ***Mr. K. O. Neogy:** Will the Honourable Member representing the Supply Department be pleased to state:

(a) whether in pursuance of the announcement of Government to give priority to the import of plants and machinery for the production of power alcohol, steps have been taken by Government to make available such plants to the manufacturers in India;

(b) whether the Government of India have approached the Government of the United States of America for necessary facilities in regard to the import of plants and machinery for the production of power alcohol;

(c) whether it is a fact that the British and American Petroleum interests have come in the way of India establishing power alcohol plants; and

(d) the Government's policy and programme in this matter?

Mr. J. A. Mackeown: (a) and (b). The Government of India have instructed the Indian Supply Mission in Washington to endeavour to secure two power alcohol plants on Lease/Lend terms.

(c) No.

(d) The policy of the Government of India is to encourage the production of power alcohol, but detailed enquiries show that an attempt to secure and instal imported plant on a large scale would not yield substantial results within a reasonable time. Government have accordingly decided that apart from the two plants referred to above they will not attempt to import equipment but will concentrate on increasing the production of rectified spirit with plant the whole or the greater part of which can be fabricated in India. An expert has been borrowed from one of the Ordnance Factories and the preliminary work is now in hand.

Mr. K. C. Neogy: When are the two plants referred to by the Honourable Member expected to arrive in India?

Mr. J. A. Mackeown: So far as I am aware, we have not yet had any information that the plants have yet been released by the American authorities.

Mr. K. C. Neogy: Have Government made a selection of the parties to whom the plants would be given?

Mr. J. A. Mackeown: No; that matter is still being considered.

Mr. Hooseinbhoj A. Laljee: Where will these plants be working when they arrive?

Mr. J. A. Mackeown: I am unable to give an answer to that question, until it is decided to whom the plants will be allotted.

Mr. T. T. Krishnamachari: May I ask whether the Government's policy in regard to power alcohol will be limited to war time or will be projected into peace time as well?

Mr. J. A. Mackeown: I am unable to give an undertaking about the future, Sir. At present we are considering purely war needs.

Maulvi Muhammad Abdul Ghani: Will Government be pleased to consider the desirability of placing one of the plants in Bihar and another in the United Provinces—the centre for molasses?

Mr. J. A. Mackeown: I have no doubt that all relevant parts of the country will be considered.

Mr. K. C. Neogy: What will be the approximate capacity of these two plants taken together?

Mr. J. A. Mackeown: I am afraid I have no information on that.

DISCRIMINATION IN ISSUING RAILWAY PRIORITY CERTIFICATES FOR TRANSPORT OF BONES, ETC.

+414. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable Member for War Transport please state if bones, raw or crushed, or bone meal for manure, hooves and horns are a class of commodities, the transport of which is closed by goods trains, and for which Railway Priority Certificates are obtained on application from the Railway Priorities Department of war transport through the Regional Controller of Railway Priorities, Calcutta?

(b) On what basis are priority certificates granted to some applicants and refused to others, while applying under the same circumstances?

(c) Is it a fact that the following firms dealing with bone industries applied for priority certificates for wagons for the transport of bones, hooves and horns.

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

to the authority concerned last year? If so, for how many wagons did each of them apply and for how many wagons were priority certificates granted to each of them, last year? What were the reasons for granting certificates to some and refusing to others:

(i) Carlander and Company, Calcutta, of Ganges Valley Bone Mill at Bally (E. I. R.);

(ii) David Sasoon and Company, Calcutta, of Bone Mill at Sangtragachi (B. N. W. R. and E. B. R.);

(iii) Balli Brothers, Cawnpore, of Bone Mill Maggharwara (E. I. R.);

(iv) Messrs. Gupta Company of Changri Hatta, of Bone Mill at Ulta Danga (E. B. R.);

(v) Messrs. Haji Mohammad Said Mohammad Sharif, of Bone Mill Hapur (E. I. R.);

(vi) Hajee Mehr Bakhsh Maula Bakhsh, Agents, Balli Brothers, Karachi, of Bone Mill at Landi (N. W. R.)?

(d) Are Government aware that there is a general feeling among the public that in granting priority certificates for wagons foreign firms are given preference over the Indian firms to their great loss?

(e) Does the Honourable Member propose to see that in issuing priority certificates for wagons no discrimination is made and that all applicants are treated alike and that, in order to keep the bone industry going priority certificates are issued to meet their needs as far as possible?

The Honourable Sir Edward Benthall: Information is being collected and will be laid on the table when received.

UNSTARRED QUESTIONS AND ANSWERS.

DIFFERENT RATES OF PAY, ETC., FOR TICKET EXAMINERS ON EAST INDIAN AND NORTH WESTERN RAILWAYS.

72. Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for Railways please state the rates and nature of allowances paid to the Travelling Ticket Examiners on the East Indian Railway and the Special Ticket Examiners on the North Western Railway together with a statement of the nature of duties they perform, separately, and the reasons for the different rates for the same work, if any?

The Honourable Sir Edward Benthall: The Honourable Member is referred to the reply given by the Honourable Sir Muhammad Zafrulla Khan to starred question No. 832 asked by the Honourable Qazi Muhammad Ahmad Kazmi on the 26th February, 1936.

DESIRABILITY OF CERTAIN TRAIN CONNECTIONS TO AND FROM KALKA.

73. Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for Railways please state the reasons for not connecting Kalka with trains Nos. 81 Up and 82 Dn. (Delhi-Panipat-Ambala) from November 1942, and if Government propose to extend these trains to and from Kalka?

The Honourable Sir Edward Benthall: I presume that the extension of these trains, which run between Ambala and Delhi, to Kalka has not in the past been justified by the traffic offering. It is primarily a matter for discussion at a Local Advisory Committee meeting, and I am therefore sending a copy of the question and the reply to the General Manager, North Western Railway, for disposal.

DUTIES OF DIFFERENT GUARDS ON NORTH WESTERN RAILWAY.

74. Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for Railways please state comparatively the duties of a Guard, a Luggage Guard and a Conductor Guard on the North Western Railway?

The Honourable Sir Edward Benthall: The duties of a guard in charge of a train are manifold, and those of particular importance are embodied in the Indian State Railways General Rules, Parts I and II, a copy of which is in the library of the House. Other duties appear in the North Western Railway Operating Manual and the North Western Railway General and Subsidiary Rules, copies of which will be shown to the Honourable Member, if he so desires, on a visit to the Railway Board.

The duties of a Conductor Guard are also detailed in the North Western Railway Operating Manual, and will be shown to the Honourable Member if he so desires.

A Luggage Guard is entrusted with the supervision, check and correct handling of luggage and parcels carried by passenger trains.

ABOLITION OF CERTAIN POSTS OF GUARDS OF NORTH WESTERN RAILWAY.

75. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) the reasons for abolishing the posts of Grade IV Guards on the North Western Railway;

(b) the reasons for abolishing the scale of pay (115—210) of Luggage Guards on the North Western Railway; and

(c) the reasons for detailing the Commercial Staff instead of Transportation Staff for training in Course T-5 on the North Western Railway?

The Honourable Sir Edward Benthall: (a) Operating requirements did not necessitate the retention of this grade.

(b) There were no grades of Luggage Guards (115—210), but Guards of various grades are being utilised to perform these duties as occasion demanded.

(c) As the course, now renamed PI, is a promotion course for senior Assistant Station Masters, the duties of which posts involve both Transportation and Commercial matters, men in both the branches are chosen for the course.

RECRUITMENT FOR POSTS OF ENQUIRY CLERKS ON NORTH WESTERN RAILWAY.

76. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state the categories from which recruitment is made for the posts of Enquiry Clerks on the North Western Railway, and how they stand in seniority on appointment to Enquiry Clerks?

The Honourable Sir Edward Benthall: These posts are filled by promotion through selection from amongst suitable Transportation (Traffic) and Commercial Staff such as Assistant Station Masters, Parcel Clerks, Booking Clerks, Goods Clerks, Ticket Collectors, etc. As regards the second part, the seniority of Enquiry Clerks is fixed, Government understand, in the order of merit assigned at the selection.

TIME ALLOWED FOR INSPECTION OF STATION ACCOUNTS ON EAST INDIAN RAILWAY.

77. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) the class, i.e., supervisory or otherwise, to which the Inspectors of Station Accounts on the East Indian Railway belong under the Hours of Employment Regulation;

(b) if it is a fact that the Inspectors of Station Accounts are required to work according to the programmes issued to them by the Deputy Chief Accounts Officer (Traffic Branch);

(c) the basis for fixing the number of days for inspection of Station Accounts;

(d) the time allowed for inspection of the following stations: Fyzabad, Shahjahanpur, Rampur, Roorkee, Najibabad, Bulandshahr, Khurja City, Nagina, Khurja Junction, Amroha, Hardwar and Gurhmukhtesar together with the monthly statement of the Inward and Outward Goods and Coaching Traffic of these stations during the preceding three years or as near back as available and the monthly earnings including the Terminal Tax (to be shown separately) for the same period for these stations; and

(e) if there is any section where an Inspector has to spend nine hours on journey from the Headquarters to the Station of Inspection; if so, the name of such section; and if any step has been taken to cover this waste of time; if no step has been taken, the reasons therefor?

The Honourable Sir Edward Benthall: (a) Supervisory.
(b) to (e). Information has been called for and a reply will be laid on the table of the House in due course.

TIME ALLOWED FOR INSPECTION OF STATION ACCOUNTS OF EAST INDIAN RAILWAY.

78. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) if it is a fact that if an Inspector of Station Accounts on the East Indian Railway has taken any extra day in excess of the time allowed to him for the inspection of the station, that extra day or days are counted as leave; if so, the rule under which this is done; and

(b) if it is a fact that the Inspectors have represented to the Accounts Officer (Travelling) for a personal check of the stations where time in excess of the scheduled time is required; if so, if the Accounts Officer has ever checked them and satisfied himself that the time allowed is insufficient; if not, why not?

The Honourable Sir Edward Benthall: Information has been called for and a reply will be laid on the table of the House in due course.

TIME ALLOWED FOR INSPECTION OF STATION ACCOUNTS ON EAST INDIAN RAILWAY.

79. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) if it is a fact that the protection of the Railway revenues chiefly depends on the hard labours of the Inspectors of Station Accounts, East Indian Railway;

(b) if it is a fact that if insufficient time is allowed for the inspection of a station, defalcations are often apt to escape detection and the Inspectors are punished for their omissions due to their being overburdened; and

(c) if Government propose to enquire into the matter; if not, why not?

The Honourable Sir Edward Benthall: (a) No, but the internal audit check exercised by the Travelling Inspectors of Accounts at stations is a valuable contribution to accounts control.

(b) Adequate time is allowed for inspections, and extra time is granted and extra staff sanctioned when necessary.

(c) Does not arise.

BLOCKED PROMOTION OF INSPECTORS OF STATION ACCOUNTS ON EAST INDIAN RAILWAY.

80. **Hajee Chowdhury Muhammad Ismail Khan:** Will the Honourable Member for Railways please state:

(a) if it is a fact that there are a number of Inspectors of Station Accounts on the East Indian Railway who are blocked at Rs. 270 for a number of years and there is no hope of their ever being promoted to the next higher grade during the remainder of their service; if so, the reasons therefor; and

(b) if Government propose to enquire into the causes, and to take steps to remove the grievance of the staff in this regard, if not, why not?

The Honourable Sir Edward Benthall: (a) There are three Inspectors who reached the maximum of Rs. 270 more than ten years ago and four who reached the maximum in 1934. All of them will have chances of being promoted before they retire.

(b) No enquiry appears to be necessary. There are seven senior grade posts and 11 junior grade posts and this can be regarded as reasonable.
and 11 junior grade posts and this can be regarded as reasonable.
CHANNEL FOR APPOINTMENT AS INSPECTOR (ROLLING STOCK), JAMALPUR TRAINING SCHOOL.

81. **Hajee Chowdhury Muhammad Ismail Khan:** (a) Will the Honourable Member for Railways please state the categories of the staff from which the recruitment for the appointment of Inspector (Rolling Stock), Jamalpur Training School, East Indian Railway, is made?

(b) What are the rules for such recruitment, and when was the Selection Board for the recruitment of the present incumbent held? Will he be pleased to furnish a list of the candidates who appeared before the Selection Board or to furnish a list of the candidates who appeared before the Selection Board whose names were laid before it? If no list was placed before the Selection Board, what are the reasons therefor?

The Honourable Sir Edward Benthall: (a) The Honourable Member presumably refers to the post of Rolling Stock Instructor in the Jamalpur Technical School. There are no specific categories of staff who can look for promotion to this post which needs special aptitude and is filled by selection.

(b) The post referred to is filled by the promotion or transfer of an employee already in service and not by direct recruitment. The present incumbent was appointed to the post in October, 1941 and as he was the only suitable employee

who was willing to take up the post no selection Board was held. The other parts do not arise.

CHANNEL FOR PROMOTION AS INSPECTOR, TRANSPORTATION (ROLLING STOCK).

82. Hajee Chowdhury Muhammad Ismail Khan: Will the Honourable Member for Railways please state:

(a) if it is a fact that promotion to the appointment of an Inspector, Transportation (Rolling Stock), is made from amongst (i) the old Oudh and Rohilkhand Train Examiners, Grade A, (ii) the old East Indian Railway (Company Staff) Train Examiners, Grade I, and (iii) the combined staff of the Train Examiners, Grade I, recruited after 1925;

(b) how the seniority of the said staff is maintained for promotion; and

(c) what are the reasons for considering the old Oudh and Rohilkhand Head Train Examiners, Grade I, inferior to the old East Indian Railway Head Train Examiners, Grade I, and also to the Combined System Head Train Examiners, Grade I? If this is not the case, is it proposed to lay on the table the latest seniority list of the said staff?

The Honourable Sir Edward Benthall: Information has been called for and a reply will be laid on the table of the House in due course.

SINDHIS AS ASSISTANT DIRECTORS, ETC., IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

83. Mr. Lalchand Navalrai: (a) Will the Secretary for Posts and Air be pleased to state how many Assistant Directors and Superintendents there are at present in the Posts and Telegraphs Department in Sind and Baluchistan, and since when and what provinces they are residents of?

(b) How many Inspectors are there in the Posts and Telegraphs Department in Sind and Baluchistan who can rise to the post of a Superintendent and when is their selection to take place?

(c) Is it a fact that no Sindhi has been appointed as Superintendent for the past several years in the Sind and Baluchistan Circle? If so, will the authorities give a chance to the Sindhis for selection to the posts of Superintendents, if so, when?

(d) How many Office Superintendents are working in the office of the Director, Posts and Telegraphs, in the Sind and Baluchistan Circle and since when?

(e) Is there any waiting list of candidates for clerkship in the office of the Director and Post Master of the General Post Office, Karachi? If so, how many candidates are there who are still unemployed and since when?

Sir Gurunath Bewoor: (a) There are at present six Superintendents of Post Offices, including Assistant Directors, in the Sind and Baluchistan Circle. One of them has been there in that rank since 1930, one since 1937, three since 1941 and one since 1942. One of them is a European, one is a resident of Delhi Province two are residents of the Punjab and two are residents of Sind.

(b) Inspectors who have put in five years' service in the Inspectors' grade and are not above 45 years of age are eligible for selection to the Post of Superintendents provided that they are considered fit for such promotion. Selection is made as and when circumstances necessitate.

(c) The reply to the first part is in the negative and the latter part does not arise.

(d) There is one Office Superintendent in the Office of the Director of Posts and Telegraphs, Sind and Baluchistan Circle. He has been working as such since January 1933.

(e) Yes, there is a waiting list of approved candidates in each of the offices. No candidate in any of the lists is at present unemployed.

STAFF APPOINTED AS TRANSPORTATION INSPECTORS IN MORADABAD DIVISION.

84. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) if it is a fact that one of the essential factors which is taken into account for selecting staff for the appointment of a Transportation Inspector (Movement, Commercial, Power or Stock) is their previous experience of work in appointments in which they had supervisory and inspecting duties; and

(b) if it is a fact that during the preceding five years only selected candidates have been given such experience on the East Indian Railway in general, and Moradabad Division in particular, ignoring the eligible senior men; if not, whether the Honourable Member proposes to lay a list of the staff appointed as Transportation Inspectors during the said period showing the dates of the appointments and of the initial recruitments and the dates and appointments of the intermediate class or category; if not, why not?

The Honourable Sir Edward Benthall: Information has been called for and a reply will be laid on the table of the House in due course.

DESRABILITY OF EXTENDING DELHI DEARNESS ALLOWANCE TO RAILWAY EMPLOYEES IN SHAHDARA.

85. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) if it is a fact that:

(i) the office of the Divisional Superintendent, North Western Railway, Delhi Division, is located within the Municipality of New Delhi;

(ii) the office of the Indian Railways' Conference Association is also located within the Municipality of New Delhi;

(iii) the office of the Director of Railway Clearing Accounts Office is located within the Municipality of Delhi;

(iv) a certain percentage of the staff of these three respective offices resided and was included in the Census Returns, 1941, of Delhi Shahdara, Ghaziabad (Meerut District), New Delhi Cantonment, Delhi Civil Lines and Delhi Fort Municipalities and the Delhi City Municipality;

(v) in granting the dearness allowance to railway servants, the population of the Municipality in which the railway servant resides or in which the office is located, is taken into consideration; and

(vi) the railway servants upto the pay of Rs. 80 (eighty) of the North Western Railway working and residing in the Delhi Shahdara Railway Station are denied the dearness allowance at the rate paid to the railway servants working and residing in New Delhi, irrespective of the population of the New Delhi Municipality, viz., 93,733 and of Shahdara (15,955) and of considering Shahdara within 5 miles radius of Delhi for purposes of travelling allowance; if so, the reasons for including New Delhi within the Delhi Municipality and for excluding Shahdara from it only for the purposes of dearness allowance; and

(b) if Government now propose to admit Shahdara like New Delhi for the grant of dearness allowance to railway servants in Shahdara on the same principles as the staff of other departments (Police, Municipality, Medical, etc.) are paid; if not, why not?

The Honourable Sir Edward Benthall: (a) (i) to (iv). Yes.

(a) (v). No; the allowance is determined on the headquarters of the staff.

(a) (vi). The staff whose headquarters are at Shahdara are paid dearness allowance at a lower rate than staff whose headquarters are at New Delhi as New Delhi and Delhi being contiguous areas have been taken together for assessing the population. As regards Shahdara being considered within a radius of five miles of Delhi, it is a physical fact and, therefore, requires no special orders. Shahdara is not contiguous with Delhi and, therefore, cannot be considered as part of Delhi for purposes of dearness allowance.

(b) No; the various schemes of dearness allowance sanctioned by different authorities are not the same and it is impracticable to secure uniformity.

DESRABILITY OF MAKING INDIAN REFRESHMENT ROOMS AT KALKA RENT-FREE.

86. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the Resolution accepted by the Central Advisory Council for Railways on the 16th September, 1939, viz., "Resolved that an economic rent should be charged in all cases" and state:

(a) if it is a fact that:

(i) the North Western Railway charges rent for Refreshment Rooms at a certain percentage of the capital outlay;

(ii) the rooms occupied by the European Refreshments at Kalka incurred more capital outlay than the Indian Refreshment Rooms; if not the costs

separately of the Refreshment Rooms at Kalka; and

(ii) due to the levy of the rent on Indian Refreshment Rooms these rooms remained locked during the winter 1942-1943 and, in spite of the abnormal traffic during that period, the North Western Railway Administration took no steps for Indian style meals to be supplied to the travelling public by declaring these Indian Refreshment Rooms rent free; and

(b) if Government now propose to declare the Indian Refreshment Rooms at Kalka rent free in the interest of the travelling public and at a little loss to the railway revenue; if not, why not?

The Honourable Sir Edward Benthall: The Honourable Member's quotation of the resolution is incomplete.

(a) (i). Yes, after making adjustments which may be necessary on the basis of the income derived.

(ii) Yes. The second portion of the question does not therefore arise.

(iii) The Indian Refreshment Rooms remained closed during the winter of 1942-43 in accordance with the previous practice, but owing to a demand having arisen during the winter of 1942-43, arrangements are being made to keep them open throughout the year.

(b) No. I am informed that an examination of the rental charges shows that taking into consideration the income derived by the contractors, the prescribed charges are not unreasonable.

REPLACEMENT OF CATERING CONTRACTORS AND VENDING LICENCEES ON EAST INDIAN RAILWAYS.

87. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the proceedings of the meeting of the Central Advisory Council for Railways held on the 18th March, 1940, regarding subject No. 3—"Area of Catering Contracts on Railways", and state:

(a) the policy in the matter of granting contracts and licences laid down by the Railway Administrations together with the results of the consultations with their Local Advisory Committees;

(b) if it is a fact that the contractors and vending licencees on the East Indian Railways who have rendered and are rendering satisfactory service since the 18th March, 1940, have been and are being replaced; if not, if it is proposed to lay on the table of the House a list showing the names of the contractors and vending licencees separately who held licences on the 18th March, 1940, and on the 18th March, 1943, respectively, together with the dates of the cessation or discharge or termination of the contract or licence and the reasons therefor and the duration of the contract or licence of each contractor held by them; and

(c) if it is proposed to lay a list of the contractors of the Lucknow Division who have been served with notice of termination of contracts since January 1943; together with the period of duration of the contract, and the reasons for the termination, and the names of applicants who will replace them?

The Honourable Sir Edward Benthall: (a) The policy followed is as recommended by the Central Advisory Council and accepted by Government. Quarterly summaries of the Proceedings of Local Advisory Committees are in the library of the House for the information of Honourable Members.

(b) Government have no information indicating that this is a fact; the answer to the second portion is in the negative.

(c) The answer is in the negative.

USE OF INSPECTION CARRIAGES BY OFFICERS OF THE MORADABAD DIVISION.

88. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state:

(a) the use of the Inspection Carriages by the officers of the Moradabad Division of the East Indian Railway during the periods from 1st October, 1941, to the 31st March, 1942, and from 1st April, 1942, to the 30th September, 1942, respectively;

(b) the name of the officer who used it for each occasion together with the particulars of persons travelled with him each time and the maundage of luggage carried by him on each journey;

(c) the purposes of the journey for which the Inspection Carriage was used by him; and

(d) the justification of the expenditure on each journey by each officer during these periods from Moradabad to Dehra Dun, to Mussoorie and back together with the expenditure on journeys during the period by officers of other Divisions for the same distance?

The Honourable Sir Edward Benthall: (a) to (d). The information asked for is not readily available and its collection would involve an amount of time and labour which would not be justifiable in war-time.

DEATH OF MR. S. SATYAMURTI.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I ask your permission to refer to the death of Mr. Satyamurti, the news of which has naturally come as a shock to the Members of this Assembly where he was so conspicuous a figure. He played a prominent part in public life for many years, both before and after he became a Member of this Assembly, and in addition to his parliamentary and political activities, he held the office of the Mayor of Madras with I believe conspicuous distinction. But we here naturally think first of his outstanding parliamentary ability and of the immense industry which he brought to bear on the discharge of his functions as a Member of this House and as Deputy Leader of the principal Opposition Party therein. His skill and pertinacity at the question hour and in debate will not readily be forgotten, and even those who like myself often had to cross swords with him could not but feel a liking for his earnest personality. I would ask you to convey an expression of the sympathy of this House to the members of his family.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): I join the Honourable the Home Member in mourning the loss of one of our valued colleagues and paying a tribute to his memory. Mr. Satyamurti, as has been pointed out, entered public life many years ago and for several years he occupied a very prominent position in the political arena of the country. As Mayor of Madras he rendered invaluable services to that city, and I am sure that the people of Madras, in particular, will remember the services which he had rendered to that city, with gratitude.

Mr. Satyamurti believed in constitutional development and working the constitution, and although on occasions he did not see eye to eye with his party with regard to the policy of ploughing barren sands with the furrow of civil disobedience and boycott, yet, he always obeyed the behests and the decisions of the party. He never hesitated to suffer privations, physical or otherwise, whenever the call came, and thus, the sense of discipline which he showed is worthy of emulation. As a Member of this House he was one of the powerful personalities. His forceful speeches and his mastery over the marshalling of facts and historical survey of problems that came up for discussion before this House, evoked the admiration of every Member of this House. His loss will be felt very much by every section of this House, and we shall indeed miss him greatly. I join the Honourable the Home Member in requesting you to send our sympathies, the sympathies of the Muslim League Party, to the members of the bereaved family.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I associate myself with the observations which have been made by the Honourable the Acting Leader of the House and the Honourable Deputy Leader of the Muslim League Party. Mr. Satyamurti was a man of great ability and phenomenal industry, and his devotion to work in this Assembly was almost unparalleled. Mr. Satyamurti suffered from illness for a considerable time, and the circumstances in which he died make his death all the more regrettable to us. Mr. Satyamurti has passed away but he has left behind an example for all of us to emulate. The country and this Assembly in particular has suffered a great loss, and both the country and this Assembly are distinctly the poorer by his passing away. I request that you may be able to convey the condolences of this Assembly to the bereaved members of his family.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): I rise to associate my Party with the sentiments that have been expressed by the Leader of the House and the Leaders of the two prominent Parties. I had the privilege of working with Mr. Satyamurti for several years and I can say from personal knowledge that there are very few Indians who have studied the questions that came up before them, in the thorough manner in which Mr. Satyamurti did it. We know very well that since 1937 he had not been keeping good health, but whilst suffering seriously, he never neglected his duties. In the Madras Presidency, and especially as Mayor of Madras, he did very good service, and those of us who know the great good that local municipalities can do to the people, can appreciate what immense good Mr. Satyamurti has been able to do for his Presidency. As Dr. Banerjee and the Deputy Leader of the Muslim League Party have stated, his death is a great loss to this House and we will miss him very badly. With these words I beg of you to convey the sympathies of this House to the members of his family.

Sir Henry Richardson (Nominated Non-Official): We in this Group wholeheartedly associate ourselves with the sentiments which have been expressed by the Honourable the Home Member and the other Party Leaders. Mr. Satyamurti was a great fighter whose sterling qualities we admitted and respected even when we differed from him, and we sincerely regret the passing of this great Indian.

Mr. President (The Honourable Sir Abdur Rahim): I fully share the sorrow which has been expressed from all sides of the House at the passing away of Mr. Satyamurti who was such a notable and prominent figure in this Assembly. No one could have watched him as I did for several years,—the way in which he applied himself to his duties as one of the Leaders of the Congress Party, his extraordinary parliamentary gifts and his strenuous advocacy of the policy which he was here to represent, that his premature death is a great loss to this Assembly. I shall convey the sympathy of the House to the bereaved members of the deceased's family.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): May I, in this connection, make one submission. Though Mr. Satyamurti was not attending our House—he was a sitting Member and, as has been rightly pointed out by the Honourable the Home Member, he was a prominent figure. May I, therefore, suggest that the House may adjourn in honour of his memory?

Mr. President (The Honourable Sir Abdur Rahim): The convention which has been observed by the Assembly for some time is to adjourn the Assembly only in cases where a sitting member dies in Delhi or Simla, where the Assembly is sitting in order to enable Members to attend the funeral. Therefore, I do not think it would be right to adjourn the Assembly on this occasion though we all feel the great loss which this House has sustained.

RESOLUTION RE GRIEVANCES OF OFFICIALS AND SECRETARIAT ASSISTANTS EMPLOYED IN RAILWAYS—contd.

RULING re WITHDRAWAL OF THE RESOLUTION AS AMENDED.

Mr. President (The Honourable Sir Abdur Rahim): The House will remember that on the 25th March, 1948, when Mr. Jannadas Mehta wanted to ask for leave of the House to withdraw a Resolution of his as amended after division had been called and the division bells were still ringing, I ruled that he could not do so at that stage. On considering the matter further I wish to inform Honourable Members that while I was right in refusing, while the division bells were ringing, to enquire whether it was the pleasure of the House that the Resolution should be withdrawn. I was not right in laying down that the Resolution could not be withdrawn by leave of the House after amendments to it had been adopted. It is laid down in May's Parliamentary Practice at page 278:

"Where an amendment has been proposed to a question, the original motion cannot be withdrawn until the amendment has been first disposed of by being agreed to, withdrawn or negatived: as the question on the amendment stands before the original question."

I am not aware of any ruling on the subject by the President of this Assembly but having given my best consideration to the matter I am satisfied that

the British Parliamentary practice in this respect should be followed, since the Mover of the amendment or any other Member can prevent withdrawal of a motion by raising his dissentient voice after the amendment has been disposed of.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE LABOUR DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Committee for the Department of Labour:

1. Mr. N. M. Joshi. 2. Maulvi Muhammad Hossain Choudhury. 3. Mr. Jannadas M. Mehta. 4. Sir Abdul Halim Ghuznavi. 5. Mr. C. C. M. Miller.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE SUPPLY DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Committee for the Department of Supply:

1. Mr. Saiyid Haider Imam. 2. Mr. Hooseinbhoy A. Lalljee. 3. Sir Henry Richardson. 4. Sir Abdul Halim Ghuznavi. 5. Mr. R. R. Gupta.

ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Friday, the 26th March, 1948, the time fixed for receiving nominations for the Standing Finance Committee, two nominations were received. Subsequently one candidate withdrew his candidature. As there is only one vacancy I declare Raja T. Manavedan to be duly elected.

ELECTION OF A MEMBER TO THE CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION IN INDIA.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Friday, the 26th March, 1948, the time fixed for receiving nominations for the Central Committee of the Tuberculosis Association, only one nomination was received. As there is only one vacancy I declare Dr. Sir Ratanji Dinshaw Dafal to be duly elected.

STATEMENT LAID ON THE TABLE.

NET EARNINGS OF RECENTLY CONSTRUCTED RAILWAY LINES.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I lay on the table a statement showing the net earnings during the financial year 1941-42 of recently constructed Railway lines.

Statement showing net earnings during the financial year 1941-42 of new Railway lines opened on and after the 1st April 1935.

(Note—Only such lines as are entirely open and have been working for a full year are included.)

Serial No.	Name of project.	Working Railway.	Gaugt.	Mileage.	Date of opening.	Net income creditable to the project for 1941-42.	Percentage return of income (column 6 on capital outlay).		Estimated Percentage return of income on capital outlay after opening as estimated originally.
							1940-41.	1941-42.	
1	2	3	4	5	6	7	8	9	10
1	Jhudo-Pithoro	Jodhpur.	Metre.	64.11	1-6-1935	3,03,567	12.05	13.12	6.12
2	Khadro-Nawabshah	Do.	Metre.	30.72	20-11-1939	2,30,823	14.37	15.29	0.87 (a)
3	Agastampalli Point Calimere.	South Indian.	Metre.	5.50	20-1-1936	19,757	5.32	5.88	10.5 (c)
						(b)	(b)	(b)	

(a) This is the figure arrived at in the "final location survey". The earlier estimates produced before the Standing Finance Committee showed a probable return of 0.5 per cent. only.

(b) Excludes net earnings of existing lines from new traffic interchanged with new railway but estimated return took such credits into account.

(c) Government were committed to the construction of the line as part of the terms of transfer of the Tanjore District Board Lines to the South Indian Railway. It was estimated that a loss of Rs. 37,500 would accrue to Government on an outlay of Rs. 3½ lakhs.

MESSAGE FROM THE COUNCIL OF STATE.

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

"The Council of State at its meeting held on the 26th March, 1943, agreed, without any amendment, to the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, to continue for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942, to fix rates of income-tax and super-tax, to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged, and to amend the Indian Finance (supplementary and extending) Act, 1931, which was passed by the Legislative Assembly at its meeting held on the 18th March, 1943."

THE HINDU CODE, PART I (INTESTATE SUCCESSION)—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with further consideration of the motion by the Honourable Sir Sultan Ahmed regarding the Bill to amend and codify the Hindu Law relating to intestate succession.

The Honourable Sir Reginald Maxwell (Home Member): The Honourable the Law Member has asked me to inform the House that to his great regret he will be unable, owing to indisposition, to attend the House today. A report of today's proceedings will be conveyed to him and he has every hope of being in his place tomorrow to reply to the debate on the Bill now before the House.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, last time when the House adjourned while discussing this motion, I was referring to the opinions received on this subject. I propose to come to these opinions later on and shall refer only to those which will be necessary. As I want to be brief, I should like to give my own arguments first which will obviate the necessity of reading many of those opinions. Sir, this Bill is only a part of the intended Code on Hindu Law. The full Code is not before the House; here we are only to discuss a part of it, i.e., the Hindu law relating to intestate succession. But though the intestate succession be the centre of the Code, it is very closely inter-related with the other branches of the law, such as law on marriage, law on

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the motion before the House.

Pandit Nilakantha Das: Sir, I want to point out that this Intestate Succession Bill, as a piecemeal legislation, cannot give us the entire perspective.

Mr. President (The Honourable Sir Abdur Rahim): In that case there is nothing which cannot be discussed under this Bill. The Honourable Member must confine himself to the motion.

Pandit Nilakantha Das: I will confine myself to the motion before the House to the extent that this Bill, as it is presented to the House, should be postponed. There are many other subjects.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself strictly to this Bill.

Pandit Nilakantha Das: I do, Sir. But how can I show that this Bill cannot be considered by itself alone?

Mr. President (The Honourable Sir Abdur Rahim): That may be the opinion of the Honourable Member, but he must confine himself now to the motion under consideration.

Pandit Nilakantha Das: I am not going beyond that at all. But I want to move for postponement of the Bill for the purpose of eliciting opinion. I want to show that this interrelation is one of the reasons.

Mr. President (The Honourable Sir Abdur Rahim): He must confine himself to the motion.

Pandit Nilakantha Das: Then, shall I not say how

Mr. President (The Honourable Sir Abdur Rahim): The motion is that the Bill be referred to a Joint Committee.

Pandit Nilakantha Das: I simply say that it is not possible to go on with

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling.

Pandit Nilakantha Das: I appeal to you to consider

Mr. President (The Honourable Sir Abdur Rahim): I want the Honourable Member to conform to the uniform practice of the House.

Pandit Nilakantha Das: I am not going to discuss other parts of the Code. I am going to point out that this part in itself is impossible to be considered now on account of certain circumstances.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss any other question.

Pandit Nilakantha Das: I am not going to discuss any other question. I am just pointing out that it includes such things as adoption but unless the part of the Code incorporating the law of adoption is before us, we cannot consider how adopted sons, included in this Bill, would be dealt with. Will adoption require daughter's consent, for the daughter

Mr. President (The Honourable Sir Abdur Rahim): The law of adoption is there. The Honourable Member can proceed on the assumption that it is there.

Pandit Nilakantha Das: The Code is intended to be completed

Mr. President (The Honourable Sir Abdur Rahim): But the other parts are not before the House. If the Honourable Member will not conform to my ruling I will have to ask him to desist from his speech.

Pandit Nilakantha Das: I wanted to point out

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot dwell on other matters.

Pandit Nilakantha Das: Then I simply say that the entire perspective is not before us and unless all the parts which are inter-related are before us, we cannot usefully consider the Bill as it has been presented before this House.

Then this intestate succession Bill affects only so far as the separate property of a man is concerned. This is called 'heritable property' in clause 2 of the Bill. It is said there that heritable property means property which belongs to an intestate in his or her own right and passes by inheritance as distinct from survivorship. Property governed by the Mitakshara school of law will not be affected unless it is self-acquired property. It is only certain properties under the Dayabhaga school that will be affected by this law as heritable property. Heritable means, where a man has the power of will. Practically, roughly speaking, under this Bill about 10 per cent. of the property inherited in the country by the Hindus will be affected and this ten per cent of property is today governed by the Hindu Wills Act. Even out of this ten per cent. the agricultural lands are not covered by this Bill. Agricultural land, though it may be heritable property, cannot be governed by this Act.

Mr. President (The Honourable Sir Abdur Rahim): That has been pointed out by everybody as defining the scope of the Bill.

Pandit Nilakantha Das: For this agricultural property, other supplementary Bills will have to be enacted in the provinces and it has already been pointed out that those supplementary Bills cannot be enacted by the representative Houses in the provinces for a very long time. It will be very outrageous if in matters like this the Governors are asked to legislate under section 93. This is one of the reasons why this Bill cannot be considered now. It is only when the constitution works in the provinces that this Bill can be considered.

Then again there are two ways provided in the law for enacting such legislation. This succession as well as agricultural land both come under the purview of the provincial legislatures. Succession has been taken out of the authority of list. Now, the Central Legislature is enacting this law under the authority of list. Now, the Central Legislature is enacting this law under the authority of list. No. 7, concurrent list, succession, etc. of the 7th Schedule of the Government of India Act. The Central Legislature has no power to enact laws with regard to agricultural land, but the provincial legislatures can enact both on agricultural land and on succession, succession being included in the concurrent list. Agricultural land is in the provincial list. Item No. 21, 7th Schedule and succession is on the concurrent list. Therefore the Provincial Legislature is competent to legislate on both these matters. So, complete legislation on a subject like this

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can be made by the provincial Assemblies. Hence the natural and reasonable course would be to wait till the provincial Assemblies are in a position to enact such legislation. Thereby we should also have waited to see if the representatives in the provinces want such a law.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that already more than once. He cannot go on repeating the same arguments.

Pandit Nilakantha Das: Otherwise, if the Central Legislature had to enact on a subject like this, there is the provision under section 103. I am not a lawyer myself. I trust you will bear with me. This is what section 103 of the Government of India Act says:

"If it appears to the Legislatures of two or more provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures it shall be lawful for the Federal Legislature to pass an Act for regulating that matter according, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province."

The Central Government therefore ought to have waited for the provinces to make requisitions at least. It would be the same thing if the 11 Provinces had passed the law themselves. Or, if all the 11 Provinces had made requisitions to the Central Government, then also it would be quite clear that the public representatives in the provinces wanted such a law. So, the only course open to the Central Government in that case would have been to wait for requisitions from the provinces. The Central Government as such is not quite competent, therefore, to give us a Bill like this. Suppose the country wants it, then it would have been passed in the 11 provinces or the Centre would have received requisitions from the 11 provinces. Then there would have been no question of any public opinion worth the name, because the opinion expressed by the public representatives would have been the best proof of the fact that the country as a whole wants it.

Now, instead of this constitutional machinery being availed of for ascertaining the opinion of the country on the subject, we have been given a Committee of four experts. I have very great respect for those experts who sat on the Committee. They are very clever men and they have said so much in so few words. Their report extends to only 20 pages and the Bill consists of 23 clauses. It is a 'miracle', in the words of John Mayne, one of the greatest authority on Hindu Law and usage, and they think they have achieved a miracle. Sir, I have very great and innate distrust of experts in industry as well as in law, which is before us today. Expert opinion cannot be a substitute for popular opinion in the country. I know here our experts are lawyers and lawyers who scan the law and become experts are to be suspected in matters of legislation and especially where reforms are concerned. They are by the very virtue of their profession incapable of tackling reforms in matters of legislation. There was a similar Bill which was discussed in the House of Commons in 1922 and it included intestate succession and it actually abolished the law of primogeniture. I am referring to Commons Debates of 1922, Volume 154, page 106. Sir Leslie Scott, the then Solicitor General, who was addressing the House on that Bill, towards the latter part of his speech said:

"My own profession the bar, I have put last because we are always suspects particularly when we pose as law reformers."

In a matter where religion and customs of the country are involved, we should not enact such laws in such a hasty manner in the name of reform and under the authority of expert opinion. It is an outstanding fact that the whole system of Hindu law is based on religion. Whether we agree with certain institutions of our religion or not is a different matter altogether, but the fact remains that the majority of Hindus, perhaps 99 per cent of the 800 millions of Hindus, believe that our law of succession has a very intimate connection with our religion. All over the world in ancient times religion was the basis of succession, so it is said. Mr. Rajkumar Sarvadhikary, perhaps the greatest authority on

Hindu law of inheritance, says this in his book, "Principles of Inheritance", Second Edition, page 9:

"There does not seem to have been much difference in this respect between the Roman and the Hindu system. He, who inherits the property, says Vishnu (the Hindu law-giver) shall also offer the funeral cake. A son must present this cake even if he does not get any portion of his father's property. By the law of Romans also the son was compelled to pay homage to his deceased father in the shape of certain funeral ceremonies even if he did not obtain any property from him. The Hindu system went further and laid down as an imperative rule that the right of inheritance of a dead man's property is, exactly co-extensive with the duty of performing his obsequies. The devolution of property depends upon the consequence to perform the obsequial rites of the deceased. They cannot be separated."

Of course, in other parts of the world the system has been and is being changed, but be it unfortunately for the so-called reformers or fortunately for the orthodox Hindus, it is still a living force, a force which is responsible for the development of Hindu law in this country. If you want to change the law, as you want to do by this Bill, is it not necessary that you should first try to reform the Hindu religion and religious beliefs? It is evident that this Bill is only a fraction of the law. The whole scheme is there and we are going to change only the central part of it in this Bill. This is not the proper way to do it.

Our inheritance is based on religion. People believe that religious usages are the bases of our laws in which our law-givers have adapted their interpretations to different circumstances. Hindus believe these law-givers to be the highest religious authority and they believe it to be the duty of a successor to give *pindam* i.e., offerings to the departed. Therefore it is not easy to introduce drastic changes in our scheme of succession. As I have said before, the Government have not taken the course of waiting for requisitions from the Provinces nor have they allowed the Provinces to pass their own laws, which they are competent to do. We are, instead, presented with a *via media* of a Bill like this in this House. And this *via media* means nothing except brain waves of some seekers of cheap popularity, sanctioned by so called experts. Let us now see what our experts have done, and on what evidence they have depended as given in their report?

To frame a code, I am afraid, has been held throughout the world to be a very difficult and arduous task for Governments as well as for Legislators. Our experts in their small report have recorded that it was found to be very difficult even in countries like Switzerland and Japan which are homogeneous countries and have no personal laws like our own. As a matter of fact, Germany and some other countries took about 20 years and in certain cases about fifty years, in spite of the fact that they had enormous organisations for enquiry, for report, for collection and for revision, and then only they came to certain codes in these and other homogeneous countries. In India, however, attempts are being made from the days of Lord Macaulay, the first Law Member of the Government of India. Here I may quote what he said:

"We are commanded by Parliament to ascertain and digest the laws of India. The assistance of a Law Commission has been given to us for that purpose. As soon as the Code is promulgated, the *Shastras* and the *Hedayas* will be useless to a Munsif or a *Sadar Amin*. I hope and trust that, before the boys who are now entering at the Madrasa and the Sanskrit College have completed their studies this great work will be finished."

But the work, if undertaken at all, was never finished, and the Law Commission, in their report dated the 18th December, 1855, abandoned the attempt on the ground that it would arrest the development of Hindu Law. Please mark those words. Their opinion then was that it would arrest the development of Hindu Law.

Then again in 1878 it was said by a man who is professed to be one of the best authorities on the Hindu Law,—I mean John Mayne, whom I have already referred to,—that it is a miracle, and the days of miracles are over. To put the Hindu Laws in one Code. To put the Hindu Personal Law into one Code, would be practically impossible, and if an attempt is made and the Code becomes a Code at all, it will more confuse than give any unity and simplicity to the Hindu Laws. The quotation is there in the Preface to the First Edition of his "Hindu Law and usage".

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And then again this very same question came up in this House for discussion in 1921. The then Law Member Dr. (now Sir) Tej Bahadur Sapru, said in these words in reply to the debate on behalf of the Government. He said:

"Now, what I propose to do on behalf of the Government in a matter like this is that we shall address the Local Governments and the various High Courts, various learned bodies, Bar Libraries and legal organisations and ask them to advise us as to whether in their opinion, in the first place, the time has arrived when a serious and organised effort should be made to codify the whole of the Hindu Law or any portion of it, and, if so, on what lines we should proceed. And we shall further ask them as to whether in the event of their being of the opinion that we should make an attempt like that what should be the composition of any Committee or Commission that we may appoint. Until we have reached that stage, I think it will be recognised that it is impossible for me or for any other Member of this Government to give a more decisive reply."

He contemplated further that there should be a Commission in all the Provinces and upon their report a co-ordinating Committee in the Centre will sit in judgment and they will give a further revising report on which a legislation will be undertaken. It is so arduous a task and even today it so remains and our experts in their small report have admitted the difficulty. They have said, rather quoted in main or have referred to some of those quotations that I have already given, and they have admitted that it is so. But after all this they say that times have changed. A very simple but very pathetic argument indeed. 'The times have changed'. Yes, they might have changed. But this is not at all a convincing reply here. We cannot go on reforming on the strength of some platform speeches of some of our reformers in the country. We must get some tangible evidence by which we could convince ourselves and the public that there is a real demand. Simply because by Members from Dr. Deshmukh to Mr. Santhanam or from Mr. Gadgil to some other Member there are some Bills given notice of according to their own lights or spirit or idea of reform, that is nothing in considering whether in a code the Hindu law is to be modified like this or not.

I was just referring to the English law on the subject. In 1922, a law of succession was enacted in England and some definite steps were taken there for ascertaining whether property holders wanted such a reform. Similar steps might have been taken by the Government of India. We have the Indian Wills Act and any man having heritable property either agricultural land or otherwise, moveable or immovable can will it away. We always say that had the owners willed away their property, they would have most probably willed it away in this particular fashion, in the manner in which we are providing in this measure of reform. That is the basis of our legislation, that is the basis of the Bill. For a good number of years, the Indian Wills Act, is in operation in this country. Did the Government enquire whether the Hindus availed of this Act greatly? Had it been so, it would be evident if they wanted a change. Then again if they have availed of this Act largely, statistics should be obtained as to in how many cases they willed away their property to whom and in what particular fashion or manner; whether they give it to the daughters or daughters-in-law or to whom? Whether they give absolute or limited interest to women and widows? That would give us the criterion for a change in our law of succession. We are going to deal with properties of people who are private owners and so long as private property remains in the country, it must be considered sacred and there is no gainsaying the truth that our law should generally and mainly, I am watering it down for making room for reforms, mainly, not absolutely, and generally follow the lines of the intention of those that are the owners of these properties. Under the influence of a reformer here or a reformer there, Government is not going to equally divide all lands, for the time has not yet come. Under the influence of reformers like these the Government or the Legislature should not handle so grave a subject, so important a subject in this manner in the name of reform. At least the Committee must have demanded from the Government reliable statistics in this matter as to what extent our people have availed of the Indian Wills Act and if they have availed of the same, to whom they have willed away their

property. That would be the only criterion by which you can judge the basis of the Bill, not on the opinions of some reformers who say, in a pathetic language that the times have changed. What did the English people do? They passed recently an Act in 1926 and this was first introduced in 1922. In England, their own law of succession was according to primogeniture and there was also a law for making wills. It was found that in almost all cases the property owners willed away their properties and they willed them away not in favour of the first sons, but in favour of other children. So there was a demand. In Vol. 154, of House of Commons Debates, page 99, Sir Leslie Scott, the Solicitor General of England says:

"It is an interesting fact referred to in the Memorandum that the proposals of the Bill in regard to what is to be done with property on intestacy are, in the main, based upon an examination of a very large number of wills at Somerset House. The House is asked to do what evidence indicates intestates would do, if they made their wills and did not die intestate."

It is now clear that there are ways and means of obtaining direct evidence whether this change is called for in succession law of the Hindus. I do not base my argument only on religion, nor do I say that reform is not desirable. My only position is that you must simply ascertain whether the country wants this reform at all. There are so many constitutional ways and other ways of ascertaining the views of the public. Statistics can be obtained to find out how many people want to make a will, if they do not like the present mode of succession. Then, again it should be ascertained whether they will it away to their daughters half a share or even full share. It is only then you can say whether the property owners in general want this reform in succession, and what is the change needed. That would then be clear and then there would be no opposition to the measure. In that case all opposition would be stifled. But you have taken no steps to ascertain the views of the public.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been repeating the same argument so many times, again and again.

Pandit Nilakantha Das: It is perhaps very difficult for me to understand this and therefore I am repeating to learn it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot repeat his arguments.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Does the Honourable Member think that the views of women should never be heard?

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): From behind the purdah?

Sir Muhammad Yamin Khan: Purdah or otherwise.

Pandit Nilakantha Das: The words of women, the words of blind sons and of everybody should be heard. But where are those words? There is a particular way of ascertaining those words. I only want evidence that women want it, blind men want it, or even those who have got property want this reform. You have clear ways of showing this, but you have not taken the necessary steps to do this. That is all what I mean to say.

Mr. President (The Honourable Sir Abdur Rahim): There are other Honourable Members who are very anxious to speak.

Pandit Nilakantha Das: Very well. If that is the desire of my friends I am not going to the Bill, for that will take a very long time. I am simply speaking in favour of postponement. But I find it is rather impossible for me to proceed.

(The Honourable Member paused.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is supposed to go on with his speech, so that other Honourable Members may have a chance.

Pandit Nilakantha Das: I simply give my arguments for postponement. I will not go into the merits of the Bill.

Sir Muhammad Yamin Khan: We would like to hear your views.

Pandit Nilakantha Das: Anyway, I will not quote any more of the opinions. I have already quoted enough to show that this Bill should not have been proceeded with.

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Sir, one of my main arguments is that there are no Hindu members in this House.

Mr. Jamnadas M. Mehta: We are also Hindus.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): But who is to blame?

Pandit Nilakantha Das: Whoever may be to blame, our property-owners should not be punished; whoever may be to blame, the Government and the Legislature should look to the interest of property-owners. We must ascertain their opinion. We should have got some help if the House had been fully represented. Now our friends in the Congress Party are not present. On the Government side also, the proportion of Hindu element is not good. Today they are in minority, and I should at least like to see that before this Bill is proceeded with the Hindu element in the Government should be as it ought to be, otherwise the Government has lost much of its competence to put this Bill before this House. Now, I come to opinions.

Mr. President (The Honourable Sir Abdur Rahim): No. Opinions have been quoted. They are before the House.

Pandit Nilakantha Das: I have got other opinions.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean to say that he wishes to read opinions other than those which have been circulated?

Pandit Nilakantha Das: I am not going to read them.

Sir Muhammad Yamin Khan: Are these opinions the same which have been circulated?

Pandit Nilakantha Das: I have fresh opinions. I am saying that in my opinion the majority are against the Bill and I can tell you how I have ascertained that. High Court Judges and Advocate Generals are generally against the Bill, or they have given no opinion. Now, I come to the opinion of Veer Savakar, the President of Hindu Mahasabha, than whom there is no greater man to express opinion on this Bill. He has wired to me thus:

"Copy of my telegram to Law Member sent to you. I urge all Hindu Members to press postponement."

Here is his telegram to the Law Member:

"In view of many collected opinions unfavourable to the Bill making alterations in Hindu Law and the poor attendance of Hindu members in present Legislature and scant public attention to the Bill in these politically troublous times, I urge that the Bill be postponed during war time."

So far as the opinion of Hindu men is concerned, he is the right type of Hindu to give an opinion.

As regards ascertaining the opinion of our women, they have to be cautiously asked and their opinion should be cautiously heard, for our women have not come up to that general standard where they can give opinion on matters of this kind. There are many reformers—some of them women also—but we should not judge our women by their cosmopolitan habits, by their attending big parties and by their knowledge of the etiquette of lighting not more than two cigars or cigarettes with one match, or

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the motion before the House.

Pandit Nilakantha Das: As to Hindu women, I will read the opinion of a really representative Hindu Lady. She is Mrs. Janki Bai Joshi, Secretary of the All-India Hindu Mahila Sabha.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Member need not read it at length. He may mention what it is.

Pandit Nilakantha Das: The first thing she complains, is that the Bill has only been circulated to the public in the English language, and our women are not expected to know what the Bill is. She urges that it should be translated in all vernacular languages. She says:

"To put the present Bill affecting the Hindu community alone before the present Legislature for discussion and sanction when most of the Hindu members are absent will not be in the interest of Hindu women."

Again she says:

"It is the intention of the Government to postpone measures which are not required for war purposes to such times when the normal conditions are restored."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is repeating his arguments.

Mrs. Renuka Ray (Nominated Non-Official): Sir, may I interrupt just to say that there are hundreds of opinions in favour of this Bill and it is not possible for all those opinions in favour to be read out, but the one or two opinions of women against it are being read out. We should remember that there are many more opinions in favour as there can be against.

Pandit Nilakantha Das: Yes. There may be many more opinions, but her opinion is the representative opinion of Hindu women.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that many times.

Pandit Nilakantha Das: Sir, I must reply to her.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not progressing at all.

Pandit Nilakantha Das: Then she goes on to say:

"The Hindu Mahila Sabha, after full discussion in the meetings held for the purpose submitted these opinions of the Hindu Women."

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member not to read long extracts.

Pandit Nilakantha Das: Then, the President, Panchayet of Sind has, in the self-same lines, sent a long telegram to Mr. Lalchand Navalrai, of which a copy has been forwarded to me. They give the same opinions with detailed arguments.

Now, I must conclude my speech so as to give my friends an opportunity to speak. I may be taken to have stood in their way so far. But I say that on these grounds at least, if not on any other grounds of religion or orthodoxy, which may be controversial, the consideration of this Bill should be postponed till after the war. Already the Government have uselessly spent a lot of taxpayers' money in setting up a Committee and giving them a few Bills to consider and making them produce a report of 20 pages. It would not be advisable to waste more money on Joint or Select Committees, for I believe nothing useful will come out of this Bill; and in the meantime, if the Government want to do a service to the Hindus, they must proceed in the proper manner, if it is at all possible during war time, and they should see to it that the provisions in the Bill are based on the properly ascertained demands and desire of the people.

With these words, Sir, I move my amendment.

Mr. R. R. Gupta (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I have heard the debate on the Bill with the attention and sympathy it deserves. Honourable Members, Sir, have tried to base their remarks on the support of a Party which is not present in the House. I submit, Sir, that it is not fair to drag in their names when they are not in a position to give their opinion. Secondly, Sir, I have seen that somehow or other the discussion over this Bill has proceeded on lines to make one believe that there is really some conflict or misunderstanding between two sects among Hindus. This is a very unfortunate position. I am also a Hindu and I know that it is not fair for our womanhood to give the idea that they have any discrimination between their sons and daughters. Thirdly, Sir, I have to point out that I am rather shocked to see that the House is not taking the provisions of, and the discussion on, the provisions of this Bill with that serious attention as it should, considering the effect and the importance of its provisions. I want Members present in this House to take the provisions of the Bill seriously. After all, they are not so insignificant or so unimportant that they can be treated so lightly as I have noticed since the day the debate began on this Bill.

Sir, so far as the principle of the Bill is concerned, I am in agreement with the framers of the Bill. I admit, Sir, that the question of right in property for our womanhood is very important, and it must be conceded. All the same, I find that the provisions have been framed in a way that they go far beyond what

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is actually essential or what is sufficient to meet the necessities of the times. I know, Sir, that the provisions of the Bill will get due consideration in the Joint Select Committee, but considering the importance and far-reaching effect of those provisions, I think it is essential that their effect should be clarified at this stage in this House so that those provisions may be before the public to enable them to form their opinion and also that the Members may get an opportunity to consider them from the point of view which I want to place.

Sir, in clause 5, in class 1, those parties which have been included are widow, daughter, daughter's son, son's daughter, daughter's daughter. I maintain, Sir, that if we allow only the widows and the daughters our point will be served.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to discuss the clauses of the Bill in detail at this stage.

Mr. R. R. Gupta: Sir, so far as the principle of the Bill is concerned, I have already said that I agree with the principle that the widow women and the daughters should be allowed.

Mr. President (The Honourable Sir Abdur Rahim): That is the scope of the discussion on this motion.

Mr. R. R. Gupta: Very well, Sir. But I am opposed to the principle that the property should be divided in such a way that nothing should be left for the sons after one or two generations. The provisions, as they are framed, are liable to finish all the property of a father after two generations. Furthermore, my submission is that the benefits of property should be allowed only to the daughters and not beyond that. After all, those daughter's sons and daughter's daughters will get the benefit of their father's and grand-father's property. Besides, provision has been made in this Bill that the property belonging to the mother should go first to the daughter's side. I think that is also very unfair, for the mother, her son and daughter are in the same category. I have accepted the principle that our womanhood does require encouragement and they must not be allowed to remain in the position where from their birth they start feeling an inferiority complex in their own father's house. Also I agree to this principle because I find that if we allow the right of property to be given to our daughters also, our motherhood will subsequently improve; but at the same time we must not forget that it is the present system of our Hindu law which has preserved the solidarity of our families for the last two thousand years and more, in spite of the severest attacks over its existence. Therefore, my submission is that very full consideration should be given to the provisions of this Bill.

Secondly, I submit that the publicity given to this Bill is not sufficient. As a matter of fact when I first came to this House I myself did not know that any such Bill was coming up for consideration. Therefore, enough publicity should be given and enough public opinion should be obtained before the Select Committee for deciding questions in their proper perspective.

Thirdly, I would like to know whether the object of this Bill is to give retrospective effect or it will be brought into force only from the date on which it is passed. I submit that it should not be given retrospective effect; otherwise it is liable to affect many calculations of many families very badly and adversely. With these words, I support the motion to send the Bill to Select Committee.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I have heard with great attention the objections that have been taken to the motion. The opposition can be divided into several parts.

First of all, they say it will lead to the breaking up of the society. In other words, they say that today the society that exists is the same society that existed before in the days of Manu and that it has not changed in any way. Now, if they will look back to the structure of society in the days of Manu, they will see that the structure of society then was the *chatur-varna*—the four *varnas*—and the four *asramas*. Today there is only *varna*—if you study the texts of those days—and that is, Sudra. If one were to take into consideration the injunctions and the obligations that have been laid down for the different *varnas*, one can only say that there exists now only one

varna; and there existed only the *Grihasta Asrama*—no other *asrama*, neither the *Sanyasa Asrama* nor the *Vanaprastha Asrama* exist; and if that really had been followed, my friend, Pandit Nilakantha Das, would have been in the forest and not in this House to deliver his remarks on this Bill. (Interruption.) The structure of society has, therefore, changed. This society has existed because it has adapted itself to different circumstances; a living organism can only exist and does exist by adapting itself to the several circumstances that crop up from time to time.

The principle of any legislation should be that it should not be against any public policy, that the legislation should be in the interests of the public in general if it is a general legislation, and should be in the interests of the community in particular, if it is for a particular community. I have not heard how this particular legislation is going against any of these principles.

The other objection that has been raised is that there was no demand and there has not been sufficient time for publicity or the public to think over the matter. This question of whether women, and particularly daughters, should be given any right or not, has been agitating the minds of the people since the days of the Deshmukh Act—the Women's Rights to Property Act. In the original Bill the daughters were included. In the original Bill absolute estate was given. Those were very quiet times and the people had expressed themselves in favour of it—the majority were in favour of it. It was unfortunate then that the Government was not so minded as to go with the progressive opinion in the country. Apart from that, this question of women's rights has always been before the country. For instance, Mr. Datta, the Deputy Speaker, had brought a Bill; Mr. A. N. Chattopadhyaya had brought a Bill and so it cannot be said that this Bill has been sprung all of a sudden on us; the people had quiet times to think whether daughters should be given any interest or not; and what interest they should have in the property.

The point has been made that a majority of the Hindus are absent in this House. When they say the majority of Hindus, they evidently mean and refer to the Party which contained a majority of the Hindus, that is, the Congress Party. That was a Party which was progressive: it was progressive in politics and it was progressive in social reform. And those who are in the vanguard of politics can never be in the background of social reforms. They had, in co-operation with the women, to work for the good of the country; and when they were seeking the co-operation of the women and when the women were in the forefront also and working side by side with them, no legitimate rights could under any circumstances be denied to them.

You will see that I am not wrong in saying that the women identified themselves with the Congress movement and the Congress identified itself with the women's movement. Apart from this Bill to which I made reference, a Resolution was adopted by this House when the Congress was attending the Assembly, on the Bill for maintenance and residence. The Resolution was adopted, and on that body which was constituted during the regime of Sir Nripendranath Sircar, and some credit should be given to him for having sponsored the cause of women because it was due to him, though to a limited extent, the rights of women were granted by the Deshmukh Act. But for his co-operation and sympathy, I do not think the House would have succeeded in getting for women the rights that they have secured. This Resolution was passed, and on that Resolution there were two women legislators; one was Mrs. Subbarayan who was a Member of this House (*An Honourable Member*: "She is.")—she is not at present attending unfortunately; and the other was Mrs. Munshi, who was again a legislator but belonged to a province; she was a legislator in a province. Now, it was rather an unfortunate circumstance—I do not wish to justify or condemn the steps which were taken in boycotting this particular committee. But they could not attend and no effect could be given to that Resolution; but I am showing that the Congress was one with the women's demands and they were more particular to remove such economic or social grievances which came in their way, in their uplift.

[Mr. Govind V. Deshmukh.]

Now, apart from the fact that this question was agitating the minds of the public and of men and women in the Hindu society since the first Bill, the Deshmukh Act, was introduced, this matter has been before the public always. This Rau Committee had issued a questionnaire, a very long questionnaire and they got replies. Afterwards they drafted the Bills. The Bills were circulated; public opinions were sought and called for and the opinions have been submitted. I cannot, therefore, think of a motion for circulation of this Bill as anything but a dilatory motion. I cannot think what better purpose can be served. It cannot be that we have not received sufficient public opinion regarding this Bill. Therefore, I submit that there is no necessity for sending this Bill for circulation to elicit public opinion. If at all any necessity is felt by some that further opinion should be taken, I think after this debate and before the holding of the Select Committee meetings there will be sufficient time for the public to give their opinions. After all, the Bill is not a very long one, it contains a few sections, and it should not be difficult to give an opinion.

1 P.M.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): How will their opinions be taken and considered?

Mr. Govind V. Deshmukh: The Select Committee meeting will be there, and this Bill also will be discussed on the floor of the House. You can move amendments. I do not think that members on the Committee will be so unreasonable; don't start with the prejudice that the reformers are westernised persons. You must consider that they think just as much of their society as you do. May be, your views and their views do not coincide, may not be identical, but why do you think that your view is correct and their view is wrong? Why should it not be otherwise? I have shown that our society has not been static or hidebound from the days of Manu, it is expanding itself in all directions. Therefore, to say that persons who advocate reforms have not the interests of the Hindu society at heart is to show very little consideration for their views. The opinions that I hold in my hand are not the opinions of only westernised Hindus. You will find that Judges, lawyers and other individuals who are in favour of this Bill are men who have spent their life in India. One should not also run away with the idea that there would be no changes in the Bill as it has been brought forward. The Bill that has come up is likely to undergo some changes. If, therefore, persons have got anything so say, the matter can be considered in the Select Committee if you would be vigilant enough to put forward your views; if you wish to sleep, don't blame others. Then there would be time enough for this Bill being amended in proper form. There will be time enough when the Bill comes in the August Session for amendments, if they are proper, to be adopted by this House. Don't start with the idea that except yourself everybody else is unreasonable.

Babu Baijnath Bajoria: Whom are you referring to by saying, "you"?

Mr. Govind V. Deshmukh: I am referring to those persons who oppose on the ground that these views are the views of persons who have advanced views or whose views do not coincide with their own. They should not think that other persons or other Members in this House are so unreasonable that they will not be reasonable enough to adopt your views or ideas provided they are reasonable or equitable, provided they can be justified on the ground of justice, equity and good conscience,—in the interests of the society, if you please.

It was also asked whether there was any demand for this law. I have already explained that the general question has been the subject of agitation for a long time, but even as regards this particular Bill the women want it. Six associations of women want this Bill to be passed as it is. I do not say that there are not individual women who want certain amendments; not that there are not women and men who would like to have the section about *stridhan* and heirs to *stridhan* to be modified, not that there are not men and women who would like the order of succession to be a little different. That

is a different matter. But, so far as the broad principles are concerned, all branches and all organisations of women have accepted the Bill *in toto*; they want it to be supported as it is.

This Bill gives us a uniform law. It is curious that in different provinces the right of women are different. It is curious to see—and it may be an interesting point for Historians or Sociologists to investigate—that women in Bombay Presidency enjoy better rights; for instance, when the daughter steps in as an heir, she inherits absolutely. Again, a woman could adopt a boy without the consent of her husband. These are some of the instances which occur to me now, which show that women exercised greater powers over their property and in other matters which are necessary for a family life. In other provinces women's rights have been very much restricted. If we have a uniform law—and it is necessary in these days—governing the whole community, it would be something which will create a sense of unity amongst the Hindus. As a matter of fact, one of the necessary things which go to make a nation is one uniform law. If we have got this uniformity all over the country, then we can very well point to some law which affects all the Hindus in a uniform manner. Let it not be said that the old thing can continue any longer. In the old days when society was agricultural, when people were tied down to their lands for the purpose of agriculture or for the purpose of security, because in those days I suppose it was a period of constant fighting—people had to stay in one place. But now, when members of a family split up and go in search of jobs all over the country, you cannot have the same law. Law needs change and if persons from one province go to other provinces, they cannot carry with them the same *lex loci*; in other words, they cannot carry with them the law of their own province when they go to a different province and stay there for years together. So, it would be better from the point of view of succession to such persons to have a uniform law.

Babu Baijnath Bajoria: May I ask one question? Can you apply this to Britishers who come here and stay in Hindustan and own property in this country?

Mr. Govind V. Deshmukh: Unfortunately, they are not Hindus; otherwise I would like to. If my Honourable friend can get those people turned into Arya Samajists, I will be the first to have this law applied to them. But the misfortune is that your society is such that it will not take in people,—a thing which was followed in days past. You will not expand your society. You isolate yourself,—that most unfortunate thing that the Hindu society started recently about two hundred years ago. If you read some of the *Smritis*, the *Rishis* were very wise. In a province like Sind there was a *Rishi* called Deva, and he wrote *Deva Smriti*, in order that people who were forcibly or otherwise converted may be taken in but you became such a crystallised society afterwards that you are not taking in any people. You have isolated yourself.

Mr. Lalchand Navalrai (Sind Non-Muhammadian Rural): We took in *Sanjogis* also.

Mr. Govind V. Deshmukh: It would be very good to have this law affecting all persons who are Hindus as defined in the Act. The advantages of a uniform law are immense.

Now, Sir, during the course of the debate it was pointed out by several speakers that if you give shares to the daughters, the sons and the widow, the agricultural property would be divided into so many fragments and they said that taken from that point of view it was not advisable. They say that agriculture itself is not paying and you would be introducing strangers when you give rights to the daughters. These questions were also before the public when the Deshmukh Act was introduced and when I went through public opinion at that time I had dealt with these two points. It is not something which has suddenly cropped up just now. The difficulties of fragmentation of agricultural holdings because of the partition between the different brothers or the father and the sons came into existence. Now, in my province, at least, there is a law which consolidates holdings. If there are difficulties which crop

[Mr. Govind V. Deshmukh.]

up, then it is not beyond human ingenuity to get over them. As I have said, the Consolidation of Holdings Act enables parties to get over the difficulty of fragmentation. Take the question of introducing strangers. That again can also be got over by giving the co-sharers the right of pre-emption, so that the strangers cannot get it. Persons belonging to the family should have the right of pre-emption. Now, agricultural holdings are cultivated as tenancy farms and if a person wishes to part with his share, the person who is left has the right of purchasing the rights of the outgoing tenant. It may be said that under those circumstances the stranger would be demanding a very high price and it would not be possible for the person belonging to the family to purchase those holdings. This difficulty also can be got over.

Babu Baijnath Bajoria: Then you are against fragmentation of property and against introducing strangers?

Mr. Govind V. Deshmukh: I say that the difficulty of fragmentation can be got over. It ought not to prohibit anybody from giving the daughters' share. That ought not to stand in your way in giving them their rights. The question of fragmentation ought not to frighten you into disallowing them their rights. That is all I say.

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.

Mr. Govind V. Deshmukh: Sir, before the recess hour, I was going on with two objections which were prominently put before those persons who wish to support this Bill.

Dr. Sir Ratanji Dinshaw Dalal (Nominated Non-Official): Sir, there is no quorum.

(After the Bell rang, there was quorum in the House.)

Mr. Govind V. Deshmukh: I was discussing the question with which the supporters of the Bill are supposed to be faced with, the question of fragmentation of holdings, and I said that that question was one which has been got over and could similarly be got over in this particular case by an Act as there has been an Act for the consolidation of holdings. I further said that if it was feared that some stranger would be introduced if the share was given to the daughter, I was suggesting that that fear could be got over by means of the right of pre-emption which is given to a tenant in common when one tenant wishes to go out and dispose of his holding. A similar provision is found in the Tenancy Act of the Central Provinces. For instance, if an absolute occupancy tenant wishes to part with his holding, then the Malguzar, the landlord of the village, has a right of pre-emption. Then the question is raised or will be raised in this particular case that a stranger or the person who wishes to alienate the property to a stranger may ask for a fabulous price. Just as has been done in that case, a provision could be made in this particular case also and a court could be appointed to fix the price for pre-emption. All these questions which are raised just to frighten us could be got over, as I said, by legislation and all other difficulties could also be got over by the necessary legislation.

Then, we were told that women are incompetent to manage their property. If it is a question of the illiterate women whom they have in view, then there are illiterate men also who cannot manage their property and others are required to manage their property. You on that ground do not disqualify men. Now, if it be also urged as an argument against giving the daughters any share that they would be alienating the property to strangers or to any persons out of caprice, then I may say that there is the Contract Act which invalidates all transactions which are brought about by undue influence or coercion. So, let us not be frightened with the skeletons in the cupboard which they point to and let me say this that we should not be deterred from granting the daughters

their legitimate rights which this Bill proposes to give. These fears of incompetency, strangers being introduced or fickleness of women, which, according to them, is proverbial, should be brushed aside.

Now, Sir, after I have gone through the principal objections that have been raised, there can be no valid objection to the rights being granted to the daughters. As I said in the very beginning, the Congress is with the women. As a matter of fact, when I say the Congress is with the women, I mean that Congress is for all advanced and progressive measures. The Congress has been for progressive legislation. Take the question of the validation of the Aryan Marriage Act. Is it conceivable that but for the support of the Congress that progressive measure would have been passed? I do not think so. And yet it was a necessary and progressive measure. Let me give another instance. The Muslim Dissolution Marriage Bill which was passed into an Act was also passed principally through the support of the Congress. In fact, the sponsor of the Bill, Mr. Kazmi, was a gentleman who belonged to the Congress. But for the Congress, that Bill also would not have been passed into an Act. The Deshmukh Act, to which I have already referred, would also not have been passed for the Congress support. So, the Congress support is there for all progressive measures. Let that be taken for granted. And the Congress is with this Bill also in spirit as has been evidenced by several activities of theirs. If I forget not, the National Planning Committee also came to the conclusion that Hindu women should be given these rights which find place in this codified Bill. The President of the National Planning Committee was Pandit Jawahar Lal Nehru and he is now detained in jail. So, I do not think that any purpose would be served by circulating this Bill for public opinion. I, therefore, lend my full support to this Bill. I said it before and I say it again that it should not be taken for granted that when the Bill goes to the Joint Committee, no reasonable amendments can be moved. If it is the fear of anybody that they have certain ideas to suggest or certain reasonable amendments to suggest and that they will not be accepted, then they are labouring under a misapprehension. With these few remarks, I lend my full support to this Bill and to the motion before the House.

Babu Baijnath Bajoria: Sir, I am neither a lawyer nor a learned Pandit.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Would you not move your amendment?

Babu Baijnath Bajoria: Yes, I will, with the permission of the Chair.

Mr. Govind V. Deshmukh: Sir, on a point of order. Can the amendment be now moved?

Mr. Deputy President (Mr. Akhil Chandra Datta): When the notice was given?

Babu Baijnath Bajoria: Sir, the notice was given yesterday to the Secretary, the Law Member, Leaders of the Parties, to the Honourable the President and to yourself. And I do not think there is any principle involved in this amendment, because there is already a motion for circulation of the Bill before the House asking for public opinions by the 31st December, 1945. So, I don't think there can be any objection.

Mr. Deputy President (Mr. Akhil Chandra Datta): Will you please read out your amendment?

Babu Baijnath Bajoria: Sir, the amendment of which I gave notice is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1943.

Mr. Deputy President (Mr. Akhil Chandra Datta): I think I shall allow it.

Babu Baijnath Bajoria: Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1943."

Sir, as I said before, I am neither a lawyer nor a learned Pandit and as such I pray to God that He will give me courage, strength and wisdom to speak sensibly and convince the House of the remarks that I make.

"Mukam karoti wachalam pangum langhayate girim
Tat prasadaaham wande parmanand madhavem."

[Babu Baijnath Bajoria.]

"The Bills solely concern the Hindu community and while they embody some very desirable reforms, the opinions received by the Provincial Governments show that they are in advance of the Hindu public opinion in Behar. The present seems to be an inopportune moment for the introduction of legislation involving such radical changes as the Bill seeks to introduce. It would be advisable to postpone such legislation till normal conditions are restored when the Central Legislature will be in a better position to consider the desirability of introducing such far-reaching changes in Hindu law and customs."

I think Sir, the Government of India should reconsider this matter and should agree for circulation.

Then again, Sir, on the question of proceeding with this Bill now, whether people will take any interest in such a measure at the present moment and whether there is demand for such a far-reaching measure at the present moment, speaking again for Bengal, I must say that the people there are starving they cannot get food. There is food shortage.

Kunwar Hajee Ismaiel Ali Khan (Nominated Non-Official): How does it concern the Bill?

Babu Baijnath Bajoria: I can assure my Honourable friend that I have got very much to say, but I will not say anything which does not relate exclusively to this Bill. I will try to avoid repetitions also. People are starving in Bengal. Rice is selling at Rs. 30 a maund, people cannot get clothes, the price of cloth has gone up abnormally beyond the means of poor people and even of middle classes. There is bombing in the Province, people are always living in mortal fear of bombs. Calcutta was bombed sometime ago. Even a few days ago, Chittagong was bombed. Here again, this Bill is another, I will not call it bombing, I will call it under-mining of Hindu society. With the scarcity of food, with the scarcity of clothing, with bombs falling over head, with this mine underneath the ground in the shape of this revolutionary change in Hindu society, how can you expect the people to take any interest. They cannot afford to take any interest in this Bill at all which they would have done in normal times. So, again I say that this is also one of the reasons why this Bill should not be proceeded with at this time. But Government thinks otherwise. They think that there is a big demand, and, therefore, this

legislation is very very urgent and if this legislation is not passed probably the Hindu Society may fall to pieces, or the position of women may be gone for ever. But, I say, that this Government itself is on its last legs; it is tottering and a tottering Government on its last legs is only giving us its parting kick. Sooner, rather than later, I suppose, this form of Government will go and another Government, more national, more sensible—with more Hindus—will look after the true interests of Hindus. They will not only look after the interests of Hindus, but, I say, they will look after the interests of Hindus, Muslims, Sikhs and all other communities in matters of social reforms. I do not want that the traditions and customs of Mussalmans should be tampered with, nor do I want that the traditions and social customs of Hindus should be tampered with as this blessed Government has been doing without any sense of responsibility. They are responsible to themselves; they are neither responsible to this House nor to the people of this country. So, I refuse to take anything from this Government in such matters. Sir, I think, we should wait for better times to come. There would be a change of constitution. We will know what that constitution is. We will have representatives in this House who would be responsible to the people and there would be our own representatives in the Government who would do justice to our cause. And this is one of the reasons why I say that this Bill should not be proceeded with now. These, are in short, my reasons for proposing that this Bill should not be proceeded with now. I think, I have made a strong case for circulating this Bill for eliciting public opinion till December, 1943. It will mean that we will have a few months more and, then, at the next Budget Session we will discuss this Bill. By that time, I think, this Government might have changed also.

Sardar Sant Singh (West Punjab: Sikh): Let us hope so.

Babu Baijnath Bajoria: Yes. Let us hope that a National Government

Now, I come to the origin of this Bill: How this Bill has come into being? Notice of a few Bills were given by non-official Members of this House. Some of these Bills were introduced and some did not reach even the stage of introduction. Government in their anxiety, as if they are in agreement with those principles, hurried to appoint a committee—Hindu Law Committee, as they called it—presided over by Sir B. N. Rau. The initial object of this Committee was, firstly, to see the defects in the working of the Women's Property Act, 1937, as amended by the Act of 1938, which is generally called Deshmukh Act. The Honourable the Law Member himself has said that "this Act has proved to be wholly unworkable". And, now, to undo one wrong Government is trying to perpetrate hundred wrongs in this Bill.

An Honourable Member: Much more.

Babu Baijnath Bajoria: Then, Sir, there was another Bill by yourself, Mr. Deputy President, and with your permission, Sir, I would like to touch on the object of these Bills by non-official Members in order to show that what these non-official Members wanted by the introduction of piecemeal legislations, as they are called, were very minor changes in the Hindu Law compared to this octopus which we have got here. Sir, your Bill contemplated an addition of a proviso to Section 3, sub-section (1) in order to introduce the following changes.

"Provided further that in the absence of a widow or a son or a son's son or son's son's son of the intestate, the property of the deceased shall devolve on his daughter, subject to the limitations and in the order provided by the Hindu Law in this behalf:

Provided also that in the last mentioned case if there is a widow of a predeceased son existing with one or more maiden daughters, she shall inherit as a maiden daughter and if there is no maiden daughter but one or more married daughters having a son or sons the predeceased son's widow shall inherit as one of such daughters and if the daughter dies leaving a son or sons the son or sons shall inherit, their mother's share along with the son's widow—or son's son's widow or son's son's son's widow."

This is the main object; the other part is consequential. You only wanted a clarification or betterment of the position of the daughter vis-a-vis the position of the widow of the pre-deceased son. Mr. Angarendra Nath Chattopadhyaya's Bill was, more or less, of the same nature. Dr. Deshmukh and Kailash Behari Lal wanted to have retrospective effect of the Bill from the 26th of September, 1935, i.e., the date of introduction of the original Bill by Dr. Deshmukh.

Then, again, there was another Bill by Dr. Deshmukh which provided "that the widow should be entitled to absolute estate (this is important) to the extent of 1/6th of the property inherited by her husband." These were, in short, the objects of those non-official Members who introduced Bills for legislation. None of these Bills contemplated that daughter should be made simultaneous heir with widow, son or grandson. To consider the points raised in these Bills the Rau Committee was appointed but this Bill, framed by the Rau Committee, has practically no relation or bearing with the objects of the Bills which were then introduced. It has gone far beyond any of them. I think they have gone beyond their terms of reference which they had no business to do, but as eager jurists they took the sanction of the Government of India. Sir B. N. Rau wanted to create a big name for himself. He wanted to sit on judgment on Manu and Yajnavalka and that is why he wanted to codify the whole of the Hindu Law. In their generosity the Government of India permitted them to go on. I do not know how much money has been spent on this Hindu Law Committee. I think it runs into several lakhs. It would have been better if this money had been spent on a more noble cause.

This brings me to the question of the three main features of this Bill. As I am not a lawyer, and if I make a mistake, I shall be glad to stand corrected, and as the Honourable Mr. Ambedkar is listening to me, he may point out any mistake I may make. I will read the very words of the framers of the Bill:

"Firstly, it embodies a common law of Intestate Succession for all Hindus in British India. Secondly, it removes sex disqualification by which Hindu women in general have been precluded from inheriting property in various parts of India: and thirdly, it abolishes the Hindu woman's limited estate."

I will deal with these one by one. The first one is about a common law of Intestate Succession in India for all Hindus throughout British India. This again can be divided into three parts: firstly, codification of Hindu law;

[Babu Baijnath Bajoria.]

That God can make a dumb man a great orator; that God can make even one who has got no limbs to cross mountains. It is He who will give me courage, strength and wisdom to speak on this Bill and convince the House.

First of all, Sir, I am surprised at the attitude of the Government in bringing forward this measure which is a most controversial measure, at the far end of the Session without giving any notice thereof. Sir, there is a rule of this House that at the beginning of each Session we are supplied with a list of official business that has to be undertaken during the Session. This Bill was circulated by an executive order even long before the commencement of the Session, so it cannot be said that this Bill was not in existence at the beginning of the Session. When the list showing Government business to be transacted during the Session was given to us there was no mention whatsoever of this Bill. Naturally, we were under the impression that this Bill will not be proceeded with in this Session. I was under the impression that this Bill will not be proceeded with during the present war, because it was not an emergent measure and had nothing whatever to do with the war effort to which the Government is concentrating all its resources. It was merely through an accident that I happened to be here when the motion for reference to Select Committee in respect of this Bill was made. I am obliged to my Leader, Dr. P. N. Banerjee, who wired to me at Calcutta and I came here. Sir, I did not know the purpose for which he sent for me. It was only on the morning of Wednesday last that I came to know that this Bill was going to be referred to Select Committee on that very day. I take a very strong exception to this attitude of the Government. I do not know what is in their minds in rushing through this Bill at this far end of the Session.

First of all, Sir, I will speak on my amendment and I will give cogent reasons why the Bill should be circulated and not referred to Select Committee. Sir, this Bill has not been given proper publicity which it deserves. Such an important Bill as the present one deserves very wide publicity. But the Government has not done so. They simply circulated it for public opinion by an executive order, that is, through the back door. Sir, the usual procedure is that the Bill must be introduced in this House and by a motion of this House it is to be sent to circulation. But the Government did not do anything of the sort. They sent it for circulation by publishing it in the Gazette of India and the Provincial Gazettes. Sir, in these days of paper shortage, these Gazettes are not obtainable to members of the public, and I have a first hand information from persons who wanted to have these Gazettes but did not get them. So, I say that this Bill has not been properly circulated.

Mr. Lalchand Navalrai: Circulation means waste of much paper.

Babu Baijnath Bajoria: If Government has not got paper or money to acquire the paper I would ask them to open a subscription list for that purpose and I will see that that list is over subscribed within no time. Again, this Bill was published in the Gazette of India on the 30th May, 1942, and it was published in the Provincial Gazettes in some cases in the middle of June and in others at the end of June, 1942. Sir, the time provided for submitting opinions to the Provincial Governments was, if I remember aright, about the middle of August. Sir, for such an important and most controversial measure to give only one and a half or in some cases two months for giving opinions can hardly be said sufficient time. Sir, it may be argued by the Government that even after that date people could have sent their opinions either to the Provincial Governments or direct to the Central Government and those opinions would have been considered. Sir, once the people know that the date by which they are to give their opinions has expired, naturally, they will think that their opinions, if submitted after that date, will not be considered. So, they did not take the trouble of submitting their opinions.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): The opinions received late are not considered by the Government.

Babu Baijnath Bajoria: Sir, as Maulvi Muhammad Abdul Ghani says it is a

fact that in most cases opinions which are received late are not accepted by the Government. Sir, that is the reason why this Bill was not given the publicity it deserved, sufficient time was not given. What is the result? We have got one small book containing 70 pages of opinions. This small book of opinion was received from eleven Provinces of India. Does this show that sufficient publicity was given to the Bill? Certainly not. Even on small matters of piecemeal legislation, we used to have a bundle of opinions containing 100 pages and more. Here nothing of the sort. Are we going to pass into law a measure of this nature, of such a controversial nature which strikes at the root of Hindu society relying on the opinions of these few persons? I, for one, cannot be a party to such a procedure. I would respectfully submit to the Honourable the Home Member and the Honourable the Law Member who is the sponsor of this Bill that he should take the public into confidence and accept my motion for circulation and to give this Bill as much publicity as possible before they proceed with this Bill further.

Again, Sir, Bengal, from which you, Sir, and myself come is the Province which is mostly affected. It is only there that the Dayabhaga school of law prevails. The Bill now under discussion specially applies to this school of Hindu law. In Bengal this Bill was not published in any vernacular papers. I am not speaking from memory or I am not saying anything which I cannot prove. The Bengal Government have said that the Bills were published in Calcutta Gazette on 18th June and they were not translated into any other language.

Mrs. Renuka Ray: If I may interrupt the Honourable Member, I have to say that these Bills were published in Bengali by the All India Women's Conference in its Branches throughout Bengal.

Babu Baijnath Bajoria: As regards Women's conferences, I will come to that later on. I will show conclusively that these women's conferences comprise only of a handful of women or butterflies as I call them. The issuing of some pamphlets by women's conferences or by the Sanatanists conferences does not make any difference. Sitting in the Chair, I do not know whether you can go into this technical objection which I raise whether we can proceed with this Bill in view of the inadequate publicity that has been given to this Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): No objection like that has been taken.

Mr. Lalchand Navalrai: It is left to the Provincial Governments to do that whether they do it in English or in Vernaculars?

Dr. P. N. Banerjee: He has mentioned the fact that it has not been done.

Babu Baijnath Bajoria: I am only mentioning about Bengal. I do not speak for other Provinces. I know that in Bengal, this Bill was not translated into Bengali. I mention specifically Bengal because that is the Province which is mostly affected by this legislation. What is the necessity for hustling this Bill through? Again, I will refer to the opinion of the Government of Bengal and the opinions which were received by the Government of Bengal. They say that this is the most inopportune time to proceed with a measure of this nature. The Government of Bengal themselves say that in view of the controversial nature of the proposed legislation and the intricate questions of law and customs involved, the Government of Bengal are of opinion that the consideration of the Bills may be postponed till after the war. The opinions which have been received from other people also say the same thing. I am also of the same opinion and that is why I tabled an amendment to that effect on the first day. But unfortunately under the Rules, the Chair ruled it out of order and so, I have given this amendment. This is not a dilatory motion. I humbly submit to the House and to the Government that my motion for circulation by December 1943 is not at all a dilatory method or an obstructive method. If this Bill is to be proceeded with, I want that it must be widely circulated. The Government must take it upon themselves the duty of getting complete public opinion on this Bill and then only proceed with the measure. The Bihar Government also are of the same opinion. The Bihar Government say:

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secondly, modification or reorientation of Hindu law: and thirdly, uniformity i.e., this code will be applied to all Hindus throughout British India, whereas at the present moment several schools of Hindu law are in existence.

Coming to the first point about codification, I would, with your kind permission, remind the House that an exactly similar motion for codification of Hindu law was raised in this very House in 1921 by K. G. Bagde. This was the resolution before the House:

"This Assembly recommends to the Governor General in Council that he would be pleased to appoint a committee to consider the question of the codification of Hindu law, and if possible to prepare a draft code for submission to the Indian Legislature."

Sir, on this resolution, no less a personality than Sir Tej Bahadur Sapru (he was then the Law Member) said—and I can do no better than quote his own words, which will, I think, command much more respect in this House than words from a humble man like myself:

"Anyhow, the real point is that even in regard to the German code, which has been described by Professor Maitland, as the most perfect code invented by the human mind during the last 200 years, the German nation proceeded with the utmost possible caution. As my Honourable friend, Mr. Bagde, himself pointed out, the first attempt began about the year 1846 (dates are important) and you will find that the first Commission which was appointed there to codify the law was in the year 1887 or 1899 (that is 40 years after). It laid down what is known as the first project. This first project was again followed by what is known as the second project, and this again in its turn was followed by the third project.

So, time after time there was revision by committee or commission and again by another committee or commission, and it was not until the year 1896 that the German code was put in its final shape, and even after that it took four years to obtain the Imperial sanction. This is the caution and the circumspection with which they proceeded there.

Similarly, I could give, if necessary, the history of other continental codes. In recent years the most remarkable instance is that of the Swiss code which again was brought into existence after arduous labours extending over a long number of years. Therefore, while as a lawyer, and as a Hindu lawyer, anyone in my position should consider it his pride and privilege to assist his own countrymen to have a system of personal laws in a codified form, I would beg the House not to allow its enthusiasm to over-run the necessary caution in this matter."

Again, Sir Tej Bahadur Sapru goes on to say:

"Again, my Honourable friend, Dr. Gour, seems to think that once law has been codified, all the troubles are over. The best answer that I can give is by referring to Dr. Gour himself. Take for instance the Transfer of Property Act consisting of 138 sections, and yet the learning, patience and knowledge of Dr. Gour has given us three stupendous volumes extending over many pages. Take again his book, the Hindu Code, into which he says, he has condensed the whole of the recorded wisdom of ancient sages in 290 sections. But look at the book itself. It extends over 1200 pages. Therefore, let us not build our hopes too much upon mere codification. At the same time it is a great mistake to suppose that when law has been codified, there can be no room for doubt or difficulty. In this connection perhaps the House will allow me to refer to two very suggestive passages, one from Bentham and one from a French writer. Now, Bentham, who was perhaps the most enthusiastic supporter of codification says:

"The object of a code is, that every one may consult the law of which he stands in need, in the least possible time; and a code should be complete and self-sufficing, should not be developed, supplemented or modified except by Legislative enactment."

Here Sir Tej Bahadur Sapru says that in Germany it took them over 50 years to codify their laws, and then even after the code was ready it took four years to get the Imperial sanction. Well, with regard to the codification of Hindu Law, the Hindu Law Committee was appointed only in the year 1940 or 1941. In these two or three years they want to make a complete code of Hindu law, of which only the first and second part have been published. I think this is going far too fast. Again, in Germany, Switzerland and other countries the question is not so difficult as it is in India, where even in the Hindu community there are so many castes and so many schools of Hindu code, and so many usages and customs existing. It is absolutely impossible, in my opinion, to try to make a Hindu code which will be applicable from, say, Kashmir to Cape Comorin and from Assam to Karachi.

Sir, there are two systems even in Europe. The first is the Anglo-American judicial system, which I will call the Allied system; here there is no codification, and each case is decided by the jurists and customary law prevails. Then

there is the continental judicial system or the Axis system. They have got codification in Germany, France and other countries. Here we are being switched on to the Axis system, with which I do not agree. Again, pure codification would mean that what is our law at present is to be reduced in writing, which in itself will be a stupendous and herculean task. If you make changes which in that law, it will make matters worse, as it has been done in this Bill. Are we here in this House to alter our ancient laws and social customs? For the Hindus it is difficult to separate religion from Hindu social customs or the Hindu law. It is the Hindu religion which has got its sway in all matters. Our greatest authorities are Manu, Yajnavalkya, and commentators like Vignaneswara who is the author of Mitakshara and Jimuta Vahana who is the author of Dayabhaga. Can this House here or the Rau Committee or any other committee sit in judgment over these Rishis and the authors of these texts? I for one am not prepared to submit to any judgment of this House or of any house which goes against the writings of these learned Rishis and of Manu—we call it a divine law. What will be the feelings of my Muhammadan brethren if a Muhammadan Code for them is tried to be formed here? I would appeal to the Deputy Leader and the members of the Muslim community here, what will be their feelings if, instead of their present law, instead of the law of the Shariat by which they are governed, this Government comes forward and tries to codify their law and make revolutionary changes in your law? Will you submit to that?

* **Mr. Lalchand Navalrai:** Still Mr. Kazmi has introduced Bills here.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. The Honourable Member does not give way.

Babu Baijnath Bajoria: Which Bill? Mr. Kazmi has introduced so many Bills; I do not know what Bill is meant

Mr. Lalchand Navalrai: Giving rights to women

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order: the Member is not giving way.

(Babu Baijnath Bajoria resumed his seat.)

Mr. Lalchand Navalrai: He has given way, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): He has given way now. He did not give way at that time.

Mr. Lalchand Navalrai: I am referring to that Bill of Mr. Kazmi in which the Muhammadan Law was changed into this, that women were given power of getting divorce under certain conditions.

Babu Baijnath Bajoria: A lawyer of the eminence of my Honourable friend must know that women under the Muslim law have already got powers and rights of divorce; he simply wanted that to be clarified.

Mr. Lalchand Navalrai: This is also clarification.

Babu Baijnath Bajoria: This is not clarification. Do you mean to say that Mr. Kazmi's Bill was a codification of Muslim law?

Mr. Lalchand Navalrai: No; reforming it.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): No question of reform.

Babu Baijnath Bajoria: No; here, this reorientation or modification will mean that we will be sitting in judgment over the Rishis and that we will be abolishing what we have been cherishing, observing, performing and following according to the dictates of Manu and Yajnavalkya. This is a thing which should not happen in this House.

Now, about the question of uniformity of Hindu law, that one uniform law should apply to all the Hindus throughout the length and breadth of British India. They say they are doing this for the sake of what they call simplicity. I do not know whether in matters of succession or like matters, simplicity should be the aim at the sacrifice of principles. I do not think that anybody would like that his law, the law by which he and his father and forefathers were being governed, should be changed and he should be asked and even forced to be

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governed by another law, which is an admixture. The Bill now before us is neither Manu, nor Yajnavalkya, nor Dayabhaga nor Mitakshara—it is a curious admixture of everything. I will say it is a "varna sankara" Act. The framers of the Bill have taken, at their convenience and according to their own sweet will, whatever they pleased from the various systems—a plum from this tree, a plantain from that and an apple from a third. (*An Honourable Member*: "Everything sweet.")—sweet according to them. No true Hindu can ever accede to such a thing. We see that the same kind of admixture is being done in the case of the Hindu Marriage Bill also. The Government are consistent, I must say; they have introduced that Bill to have "varna-sankari praja"; and in this Bill, for the "varna sankari praja", that is, the offspring of the admixture of castes, they are providing for this succession procedure. If you have got "varna sankari praja", you must have a "varna sankari" law of succession; and I think that that is what the Government intends. The Congress has gone one step further, I may say, though it does not come within the scope of this Bill—they are having an admixture of language—a "varna sankari bhasha", mixing Urdu and Arabic with Sanskrit and Hindi and making it a "klichri" of everything so that with the "varna sankari" praja and with a "varna sankari" law of intestate succession and a "varna sankari" language, I think, we will have a "varna sankari" age. I want to be pure, I want that there should be no admixture, and as such I do not agree to this so-called uniformity which they want at the sacrifice of all principles, at the sacrifice of our usage, at the sacrifice of our custom.

I now come to the second principle, namely, about sex disqualification. I may inform the House that excepting in Bombay where women used to have better rights, in the rest of India before 1929 the widow, the daughter, the mother, the grandmother and the great grandmother—these four females only had the right of inheritance, and even they had a limited estate, with no right of partition. The position, as a matter of fact, was that the woman did not inherit, but the sons inherited, but if the sons partitioned, then their mother got an equal share to that of the son. This was the position in 1929. By Act II of 1929 three more female heirs were introduced, namely, the son's daughter, the daughter's daughter and the sister. They were introduced as further female heirs. Under the Deshmukh Act, a change was made, and I agreed to that change and I stick to that change even now—and that was that the widow was given the right of partition and her share was to be equal to that of a son, but that was to be a limited woman's estate; she would not be able to part with the corpus of the estate. By another amendment in 1938 the widow of a predeceased son and the widow of a predeceased son's son, were included. These are all the female heirs who are entitled to any inheritance at the present moment. Then again, they get only a limited woman's estate. I may remind the House that at the time Dr. Deshmukh introduced the Bill the whole of the Congress Party was present here. Sir N. N. Sircar who is one of the foremost lawyers of Hindu law in India, was then the Law Member of the Government. He did not agree to the proposal of Dr. Deshmukh; he was opposed to it. He only agreed to the extent of the widow and giving her a right of partition and giving her a limited woman's estate. Originally the demand of Dr. Deshmukh was that mother, widow, sons and daughters were to be given equal shares and that the females should have a right of absolute ownership. But it was no less a person than Sir N. N. Sircar who turned that down and considered that such a change was not sanctioned either by the Dayabhaga or the Mitakshara, and did not agree to such a proposal. I referred at that time that he gave him half an anna where Dr. Deshmukh wanted one rupee. That is what I said at that time. But in these three or four years since 1938, what has happened that the Government of India should change their mind altogether? They have gone even much further than what all these reformers, all these introducers and promoters of these private Bills wanted. None of these Bills, except Dr. Deshmukh's Bill, which I have just mentioned,—and even

Dr. Deshmukh dropped the idea of making the daughter a simultaneous heir—which were referred to the Rau Committee mentioned anything of the sort.

Mr. Govind V. Deshmukh: He did not sponsor any Bill to that effect.

Babu Baijnath Bajoria: Even Dr. Deshmukh in the two Bills which were referred to the Rau Committee did not want anything of the sort. At the risk of repetition in order to refresh the memory of Dr. Deshmukh's elder brother here I will say that he only wanted that the widow should get an absolute right over one-sixth of the husband's estate.

Mr. Govind V. Deshmukh: What is the original Bill?

Babu Baijnath Bajoria: In the Deshmukh Bill which was referred to the Rau Committee—after the slap he received from Sir N. N. Sircar, which floored him, he never dared to raise his head nor had he the courage to ask for simultaneous heirship to the daughter again. (*Interruption*.) As a matter of fact Sir N. N. Sircar allowed that Bill to be introduced on an official day by Dr. Deshmukh only on that understanding; otherwise he would not have allowed that at all. The understanding was that he would confine it to widows and make it only a limited woman's estate. I can assure Mr. Deshmukh that what I have said here is hundred per cent. correct.

Mr. Govind V. Deshmukh: I doubt

Babu Baijnath Bajoria: In this Bill what do we find? Sex disqualification has been removed and daughter's daughter's daughter; mother's mothers's mother's mother, and sister's daughters and so on, have all been introduced as legal heirs, they have all been included. As a matter of fact, wherever a male is given the right, the female has also been given the right. This is not at all in keeping with either Hindu tradition or Hindu custom nor is it the demand of the public. A daughter's daughter is considered to be a very distant relation in a Hindu home because she changes two *gotras*. The daughter goes to another family, and her daughter goes to still another family. The whole thing is this. The conception of a Hindu family as understood by the framers of this Bill and as endorsed by this blessed Government is that a family consists of a person, his wife, his son and his daughter. Then, as regards brother, father, mother—they are all considered to be distant relations. That you find also in the rules of the Legislative Assembly in connection with the admission cards for Visitors. We can get admission cards for a wife, a son or a daughter without notice but for a father or for mother or for brother or daughter-in-law, two day's notice has to be given. This shows a conception of a Hindu family which is absolutely ignorant of the real position. It is really the conception of an English family. At any rate, it is not a conception of a Hindu family. So, in my opinion, no more female heirs should be included in the category than has been done by the Act of 1929 and so the total removal of son disqualification cannot be agreed upon.

The third question is about the abolition of the woman's estate. Here, the framers of the Bill say that they want to abolish the Hindu woman's limited estate and want to give each of the female heirs full and absolute right over the property which they inherit. This is a fundamental change in the Hindu law. The right to inherit property absolutely can be given only to a son or to a son's son or to a daughter's son and not to females, because according to our Hindu ideals, only the person who can give spiritual benefit to the deceased can take property absolutely and none else and a female is not capable of doing that. Here, I will, with your kind permission, read the opinion about this question of inheritance and absolute property of no less a person than His Holiness Shankaracharya Maharaj of Kamakoti Pith in Madras. He is one of the most learned acharya in this country and is highly respected by the Hindus. He says: "Every system of inheritance has a philosophy of social aims behind it. A Hindu should desire his property to devolve according to the ancient Hindu law of inheritance. The property of a deceased Hindu which passes with full ownership to another is known as *Daya*. All relations are not entitled to *Daya*. The object of allowing property to devolve is not merely the physical maintenance of those who take the inheritance. If it were so, a limited uniform provision may be made for all relations of the deceased alike,

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and the rest of the property disposed of otherwise. But the Hindu Law rests upon a definite system. There are some members who are entitled only to proper maintenance from the assets of a joint family, or of a deceased Hindu. A Hindu desires that his descendants should keep up the high spiritual ideals and the members of his family should continue to live the same mode of life, with the same *acharas* and beliefs, which his ancestors did. All members are to be provided with proper maintenance, so that they may maintain the family traditions, culture and *achara*. They will not be liable to do this properly, if they are left in want. Only some relations are declared entitled to inherit the *Daya*. The person who is entitled to the *Daya* takes it, though it may be more than what is needed for his maintenance. In return for taking the *Daya*, he is bound to offer *Pinda* or *Udaka* to his ancestors both immediate and remote. If the ancestors go without such *Pinda* or *Udaka*, they are deprived of the legitimate spiritual benefit which they expect from their descendants. It is the duty of the person taking the *Daya* to prevent such a happening.

If a person takes the *Daya* who is not qualified to offer *Pinda* or *Udaka*, such taking would be misappropriation. No Government should allow such misappropriation to take place. The Government would be acting without principle, if it allows such misappropriation, in the name of Hindu law. Persons who have no such beliefs have no right to be called Hindus, and there can be no objection to their having their own rules of succession, which cannot be any part of Hindu law. It is also the duty of the persons who take the *Daya*, to sustain and to continue the traditions and the ideals of the ancestors whose property they take. Any new set of rules which disregard the above principles cannot be good and proper. The innovations made by the Act of 1929, 1937, and 1938, will have the effect of allowing a large part of the joint family assets of Hindus to reach the hands of new heirs, who are not only not qualified to render the spiritual benefits to the ancestral line, but are enabled to take their portion without the corresponding responsibilities and obligations which have attached hitherto to the assets in the hands of the male heirs. Such obligations are numerous and include (i) the discharge of family debts, (ii) marriages of sisters and daughters of the family, (iii) the performance of various religious ceremonies (*Samskaras*) for all the members of the family, whether male or female, (iv) maintenance of members of the family, (v) expenditure which has to be incurred in respect of the sisters and daughters of the family, who by tradition are to be invited and supported in the family until they have become mothers of two or three children, and similar other obligations.

This opinion from such a holy personage ought to be enough to convince the Government of the impropriety of this proposal but I know that this Government, if it had any faith in spiritualism would never have brought forward such an unspiritual Bill. So, I would like to quote Dr. Ganganath Jha's opinion in this respect about *Shraddha*. I think he was as educated a person as any of the Hindu Members sitting on the Treasury Benches and I think his opinion will carry better weight with them. This opinion is on page 15 of these opinions. It is part of the opinion of Mr. Thakur Prasad, Munsif of Bijpur. Somebody from the Muslim League Benches the other day said, 'Have you no better opinion to quote than that of a munsif'. This opinion is not the opinion of the Munsif. It is the opinion really of Dr. Ganganath Jha which has been quoted by the Munsif. This is what Dr. Ganganath Jha says:

"There is a proposal (I do not know if it has become law yet) that in the middle of the list of inheritors of property as provided by the Hindu Law books one or two additions should be made. This proposal loses sight of the basic fact underlying the whole fabric of our laws of inheritance. So far as I have been able to understand these laws the order of precedence among inheritors is strictly in accordance with the liability to offer *Shraddha*. If that be so, will it be right and fair to interpolate new names into the list while the legislature cannot, I suppose, interfere with the liability to perform the *Shraddha*?"

He further says:

"The personal law of the Hindus is so complicated and interrelated in its various factors that piecemeal legislation is bound to be a failure and to create greater confusion than there exists already."

He then touches the religious and spiritual side of the question. He says that one who cannot give *Pindas* and one who cannot perform the *Shraddha* of his ancestors cannot have the absolute right of inheritance.

Apart from this, there are other questions to which Shankarachari Maharaj has also rightly alluded to, that is, about the obligations. If the woman gets the right of absolute inheritance, will she also be responsible for the obligations? There is no mention whatsoever about them in this Bill. It is discreetly silent on this point. Sir, under the ordinary law, a son or a grandson or a male heir has responsibilities for the debts of the family. They are responsible to pay the debts of the family and still they will have to share the property with those who have no responsibilities or liabilities. Where is the equity then? If you say

very well, the daughters will also take their share of the liabilities and they will also be responsible for the debt on the property which comes to their share. In that case also a very great difficulty will have to be faced. We all know that amongst the Hindus in the various parts of the country, in Bengal principally and even in my community and in other communities, there is a question of dowry at the time of the marriage of the daughters. Even by giving good dowries, it is impossible to get a good husband for a girl. And if the prospective husband knows that he will have to pay the debt of his prospective wife, then you can easily imagine who will marry that poor girl.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): What about the prospective property?

Babu Baijnath Bajoria: I think the argument of my Honourable friend, Mr. Neogy, is that the wife will get the property. . . .

Mr. Lalchand Navalrai: The incumbrance will be upon that property which the wife would get and if there is any debt, that will be the first charge on that property.

Babu Baijnath Bajoria: I was just going to say the same thing which my Honourable friend has explained. But who will undertake that litigation? Supposing the property is mortgaged and that mortgaged property devolves upon the sons and the daughters. That property will have to be auctioned. First of all, a mortgage suit will be filed in the name of the sons and the daughters and then it will take years before the case is decided. Will the husband or the husband's family like to go into litigation? Certainly not.

Mr. Lalchand Navalrai: Then they will have to give up the property.

Pandit Nilakantha Das: Parents will not be in the marriages at all. It will be all love marriages. That is at the back of the Bill.

Babu Baijnath Bajoria: As Pandit Nilakantha Das says, it will be a love marriage. Marriage by the front door and divorce by the back door. But I would have liked to reserve these remarks for the Hindu Marriage Bill.

Sir, there are other obligations also which have got to be considered. At present not only a brother but even a male cousin thinks it his moral duty to arrange for a suitable marriage for his sister because he thinks that she has got no right to property and, therefore, he maintains her suitably. He tries his best to see that she is suitably married and settled in life. But if this simultaneous heirship or absolute right of ownership comes in, take it from me that this question of moral obligation will vanish altogether, because even at the present moment a brother does not consider it his duty to maintain his brother or to arrange for his marriage and in many cases he does not do that. But he maintains and gets his sister married suitably. And in this poor land of ours, after all how many people are rich? I think the number of rich people is not even a few per cent. There are innumerable cases where brothers and uncles borrow money and pawn their ornaments and mortgage their property to get their sisters and their nieces married. All these things will vanish altogether if this Bill becomes a law. I can also say without fear of contradiction from ultra-modern Hindu women that the position of Hindu girls will become much worse under this Bill even if they get this right of absolute property. If the sense of moral obligation on the part of the male members of the family goes, their position will be helpless. Many of the poor sisters will have to remain unmarried and they will become destitute. So, so far as these three principles go, I think I have to the best of my ability proved that neither of these are desirable nor are they wanted and Government should not thrust them upon us.

Now, Sir, I would like to refer to a few important provisions of this Bill. First and foremost comes the question of the right of daughter to simultaneously inheritance. Needless to say, that I strongly object, with all the emphasis at my command, to this new innovation in the Hindu law. It cuts at the very root of the system of inheritance among the Hindus. There is no authority in any school of Hindu law to support this. I challenge anybody here on the floor of the House to quote any *Shashtra* or to quote any text from any school of

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Hindu law which says that when there is a son, the daughter should also become a simultaneous heir.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): It is intestate. It does not prevent a man from making his will in any way he likes.

Babu Baijnath Bajoria: My Honourable friend, Sir Cowasjee Jehangir, says it is intestate and the people can make wills. Do you expect that there will be hundreds of thousands of wills? Well, I do not expect such action from every body. It will be only English educated persons who will make wills. In the villages and towns ordinary citizens do not generally make wills because they know perfectly well that after all it is their sons who will inherit. Sir, the framers of this Bill have got this thing in their mind and they have mentioned that now that Wills are being freely made, those who want not to follow the line of succession as provided in this Bill may make Wills. I say that those who do not want to follow the Hindu Law—Dayabhaga Law—they can marry under the Civil Marriage Act. I would go so far as to say that it is better if they go out of Hindu fold. I do not want them to be Hindus in name, if they are not Hindus in their deed and action.

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): We are willing to have them.

Babu Baijnath Bajoria: You can have them. Sir, in the Explanatory Notes the framers of this Bill have referred to a text from Manu—Chapter Nine Verse 118—it is on page 6 of the notes:

"The brothers should severally give to their maiden sisters out of their own shares, each a one-fourth part out of his share; those refusing to give shall be degraded."

Here they base the right of simultaneous succession to daughters on this verse. But does it say so? It says the brother will inherit. It is not my own translation, it is Committee's own translations. The brother will inherit and then one-fourth of his share will be given to the sister.

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

Vijnaneswara's text is also mentioned but the translation is not correct. I have discussed it with the best Pandits and I am informed that the real meaning is: supposing there are three brothers and two sisters. The estate will be divided by five because the number of children is five and one-fourth of the share of one child i.e., one-fourth of one-fifth or 1/20th will be given to each of the two sisters, and the remaining 9/10th will be divided equally amongst the three brothers. This also does not apply in the case of all sisters. Here again they are mistaken. This relates only to maiden sisters and not to married sisters. As I have pointed out man provides for his daughter during her virginity till the time of marriage. It is a very salutary provision but in this Bill no distinction has been made between a married daughter and an unmarried daughter. As regards the married daughter, I say very emphatically, she is no charge on her father and she has no right on her father's property. She has been given away by way of a gift—"dan"—which means that father has no hold and no further right over the girl and this is the injunction for all Hindus and if you want to be a Hindu you will have to observe it.

Again, on page 15 of the Report of the Committee they have quoted one text from Manu—Chapter IX verse 130. Its translation as given in the report reads thus "A son is even as one's own self and the daughter is equal to the son; so long as she is there as the father's ownself, how can any other take the property".

Sir, this rule does not apply when there is a son. Again, it does not apply to daughters in all cases. The only case where it does apply to daughters is in the case of "Putrika" or "appointed daughter". There is a great difference between daughter and "putrika". "Putrika" means a daughter who is married on a specific condition that her son will become the son of the father of the daughter, in that and only in that case this rule applies. It means that daughter has been given away in marriage on the condition that her son will

become the son of her father. Here I will say that it is no use taking verses from here and there without any reference to the text. Sir, they have torn away some verses from here and there simply to show to the Hindu world that they have got the sanction of shastric texts behind. The framers of this Bill could have said that they have no faith in Hindu Shastras, Manu, Dayabhaga and others, as they are rules of good olden days which cannot be applied in modern times, and for the present their judgment will prevail. They are Manus, Yagnyavalkyas, Vijnaneswaras of today and we will have to follow texts and laws made by them. It would have been more sincere and straightforward on their part. Why spoil the names of great Rishis and misinterpret verses and mislead people that we are doing things in the name of Hindu Shastras? I am quite prepared to challenge anybody either here in this House or outside if he can contradict me on this question that Hindu Law as propounded by eminent Rishis like Manu and Yagnyavalkya, by commentators like Jimutavahana or Vijnaneswara who are the authors respectively of Dayabhaga and Mitakshara schools respectively gives no place to the daughter as simultaneous heir with the son. I do not know under what authority this Government while professing to have respect for these Rishis, as the Honourable Sir Sultan Ahmed mentioned the other day, yet go against their very basic doctrines. There is another very peculiar provision in the Bill. It says that the daughter is to be the "Gotraja" or agnate of her father even after her marriage. The thing is so absurd, so ridiculous and ludicrous that I do not want to speak at length on this point. Even the framers of the Bill have said in the Explanatory Note that—"We are aware that according to Hindu ideas, a girl upon marriage is deemed to be reborn in the gotra of her husband. Strictly speaking therefore, she is a gotraja of her father until marriage and of her husband after marriage."

Because it suits them, because they want to give the right to the daughter, therefore, they have made provision that even after marriage she will be the agnate, i.e., she will retain the gotra of her father and she will not take the gotra of her husband. I do not know from which authority they have laid this principle down. Excepting again the westernised women, no Hindu girl would accept this proposition. Certainly none will accept. A Hindu girl after her marriage becomes part and parcel of the family of her husband. She becomes part and parcel of her husband, and she and her husband have two bodies, but one soul. I see my Honourable friend, Dr. Ambedkar, laughs. It shows what little respect he has got for these doctrines of the Hindu law though he himself is a constitutional lawyer.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Does this mean that a Hindu girl as long as she was not married was the slave of her father and after her marriage, she becomes the slave of her husband?

Babu Baijnath Bajoria: I can tell my Honourable friend, the Maulana Sahib, that he should not interfere in a subject which he does not understand. He does not understand the Hindu law, he has got no conception of Hindu law, he has got no idea of a Hindu family. If he wants to understand and is inquiring in that spirit, I will make him understand. I can tell him that she is neither a slave in her father's house nor a slave in her husband's. She is respected in her father's house and is the queen in her husband's house. A Hindu unmarried girl is treated with the utmost reverence in her father's house and is considered fit to be worshipped. She becomes Lakshmi in her husband's house. So long as she remains in her father's house, so long as she is unmarried, she is a Kumari and we worship unmarried daughters. If anybody does not maintain and properly look after his unmarried daughters, then, I, for one, will condemn him with all the emphasis at my command.

Maulana Zafar Ali Khan: Then she retains her distinct personality.

Babu Baijnath Bajoria: I have already given a reply to my Honourable friend's question and probably if I repeat again, the Chair will pull me up. I have got to say very much and I do not want to repeat even one argument.

Mr. President (The Honourable Sir Abdur Rahim): I understand the Honourable Member has been speaking for nearly an hour and a quarter.

Babu Baijnath Bajoria: In view of the importance of the subject, I cannot help being lengthy.

Mr. President (The Honourable Sir Abdur Rahim): I understand the Honourable Member has moved his motion for circulation of the Bill. Is he now discussing the merits of the measure?

Babu Baijnath Bajoria: Mr. President, if you think that I have to speak only on that amendment and not on the motion for reference of the Bill to the Select Committee, I will stop now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can certainly speak on the general features of the Bill. But his motion is for circulation of the Bill. The clauses of the Bill will be considered later.

Babu Baijnath Bajoria: According to me, it would be considered later on. I do not know if a vote of the House will be taken first on my motion for circulation of the Bill and if the motion for referring the Bill to the Select Committee discussed later on. In that case, I will defer my speech till then, but as matters stand, I must speak both on the motion for circulation and on the motion for referring the Bill to the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): After the report of the Select Committee is presented to this House, there will be further discussion.

Babu Baijnath Bajoria: We are now discussing the motion for reference of the Bill to the Select Committee. That means the House will now decide upon and accept the principles of the Bill. I am now here discussing only the principles of the Bill and nothing else.

Mr. President (The Honourable Sir Abdur Rahim): Yes, the Honourable Member should confine himself to the principles of the Bill.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Do you not want to kill the Bill by your motion for circulation?

Babu Baijnath Bajoria: Not at all. My motion is not for killing the Bill but for giving justice to public opinion.

Sir, suffice it to say that this question of retaining the *gotra* of the father is the most absurd one. No Hindu girl will ever agree to this excepting those modern westernised girls who do not know what 'gotra' means as they do not want to have any *gotra* at all.

Sir, this brings me to the question of divided and undivided sons, married daughters and unmarried daughters. This Bill makes no difference between a divided son and an undivided son. The expression 'divided son' and 'undivided son' is found in the Bill itself. This means a son who has already taken division from the family and the son who remains in the family. Under the Bill they make no difference between the two whatever. I do not understand why a divided son should get a share in the family property after division. He has already divided himself from the family and he has taken his share at the time of division. Then when his father died and if intestate, that son who is living altogether separate from the family, how can he come in and ask for his share in that family as if he was not divided? This passes my imagination. I will read the explanatory note from the Bill on page 7. Here again they say there is a conflict of judicial decisions and they have adopted the view which led to the simplest rule. By this you simply want to crush the rights of the existing undivided sons. This is not proper. As regards married and unmarried daughters, here also the framers of the Bill make no difference whatsoever. As I have already pointed out before there is a difference and a vast difference, between the status of the unmarried daughter in her father's family and that of the married daughter.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat it.

Babu Baijnath Bajoria: First, I did not give reason but I spoke in passing when I was referring to other matters. I have now to give reasons why there should be distinction between the married daughter and the unmarried daughter. Here, with your kind permission, I will read a few lines from the opinion of the District Judge of Manbhum-Singbhum:

"(1) I agree with the local Bar Association that the existing distinction between the right of a divided and an undivided son to inherit the estate of his father should be maintained. It will be highly inequitable to permit a divided son who has already taken away his share in the ancestral property to deprive the undivided son of his father's share by claiming a further share in that property. The framers of the Bill have abolished this distinction on the ground of simplicity. But mere simplicity at the expense of equity and natural justice can hardly be supported.

(2) I also agree with the local Bar Association that an unmarried daughter should not be put on the same footing as a married daughter. It is well known that marriage entails a very heavy expenditure amounting to an appreciable share of the total assets of the father and it will be highly inequitable to allow a married daughter the same share as an unmarried daughter for whose marriage her guardian may have to spend an appreciable amount subsequently out of her share of the property.

(3) The Bill does not remove the present unsatisfactory state of law regarding the right of a Hindu widow to inherit her husband's property if she ceases to be a Hindu before remarriage."

Now, Sir, I come to, 'stridhan'. The definition of 'stridhan' property as given in this Bill is also a very curious one. It says that only the property which a widow gets from her husband is not to be considered as Stridhana; all other property which she gets will be considered as Stridhana. This is wrong in principle. Originally Stridhana meant ornaments, clothes and utensils, etc., and gifts given at the time of marriage by parents and other near relations. At present when we are giving so many rights to the daughters and females they will have property in various ways and if you consider all that to be Stridhana property, it will be very unjust to the males, because Stridhana will devolve on daughters, daughter's daughter, daughter's son, son, son's daughter, and last of all on poor husband.

Mrs. Renuka Ray: Sir, may I interrupt the Honourable Member, and ask whether all these details of the Bill are necessary when the Bill is going to be referred to the Select Committee?

Mr. President (The Honourable Sir Abdur Rahim): I think it is a valid point of order. The Honourable Member cannot discuss the Bill now clause by clause. An opportunity will arise afterwards. This is my ruling.

Babu Baijnath Bajoria: Sir, I am not going into the Bill clause by clause. I am only discussing some of the main provisions of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going much further than that. I have already given my ruling, which is in accordance with the uniform practice of the House.

Babu Baijnath Bajoria: Sir, I again bow to your ruling, but let me submit, Sir, that I have only

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been discussing the principles of the Bill for more than an hour, nearly an hour and a half. He is now dealing with the clauses in detail. This is not the stage at which clauses can be dealt with in that manner.

Babu Baijnath Bajoria: If time is the only criterion

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not argue. I am telling him what is the practice of the House, and what is my ruling.

Babu Baijnath Bajoria: I am not going into details, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going into details.

Babu Baijnath Bajoria: I only say that if widow is to be given the first right of inheritance on her husband's property, and if in wife's property the husband gets 7th degree of inheritance—whereas daughter, son, daughter's daughter, daughter's son have prior claims—then, I say, that Stridhana clause is absolutely unjustifiable and absurd.

Sir, I have made some calculations and I find that if the property is divided, according to the principles laid down in this Bill, amongst widow, son and daughter, within three generations 70 per cent. of the property will pass to the females.

An Honourable Member: What is the harm?

Babu Baijnath Bajoria: I have got this table before me. Apart from sentiments and religion, purely from economic point of view, it will conclusively

prove the absurdity of the proposals, contained in this Bill. Now, Sir, let me illustrate my point of view by giving an example: If a person dies leaving behind one widow, a son and a daughter, and a sum of ten thousand rupees, according to this proposal it will be divided thus: Widow gets Rs. 4,000, son gets Rs. 4,000 and daughter gets Rs. 2,000. If the widow remarries, she takes away property with her—I know that there are restrictions and she won't be able to take immoveable property if she remarries, but if she gets absolute right over property, she will manage to convert the immoveable property into cash and take away to her next husband. Let us assume that she remains in the family. Taking the best case for the male, after her death Rs. 2,666 are given to the son and Rs. 1,333 to the daughter, or the son gets Rs. 6,666 and the daughter Rs. 3,333. Supposing the son dies: this Rs. 3,333 which goes to the daughter never comes into the hands of any male either in this or in any other family, because daughter's daughter will inherit, and then her daughter and so on, if the son dies, out of this Rs. 6,666—again, let us suppose, he leaves one widow, a son and a daughter—then Rs. 2,666 will go to the widow, Rs. 2,666 to the son and Rs. 1,333 to the daughter. After her death, widow's son will get Rs. 1,777 and daughter will get Rs. 889. So, altogether the son gets Rs. 4,443 and the daughter Rs. 2,222. So, this Rs. 2,222 again goes out to another family never to be in the hands of any male member. If this is repeated again, then at the end, Rs. 2,962 will remain in the hands of the son and the daughter gets Rs. 1,481. The above distribution is explained clearly in the table below:—

Table showing division of an Estate if widows do not remarry and the property devolves to "A"'s heirs.

(1)		
A		
Rs. 10,000		
Widow. Rs. 4,000 After widow's death—	Son. Rs. 4,000 2,666	Daughter. Rs. 2,000 1,333
	6,666	3,333
Widow. 2,666 After widow's death—	Son. 2,666 1,777	Daughter. 1,333 889
	4,443	2,222
Widow. 1,777 After widow's death	Son. 1,777 1,185	Daughter. 889 592
	2,962	1,481

Table showing division of an Estate if widows re-marry and take away the property.

(2)		
A		
Rs. 10,000		
Widow. 4,000	Son. 4,000	Daughter. 2,000
1,600	1,600	800
640	640	320

So, in three generations only, out of Rs. 10,000, about Rs. 2,962 or less than 30 per cent. will remain in the hands of the male and the rest of the property goes to the daughter or son's daughter or son's son's daughter, and then to their daughter's daughters. So in another two generations there will be no male property owners remaining. Only women will be the property owners. This is the best case for the males. If the widow marries and takes away the property then the position is that out of the Rs. 10,000 the widow gets Rs. 4,000, the son gets Rs. 4,000 and the daughter gets Rs. 2,000. So, Rs. 4,000 goes away with the widow; Rs. 2,000 goes with the daughter; only Rs. 4,000 remain with the son.

After the son's death, his widow gets Rs. 1,400, his son gets Rs. 1,600 and his daughter gets Rs. 800. So, only Rs. 1,600 remains with his son.

In the third generation son's son's widow gets Rs. 640: son's son gets Rs. 640: son's daughter gets Rs. 340. So, in three generations out of Rs. 10,000 only Rs. 640 remains in the family for males.

So, it would have been much more honest and sincere, if this Government instead of bringing this complicated measure, had brought a measure providing that as males had been inheriting so far, now it was the time for the women. This is women's age and so henceforth women alone should inherit and men should be dispossessed and debarred from inheriting any property.

Sir, the question of Hindu law involved in this Bill is so complicated that only a Hindu lawyer, knowing Hindu law full well, and well up in the Shastric texts, could have done full justice in explaining the absurdity of the provisions contained in this Bill. I have already stated that I have got my shortcomings, and in the few words which I have spoken, I have shown to the House the absurdity of the propositions which have been placed before it, and I trust that this House will not accept the principles underlying this mischievous Bill, but will agree to the circulation motion which I have moved so that the country at large may have an opportunity also to consider this Bill fully along with the debates we have raised in this House on this Bill. They will consider this Bill in all its aspects and will give their opinion: then we will sit down and see in the light of the opinions then received whether the Bill is worth while proceeding with any further or if it is just fit for a decent burial.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1943."

Mr. Jamnadas M. Mehta: Sir, last week the stage was well set for the motion for referring this Bill to the Select Committee. The Honourable the Law Member in a speech, which will be remembered with gratitude for his broad and catholic views, gave us an insight into the past law-makers' ideals, their successes, and their failures; the speech raised our self-respect and at the same time warned us that what was true at one time need not continue to be true today. There were also Honourable Members who had come with tailor-mades, with trousers without creases, and with smart flowers in their button-holes, which gave an impression of their being gallant champions of the rights of women: and finally, there was our very beloved sister, Mrs. Renuka Ray, the fair Portia, coming as a Daniel to give judgment over the rights and wrongs of women in this country. The Duke who said, "A Daniel come to judgment" was perhaps the Honourable the Law Member, Sir Sultan Ahmed. But this Duke warned us at the very outset of his speech that every true legislator should keep his mind open till the last moment. On all questions before this House, he said a legislator is in duty bound to keep an open mind till the last moment. His must not be a closed mind: a mind not playing to the galleries: That was the admonition which the Honourable the Law Member gave.

In that spirit as a legislator I want to make a few observations on this Bill; but before doing so, I say without hesitation that I admit and accept categorically the principle of woman's equality with men, and that there is nothing I will not do to satisfy women until they agree that they have now enough of it. Therefore, if I say a few words it must not be understood that I have any difficulty in accepting the principle of sex equality. And when I remember the

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three gentlemen, who are responsible for the drafting of the Bill—the Honourable Mr. Justice Rau, my friends Mr. Gharpure, and Mr. Joshi, as a Hindu I feel that my interests cannot be in safer hands. Therefore, both in principle and also in the light of my confidence in the gentlemen who have drafted this Bill, my sympathy and support will necessarily be for the principle of this Bill; but as a legislator I am bound to look at the other side and it is there that the real trouble comes. As soon as you tell the champions of the Bill that you want a little more time to consider it, they look askance at you; they stare you in the face as if to say whether you are after all a man with a sane head on your shoulders; they wonder whether you are not after all a reactionary in disguise and whether their reforming zeal is not being suppressed behind the wiles of reaction. This is the danger to reforms. Intolerance is the real danger. It is not the orthodox community which prevent the progress of reform in this country, education is abroad; the spirit of inquiry is abroad; and nothing can check it. But it will be checked by the intolerance and the narrow-mindedness of the reforming zealots. The people who have sponsored this Bill in this Legislature are not as tolerant as they might be. What was done on the first day of this debate? When the ex-President of the Hindu Mahasabha, our esteemed friend, Bhai Parma Nand was speaking, I found the supporters of the Bill making merry on some of his points, as if it was some drama where they had gone to enjoy some buffoonery. The gentleman who represents the Hindu community, more than all the women's associations in this country—he was scoffed at, laughed at and jeered at; because he pleaded for a different point of view, he was repudiated as the champion of the Hindu community that he has been serving for twenty five years.

An Honourable Member: Certainly not; he has not ceased to be the champion.

Mr. Jamnadas M. Mehta: That is what I am saying; but there were reforming zealots in this House who had only a button-hole flower and a smart suit to show themselves off as champions of the fair sex, without even knowing anything about Hinduism; and I object that this class of people should have the temerity to ridicule a man like Bhai Parma Nand. When Mr. Nilakantha Das was speaking, I found a similar spirit of levity.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member really can not go on lecturing the Members of the Assembly; it is not proper.

Mr. Jamnadas M. Mehta: What is not proper? I am entitled to comment on what they said and did to other Honourable Members.

Mr. President (The Honourable Sir Abdur Rahim): It is not proper to lecture the Members of the Assembly. The Honourable Member ought to have raised a point of order if there was any undue interruption or anything like that at that time; not now.

Mr. Jamnadas M. Mehta: But there was constant ridicule.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member ought to have protested then. It is now too late.

Mr. Jamnadas M. Mehta: Is it, Sir? I am entitled to say that a certain expression of opinion was not allowed to.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on making reflection on Members of the House.

Mr. Jamnadas M. Mehta: I am not reflecting upon any particular Member; I am not naming any particular Member; I am merely making a comment.

Mr. President (The Honourable Sir Abdur Rahim): It is worse. He is casting reflections on Members generally.

Mr. Jamnadas M. Mehta: I shall not name anybody and I shall be brief.

Mr. President (The Honourable Sir Abdur Rahim): It is not a question of whether the Honourable Member is going to speak at length or not; that is not the question now. The question is whether the Honourable Member is right in making reflections on Members of this House. If there was any point of order involved, he ought to have raised it then.

Mr. Jamnadas M. Mehta: I am only saying that Bhai Parma Nand deserved better attention. Am I not entitled to say that?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said enough on that point. I think the Honourable Member had better go on with his speech.

Mr. Jamnadas M. Mehta: I shall close this part of my argument by at least repeating and submitting to the House that the speech of my friend, Bhai Parma Nand, and the speech of my friend, Mr. Nilakantha Das, deserved better than the levity with which they were greeted. I have nothing more to say on that.

Now, coming to the merits of the motion for circulation, I have received two requests, one from Maharashtra and one from Guzerat. From Guzerat I have received a letter from the President of the Bhatia Hindu Stree Mandal. This lady who belongs to several women's associations in Bombay now pleads that they had not sufficient time, that they were not given any opportunity, that they want more time to study the Bill; and until they know what the Bill is and what the effect of the Bill on their well-being will be, time may be given for further consideration of the Bill. This lady represents an association of a community which has thousands of women, one of the richest communities in Bombay; and if the women are to get anything under the Bill, it is this community's women who will get it. Yet the president of the association called the Bhatia Hindu Stree Mandal, a lady, writes to me that she wants and her association wants more time to consider the implications of this Bill. May I know what right this cosmopolitan Women's Association has to say that these thousands of women should not be heard? Have they ever known the conditions in various parts of India? The champions of this Bill do not know. As a Guzerati, to which community I belong it will be to my financial interest to pass this Bill here and now; no Select Committee is needed. It will be definitely to the interests of the males and definitely against the interests of the females to pass this Bill—not merely refer it to Select Committee.

Why do I say so? Let me take a case. Recently, a Guzerati girl was married—the daughter of a millionaire. What did she get? Rs. 1,25,000 in cash, as a gift from the father; Rs. 50,000 more worth of jewels; more than Rs. 25,000 worth of silver, utensils, clothing and other equipment for the household; and for the rest of her life she will get Rs. 3,000 a year by way of clothing from her parents. In addition, there is not a single day in the calendar on which the sister, the daughter, their husbands, their children, their sons-in-law and daughters-in-law and their children are not entitled to some gift or another in the Guzerati community from the father. He need not have inherited one single rupee from the father but Guzerati social opinion is so strong, custom is so strong that law is nothing before it; and the man who will not give these gifts to his sisters and daughters will be considered as a miser and a shirker who does not meet his obligations. Are the framers of this Bill sure that these ladies who have got this particular privileged position today will, if the father makes a will, be entitled to even a farthing? Here, whether there is money or not, whether there is any will or not, what the law may not give, custom and social habit gives, encourages and perpetuates. These women from Bombay want to consider whether they will gain more under the Bill or lose more under the Bill. Is it at all wrong that they should be given time? Reformers, if they are true to their faith, should not be afraid at all. The real reformer is one who has enough faith in the mission of reforming doctrines. He must not feel that if the reform is not passed today, he is done for. There is something inherent, some momentum in the reforming spirit itself, which takes men along the stream. It is not a man here or a woman there that makes a reform; it is the spirit, the momentum of the principle of reform that gathers strength as it travels along. It has nothing to fear from a little delay.

Then there is another lady from Poona who is the President of the Hindu Women's Association all over India. I ask our very distinguished sister, whose speech was the best exposition, alike in accent, in polish of language and in the directness of thought—I can well appeal to her, will she not listen to the appeal

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of another sister who says that the interests of Hindu women require that time should be given? You have never heard them before. Up till now, the enquiry was addressed to lawyers, law courts, and other distinguished persons. But the men and the women whom the shoe pinches—when they ask, "I may be given an opportunity to understand what my fortunes are going to be", is it really such an unreasonable request that there should be the least hesitation in passing my Honourable friend, Pandit Nilakantha Das's amendment?

What is three years in time? The English people, I think, took 300 years, 400 years before agreeing to the marriage of the sister-in-law when the wife had died. They were not in a hurry, and they were not any the less reformers. I will tell you, there was, not more than 15 years ago, a case in Delhi of a husband the first day after marriage having left the wife and gone away to Mandalay. Appeals were made to him to return. Some Arya Samajists went as far as Mandalay requesting him to return. The poor father of the girl went to him with a request to him to return. He said, "This girl is no longer my wife. I would not put her as my wife. She can remarry." But when the husband was alive how could a woman remarry? The Arya Samajists prepared a Bill that when the husband deserts a wife, if the wife marries after ten years, she will not be guilty of polygamy. When an Arya Samajist Conference sent me the text of that Bill I felt so much for the poor girl that I gave notice in this very Legislature to introduce the Bill. The Secretary of the Law Department called me. He said, "Mr. Jamnadas, the case you have quoted is heart-rending, but do you realise that if this girl is allowed to marry she will not be guilty of polygamy but her children will be illegitimate? They shall not inherit the property of their father. Mr. Jamnadas, don't run away with your emotions. With all these occasional victims of your marriage system, your marriage system is not so very bad as you imagine. It can stand comparison with many other marriage systems and we have our own complications in such cases." He ultimately was able to convince me and convince the girl. The girl then went to live with her sister and looked after the sister's children. Unhappily the sister died. The sister's husband said, "If I may be permitted, rather than create a scandal by keeping this girl in my house, I shall marry her." But the law prevented it, and that girl, a victim of the neglect of her husband, had to remain where she was, a victim to the narrow minded ideas of her husband, but none the less a victim. But was the remedy better? As the Law Department pointed out to me, the illegitimacy of the children would have been a standing blackmark on them, and it is better that occasionally an individual was sacrificed instead of tampering with the law of the community. From that day I have learnt to be cautious. It is not because I do not accept the principle—I am 100 per cent. in favour of the principle, but I do say that the House and the Government are bound to hear the other side. They have not heard the other side. And do you know, Sir, that in some communities where the women are given the right of inheritance, in order to keep the money in the same family the first cousins marry. Girls are not allowed to marry until they are very old and until they cease to be commodities in the marriage market. The idea being, not to allow the money to pass out of the family, the first cousin, however ugly, is often forced on the girl. I know of a Bombay family to-day, very prominent, rich, big merchants who are keeping their elder sister unmarried because they wanted her to marry the first cousin whose nose is ugly as, if she married him, the property will remain in the family; and this girl says, rather than marry this ugly man, I shall remain single.

Sir Cawasjee Jehangir: For my information, is not a will a remedy for all this?

Mr. Jamnadas M. Mehta: Yes. The Law does not come in the way of a Hindu making a will. I have said so.

Mr. Hossainbhoy A. Laljee (Bombay Central Division: Muhammadan Rural): That may be one exception.

Mr. Jamnadas M. Mehta: Such instances as I have mentioned are not few and far between. I do not want to make any personal comment. You will not perhaps like it. But the fact is there that girls are married in the family to first cousins because otherwise the money will go out. I am not talking of Mussalmans either. Don't try to wear the cap. Therefore, there is no finality in this matter. In Bombay there are Hindus, Christians, Parsees, Mussalmans; choose from them if you like. I have often read in the English humorist journals that the mother-in-law is the most unwelcome woman at the son-in-law's house. In our Hindu community the mother of the girl dare not enter the house of the daughter after her marriage because everything that belongs to her is prohibited to the mother. Even to stand on the carpet of the house is irreligious. But in other communities the mother that has given property to the daughter often goes to live with the daughter and becomes unpopular with the son-in-law, and I now realise why there is so much joking against the mother-in-law in the English families.

On all these grounds, and also on the ground that those who are asking for time are the people most vitally interested,—and this Legislature is not merely an ante-room for those who think that the reform must be done here or not at all—this Legislature must accord support to this principle of a little more time. The last and the most fatal argument against the motion is that in seven provinces there are Governors and no popular Governments. The Governors know as much about Hindu law as the man in the moon. The Governors of provinces are the last people qualified to pass any Governor's Bill in a matter of this kind, and until the restoration of provincial autonomy, in the interests of democracy this Bill must wait. As stated before I approve the principle of the Bill to which I give a hundred per cent. allegiance. But there are other principles—democracy,—the right of being heard by the other party, and the essential merits of the Bill which are by no means of one kind,—that I submit a dilatory motion is the only sound motion and the motion of Pandit Nilakantha Das is the only one we should adopt.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 30th March, 1948.

LEGISLATIVE ASSEMBLY

Tuesday, 30th March, 1943.

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.

SHORTAGE OF WHEAT AND WHEAT FLOUR IN KARACHI.

415. *Mr. H. A. Sathar H. Essak Sait (on behalf of Seth Yusuf Abdool Haroon): (a) Will the Honourable Member representing the Food Department please state whether his attention has been drawn to a leading article which appeared in *Daily Alwahid* of Karachi, dated the 24th February, 1943, under the caption "Control and Dearthness"?

(b) Does he realise the unbearable difficulty that is being suffered by the Karachi public since the last few months owing to the lack of wheat flour?

(c) Is he aware of the fact that:

(i) instead of wheat flour, Government controlled shops in the city of Karachi only supply *maida*, *bajra*, etc., which are not only unsuitable to public taste but are bound to affect public health seriously to their great detriment; and

(ii) there is abundant supply of wheat available in some towns of Sind but, due to restrictions imposed by Government, it is not transported to Karachi?

(d) If the answer to part (c) (ii) be in the affirmative, what are the reasons and the nature of facts which have led Government to put such prolonged restrictions on the transshipment of wheat to Karachi?

(e) What action do Government propose to take to meet the immediate need of the masses in the city of Karachi, and to remove the panic prevailing in the city by making necessary arrangements for wheat flour being made available freely?

Mr. K. G. Ambegaonkar: (a) Yes.

(b) The Government of India are not aware that the Karachi public is in any worse position than the population in other towns.

(c) The Government of India understand that before the Sind Government were able to obtain stocks of wheat, it had become necessary for them, in order to meet the immediate needs of the urban population, to offer *maida* mixed with jowar flour and jowar flour mixed with *bajra* flour for sale in Government shops. The Government of India are not aware of the restrictions, if any, imposed by the Government of Sind on the movement of wheat into Karachi.

(d) and (e) This is a matter for the Provincial Government of Sind to deal with in the first instance. It is, however, understood that as a result of the action taken by the Government of Sind the situation has improved.

OPPORTUNITY FOR DISCUSSING THE SPECIAL HAJ ENQUIRY REPORT.

416. *Mr. H. M. Abdullah: (a) Will the Honourable Member representing the Indians Overseas Department please state if the Special Haj Enquiry Report by Mr. Rahim, will be placed before the House, as promised by the Honourable Mr. M. S. Aney during discussions in the present Session? If so, when?

(b) Do Government intend making arrangements for the next pilgrimage to the Hedjaz, and will the Central Haj Committee be consulted in the matter?

Mr. G. S. Bosman: (a) The attention of the Honourable Member is invited to the last item of the list of business for today and tomorrow.

(b) Preliminary arrangements for the next Hajj pilgrimage will be taken in hand as usual. The Honourable Member will understand, of course, that it is impossible to say yet whether a Hajj pilgrimage will or will not be practicable.

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

The advice of the Standing Committee on Pilgrimage to the Hedjaz will be sought should circumstances render that course desirable.

CRITERION FOR ENLISTMENT OF CONTRACTORS IN CENTRAL PUBLIC WORKS DEPARTMENT.

417. *Mr. Ananga Mohan Dam: Will the Honourable the Labour Member please state the criterion for the enlistment of contractors in the Central Public Works Department? Is this enlistment subject to any fee?

The Honourable Dr. B. R. Ambedkar: Enlistment of contractors in the Central Public Works Department is made with due regard to their financial status and their experience as evidenced by the extent and quality of the works previously executed by them. In the case of firms, registration under Indian Partnership Act, 1932, is also insisted upon as an essential condition. The answer to the latter part of the question is in the negative.

MUSLIMS IN THE OFFICES AND THE SUBORDINATE ENGINEERING SERVICES OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

418. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Labour please state:

(a) the total strength of the class I and class II Officers and the Subordinate Engineering Services of the Central Public Works Department;

(b) the strength of Muslims in each of the categories given in part (a); and

(c) what steps have been taken so far to make up the deficiency, if any?

The Honourable Dr. B. R. Ambedkar: (a) Class I—122.

Class II—63.

Subordinate Engineering Service—1179.

(b) Class I—14.

Class II—4.

Subordinate Engineering Service—202.

(c) Attention of the Honourable Member is invited to the answer given to part (b) of the starred question No. 319 on the 16th March 1948.

PROPOSED RETRENCHMENT SCHEME FOR ENGINEERING ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

419. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Labour please state if a retrenchment scheme for the Engineering Establishment of the Central Public Works Department is under contemplation? If so, will Muslim employees be affected by it even if their strength is short of 25 per cent. of the total strength?

The Honourable Dr. B. R. Ambedkar: Not at present. The second part of the question does not arise.

MUSLIM LINO OPERATORS, MONO OPERATORS, ETC., IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

420. *Hajee Chowdhury Muhammad Ismail Khan: (a) Will the Honourable the Labour Member please state the number of Lino Operators, Mono Operators, Mono Casters and forme carriers in the Government of India Press, Calcutta, and how many of them are Muslims?

(b) What is the total number of appointments made in these grades during the last three years, and how many Muslims were appointed in each of these grades?

(c) What steps have been taken to appoint Muslims in these posts?

(d) Does the Honourable Member propose to place on the table of the House a detailed statement showing the figures, community-wise, in regard to posts of clerks and copy-holders in permanent and temporary employ in the Government of India Press, Calcutta?

The Honourable Dr. B. R. Ambedkar: (a), (b) and (d). A statement is laid on the table.

(c) Orders regarding communal representation in the services are being followed in the Government of India Presses.

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

Post (Permanent.)	Statement.		No. of Muslims.	
	Number.			
Lino Operators	6		2	
Mono Operators	6		1	
Mono Casters	10		Nil.	
Forme Carriers:				
Permanent	12		Nil.	
Temporary	10		Nil.	
Statement showing the total number of appointments made in the posts of Lino Operators, Mono Operators, Mono Casters and Forme Carriers in the Government of India Press, Calcutta, in 1940, 1941 and 1942.				
Post (Permanent)	1940	1941	1942	
Lino Operators	Nil.	Nil.	Nil.	
Mono Operators	Nil.	Nil.	Nil.	
Mono Casters	Nil.	1 (Hindu)	Nil.	
Forme Carriers (Permt. and Temp.)	Nil.	Nil.	Nil.	
Statement showing communal composition of clerks and copy holders (permanent and temporary) in the Government of India Press Calcutta.				
Total.	Hindus.	Muslim.	Anglo Indian.	Indian Christian.
Number.	Other than Scheduled caste.	Scheduled caste.		
Clerks (excluding Computers, Time Keepers etc.)				
Permanent	43	31	1	10
Temporary	7	5	Nil.	1
Copy-holders:				
Permanent	34	23	Nil.	5
Temporary	4	3	Nil.	1
(Regular)				
Temporary (for limited period.)	5	2	Nil.	2

MUSLIM EXECUTIVE ENGINEERS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

421. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Labour Member please state how many Executive Engineers have been taken in from the various Provinces in the Central Public Works Department during the last two years and how many of them are Muslims?

The Honourable Dr. B. R. Ambedkar: Twenty-two, of whom two were Muslims. Three, including one Muslim, have been since reverted.

TEMPORARY BUILDINGS IN NEW DELHI.

422. *Sir F. E. James: Will the Honourable the Labour Member be pleased to state:

(a) whether his attention has been drawn to the notice erected near certain temporary buildings in course of construction in Connaught Place, intimating that these buildings are to be demolished immediately after the war; and

(b) if the same condition applies to the temporary buildings erected on Queen's way?

The Honourable Dr. B. R. Ambedkar: (a) Yes. The buildings have been constructed as temporary buildings. The intention is that they shall be pulled down as soon as may be after the conclusion of the war, though no final decision has yet been taken.

Sir F. E. James: Will the Honourable Member explain the difference between 'immediately after the war' and 'as soon as may be' because some of the buildings in Connaught Place are placarded as 'to be demolished immediately after the war'?

The Honourable Dr. B. R. Ambedkar: I do not think the placard makes any difference.

Mr. Lachand Navarat: Why should they be demolished and not used for some other purpose?

The Honourable Dr. B. R. Ambedkar: As I said, no final decision has yet been taken.

PAUCITY OF MUSLIM OFFICERS IN THE PRINTING AND STATIONERY ESTABLISHMENT UNDER LABOUR DEPARTMENT.

423. *Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable Member for Labour be pleased to state whether the Controller of Printing and Stationery, the Deputy Controller, Stationery, the Assistant Controller, Printing, the Assistant Controller, Stationery, and the Assistant Secretary and the Superintendent of the Printing Branch in the Labour Department are all non-Muslims? If so, what steps do Government propose to take to give due representation to Muslims in these posts?

The Honourable Dr. B. R. Ambedkar: The reply to the first part of the question is in the affirmative except that the present Superintendent of the Stationery and Printing Branch in the Labour Department is a Muslim. All posts mentioned in the question are ordinarily filled by promotion on merit and the communal representation rules do not apply to cases of promotion to selection posts. In the case of appointments to be made subject to communal considerations the rules are and will be followed. Government do not consider that any other steps are necessary.

Maulvi Syed Murtuza Sahib Bahadur: May I ask the Honourable Member if it is a fact that when two incumbents of the same qualifications were in the field, a Muslim was appointed on Rs. 50 and a non-Muslim of the same qualification was appointed on Rs. 200.

The Honourable Dr. B. R. Ambedkar: I have no information.

Maulvi Syed Murtuza Sahib Bahadur: Will you kindly make inquiries?

The Honourable Dr. B. R. Ambedkar: I will make inquiries.

PAUCITY OF MUSLIM OFFICERS IN PRINTING AND STATIONERY ESTABLISHMENTS UNDER LABOUR DEPARTMENT.

424. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Labour be pleased to state the number of Muslim gazetted officers in the office of the Controller of Printing and Stationery, the Central Stationery Office, Calcutta, the Central Publication Branch, and the various Government of India Presses?

(b) Is it a fact that the post of Assistant Controller in the office of the Controller, Printing and Stationery, has ever since its creation been held either by Bengali Hindus or Christians and a Muslim has never been considered for this appointment? If so, why?

The Honourable Dr. B. R. Ambedkar: (a) Two. One in the Forms Press, Calcutta and the other in the Government of India Press, New Delhi.

(b) The answer to the first part is in the negative. As regards the second part, I may say that this post is filled by promotion and not by direct recruitment. There has never been any Muslim senior enough to be considered.

Maulvi Syed Murtuza Sahib Bahadur: In this connection may I ask the Honourable Member if it is a fact that the Muslim appointed on Rs. 50 having found no prospects of being promoted got himself transferred to Bengal where he is getting Rs. 225 and the man who was appointed on Rs. 200 is now getting Rs. 850 and the claim of the Muslim who is already senior and also drawing Rs. 250 has been overlooked?

The Honourable Dr. B. R. Ambedkar: I have no information but if my Honourable friend so desires, I can make inquiries.

Maulvi Syed Murtuza Sahib Bahadur: Will you kindly make inquiries?

The Honourable Dr. B. R. Ambedkar: Yes.

PAUCITY OF MUSLIM OFFICERS IN PRINTING AND STATIONERY ESTABLISHMENTS UNDER LABOUR DEPARTMENT.

425. *Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable Member for Labour be pleased to state:

(a) the present strength of the Assistant Managers of the various Government of India Presses, and how many of them are Muslims;

(b) the number of Muslim Assistants and clerks, separately, in the Printing Branch of the Labour Department, and in the Administration Branch of the office of the Controller of Printing and Stationery; and

(c) the number of Muslim Superintendents in the office of the Controller of Printing and Stationery and in the Publication Branch?

The Honourable Dr. B. R. Ambedkar: (a) Three. One of them is a Muslim.

(b) In the Stationery and Printing Branch of the Labour Department there is one Muslim Assistant and in the Administrative and Finance Branch of the Controller's Office one Assistant and one clerk.

(c) None.

DISCRIMINATION BETWEEN MUSLIM AND NON-MUSLIM APPRENTICES IN THE PRINTING AND STATIONERY DEPARTMENT.

426. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Labour be pleased to state whether it is a fact that suitable men are trained as apprentices in the Printing and Stationery Department of the Government of India?

(b) Are these persons eligible for appointment to higher posts in the various Presses?

(c) Is it a fact that one such apprentice, Mr. B. C. Sen Gupta, has been appointed in the Government of India Press, New Delhi, on Rs. 200 per mensem and another such apprentice—a Muslim—was not given any suitable job and had ultimately to get himself transferred to the Government Press, Calcutta, as Assistant Manager?

(d) If the reply to part (c) is in the affirmative, what are the reasons for such discrimination?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) Yes, they are eligible, but have no specific claim.

(c) Mr. Sen Gupta was initially appointed by mistake on the old scale of Rs. 200—10—250. On discovery of the mistake he was brought on to the proper new scale starting at Rs. 100.

The Muslim was appointed in the proper new scale starting at Rs. 100. Since then both have been promoted.

(d) Does not arise.

Maulvi Syed Murtuza Sahib Bahadur: May I know if both of them have been promoted to the same scale of salary?

The Honourable Dr. B. R. Ambedkar: I should think so.

REPAIR OF MACHINES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

427. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Labour be pleased to state the amount of expenditure incurred on the local repair of machines of the Government of India Press, New Delhi?

(b) Is it a fact that there is a mechanical section in the said Press? If so, why are the repairs not carried out there?

(c) Is it a fact that the Head Mechanic personally gets the parts repaired in the city, and the letter to the firm undertaking repairs never gives instructions regarding the nature of the repairs but simply states that these will be explained by the Head Mechanic? If so, why are the full details of the repairs not given in the letter to the firm undertaking the repairs?

The Honourable Dr. B. R. Ambedkar: (a) The total amount spent on local repairs to plant during 1942-48 is Rs. 1,177-2-0.

(b) The answer to the first part is in the affirmative. As regards the second part, only such work is entrusted to an outside agency as cannot be done in the Press.

(c) No.

EXTRA STAFF IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

428. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Labour please state how much extra work has been received from the Calcutta Forms Press by the Aligarh Press in connection with the dispersal of stocks of forms, and for that purpose how much extra staff has been appointed by the Manager, Government of India Press, Aligarh?

(b) Is the staff appointed commensurate with the work received?

The Honourable Dr. B. R. Ambedkar: (a) A statement showing the work received up to the 16th March, 1948 and the staff appointed is laid on the table.

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

(b) The answer is in the affirmative.

Serial No.	Form No.	Statement. No. of copies required.	Serial No.	Form No.	No. of copies required.
1	I.A.F.A.-176	13,000 books.	10	I.A.F.A.-175	7,000 books.
2	I.A.F.O.-1287	3,00,000	11	I.A.F.A.-2 (Large)	37,000 books.
3	I.A.F.O.-1435	1,400 books.	12	I.A.F.F.-1068	43,000 books.
4	I.A.F.M.-1213	1,000 books.	13	I.A.F.O.-1367-A	1,50,000
5	I.A.F.Z.-2187A	30,000	14	A.F.O.-1810A	7,500 books.
6	I.A.F.Z.-2197	35,000 books.	15	A.F.W.-3010	9,000 books.
7	I.A.F.Z.-2011*	50,000 books.	16	I.A.F.Z.-2135	8,000 books.
8	I.A.F.Z.-2011*	40,000 books.	17	S. 90-A	1,00,000
9	I.A.F.Z.-2157	2,500 books.	18	S. 90-B	50,000
			19	S. 97-A	4,00,000

* Small.

** Large.

Statement showing appointments made in connection with the printing of forms, etc., received from the Forms Press, Calcutta.

3 Compositors on Rs. 25.

1 Reader in the grade of Rs. 90—4—110.

1 Copy holder in the grade of Rs. 28—2—38.

3 Stereotypers on Rs. 20.

1 Typesupplier on Rs. 20.

2 Paper issuers on Rs. 20.

3 Computers in the grade of Rs. 35—2—75.

2 Clerks in the grade of Rs. 35—2—75.

1 General Foreman in the grade of Rs. 125—5—150.

1 Assistant Foreman Printer in the grade of Rs. 55—3—70.

1 Assistant Foreman Compositor in the grade of Rs. 50—3—65.

1 Head Computer in the grade of Rs. 70—3—100.

1 (Clerk) Assistant Stationery and Store Keeper in the grade of Rs. 80—4—100.

COMPLAINTS AGAINST MANAGER, GOVERNMENT OF INDIA PRESS, ALIGARH.

†429. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Labour please state how many envelope-makers have been appointed in the Government of India Press, Aligarh, within one year, and in what proportion of different communities?

(b) Is it a fact that the Manager, Government of India Press, Aligarh, has appointed them without any trial, and most of them are non-Muslims?

(c) Is it a fact that the Manager, Government of India Press, Aligarh, appoints technical staff without any practical test, and always fills in the unreserved posts and sometimes also reserved posts by appointing non-Muslims? If so, why?

The Honourable Dr. B. R. Ambedkar: (a) 43 envelope-makers were appointed in 1942 of whom 29 are Hindus 11 Muslims and 3 belong to other minority communities.

(b) No.

(c) No.

†430. *Maulvi Muhammad Abdul Ghani: Will the Secretary of the Education, Health and Lands Department be pleased to state the names of the three officers, one Research Assistant and nine additional clerks decided to be appointed for the Central Advisory Board of Education in India, as mentioned on page three of the Proceedings of the Standing Finance Committee held on the 31st March, 1942?

Mr. J. D. Tyson: Education Officers:

(1) Mr. M. S. Sundaram, M.A., B.Litt. (Oxon).

(2) Mr. Ashfaq Hussain, B.A. (Oxon), Bar-at-Law.

(3) Mrs. Premas Johari, M.A., L.T., TD. (London).

General staff:

(4) Mr. Naubria Ram.

(5) Mr. B. S. Ram Das.

(6) Mr. Mohammed Akbar.

(7) Mr. Mohammed Aslam.

(8) Mr. Lakshmi Raj.

(9) Mr. Mohammed Yusuf.

(10) Mr. Nilotpal Ghose.

(11) Mr. Parkash Chand.

(12) Not yet filled.

Research Assistant.—It is proposed to appoint Dr. A. M. D'Bozario, M.Sc. Ph.D., to this post.

TEMPORARY ROOMS, ETC., IN THE SOUTH AND NORTH BLOCKS OF THE SECRETARIAT IN NEW DELHI.

†431. *Bhai Parmanand: (a) Will the Honourable the Labour Member please state whether it is a fact that some corridors or verandahs in the South and North Blocks of the Secretariat in New Delhi were converted into rooms and are being used as such by the staff of the different Government of India offices?

(b) Is it a fact that some of these converted rooms face the sun nearly the whole day?

(c) Is it a fact that such rooms as mentioned in part (b) have only ordinary glass panes to keep the sun out from them?

(d) Is it a fact that some of these rooms are very narrow?

(e) What is the width of the narrowest of such converted rooms which face the sun nearly the whole day? What is the number of such rooms?

(f) What was the temperature in these rooms in the day time, say, in the second fortnight of February, and in the first fortnight of March? What was the temperature in these converted rooms (facing the sun) during the months of April, May, June, July and October 1942?

(g) Is it a fact that these rooms are just like burning ovens where the staff are roasted for the whole day?

(h) Have these rooms ever been inspected by any Health Officer to see that they were fit for occupation during the summer? If so, has his report been that they were fit for occupation?

(i) If the answer to the latter part of (h) be in the affirmative, are Government prepared to consider the allotment of these rooms to gazetted officers of the various offices concerned and put the staff at present working in them in the rooms originally built for them?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) Some of these converted rooms, which face South, are exposed to sun in the afternoons.

(c) No. Such rooms are provided with curtains in addition to glass panes.

(d) No.

(e) The narrowest width of these converted rooms is 8 ft. 3 inches. The number of such rooms is 3.

(f) A statement containing the information asked for is laid on the table of the House.

(g) No.

(h) Yes; these rooms were inspected by the officers of the Health Department but no objection was raised.

(i) Some of these converted rooms were actually occupied by the Gazetted Officers during the last summer season.

Statement.	
Second fortnight of February	60°F
First fortnight of March	75°F
April 1942	98°F
May 1942	104°F
June 1942	106°F
July 1942	96°F
October 1942	90°F

INSUFFICIENT LIGHTING OF CLERKS' LAVATORIES, ETC., IN THE NORTH BLOCK SECRETARIAT, NEW DELHI

†432. *Bhai Parmanand: (a) Will the Honourable the Labour Member please state if most of the clerks' lavatories in the North Block Secretariat, New Delhi, specially on the first floor are not fitted with electric bulbs?

(b) Is it a fact that all the officers' lavatories in that building are equipped with electric bulbs?

(c) Is it a fact that some clerical staff work till late in the evening?

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

(d) Do Government expect these men to use the lavatories in the dark, or do they expect them not to feel the necessity of using lavatories after dark?

(e) What are the reasons for not providing electric bulbs in the lavatories for clerks only?

(f) Is it a fact that certain stairs are not sufficiently lighted, or in parts are left without lights after dark?

(g) Is it a fact that the whole of the area surrounding the Secretariat buildings is fully and brightly lit up each evening?

(h) If the answer to part (g) be in the affirmative, why cannot the stairs, especially the main ones, inside the buildings be sufficiently lit up?

(i) If it is not practicable to light up the stairs, are Government prepared to issue definite instructions to all offices not to allow any of their staff to stay after dark, so that they may not have to grope their way down these stairs?

The Honourable Dr. B. R. Ambedkar: (a) A certain number of bulbs had been fused and could not be replaced on account of paucity of bulbs.

(b) Yes; not only officers lavatories but all lavatories are equipped with electric bulbs.

(c) Yes.

(d) No.

(e) The reason why some of the lavatories were partially fitted with bulbs for some time was that bulbs were not available. A consignment of bulbs has recently been received and action has already been taken to replace those which were fused.

(f) The lighting in stair-case was reduced in keeping with the general reduction in lighting which had to be effected owing to the shortage of power. They are partially lit.

(g) I take it that the Honourable Member is referring to road lighting. This is adequately lighted as it must be owing to the amount of traffic.

(h) The lighting standard will be increased when sufficient power becomes available.

(i) This does not arise as sufficient light is generally provided in the stairs. In cases where there is doubt I will have the lighting improved in so far as the power position permits.

FUNCTIONS OF REGIONAL FOOD COMMISSIONERS.

433. *Mr. Ananga Mohan Dam: Will the Honourable Member for Food be pleased to state the functions of the five or six Regional Food Commissioners who are going to be appointed by the Government of India?

Mr. K. G. Ambegaonkar: The Honourable Member's attention is invited to the Press note issued on the 15th March, 1948 which indicates the functions of the Regional Food Commissioners. A copy is laid on the table.

Press Note.

It has been decided to create several posts of Regional Food Commissioner for the better co-ordination and control of food supplies all over India, including the Indian States and to assist all governments in the application of the all India plans for dealing with food matters. This decision is a result of the unanimous recommendation made to Government at the second all-India Food Conference held towards the end of last month in New Delhi. Although broad decisions have been taken as to the Regions in which Regional Food Commissioners will operate, final decisions as to their respective areas of jurisdiction are yet under settlement. There will probably be 5 or 6 such Regions for India.

These Commissioners will each have to deal with several Provinces and many States that lie in their areas and the duties that will fall to them can generally be explained as co-ordination, liaison and inspection. Under co-ordination they will be expected to resolve local differences many of which concern the interchange of food supplies, which is another way of expressing the concern of the Central Government to ensure to the greatest possible extent that the normal movements of food supplies continue and are established where they have, through the difficulties of the last 6 months or so, tended to be stopped and to be diverted in other directions. The Commissioners will also fulfil the need being progressively felt for a closer liaison between the many Governments of the country and the Centre. Lastly they will have the duties of ensuring that machineries are set up and policies are carried out, in conformity with the general intentions of the all India plan. These proposed arrangements are yet another indication of the Central Government's

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

policy to unify all effort to the common purpose; a unity that must be secured if an all India plan is to be made effective for what is an all-India problem.

WORK DONE BY ZONE REFUGEE OFFICERS.

434. *Mr. Ananga Mohan Dam: (a) Will the Honourable Member representing the Indians Overseas Department be pleased to make a brief statement or lay a statement on the table on the work done by the Refugee Officers appointed by the Government of India in different Zones up till February 1948?

(b) Have any Telugu-knowing Refugee Officers been appointed to deal with the Telugu-speaking evacuees?

(c) What is the number of the evacuees dealt with by the Refugee Officers in different provinces?

Mr. G. S. Bozman: (a) The main functions of the Refugee Officers appointed by the Government of India are to assist evacuees in obtaining relief under the scheme for financial assistance and in securing suitable employment. For this purpose, these officers make constant tours in their respective areas, maintain close contact with provincial and district authorities and evacuees themselves (including any organisations working on behalf of evacuees), meet potential employers and keep both the Central and Provincial Governments informed by means of periodical reports of the requirements of evacuees as a class and of suggestions how those requirements can best be met. Thus they constitute a liaison between the Government of India and the Provincial Governments on the one hand and between the evacuees, non-official organisations and local authorities on the other. All the Zonal Officers and their assistants have toured constantly in their respective areas, undertaken the branches of activity mentioned above and submitted reports to the Government of India.

(b) The Refugee Officer and the two Assistant Refugee Officers in the Southern Zone, can all speak Telugu.

(c) From the answer given to part (a) of this question the Honourable Member will realise that the Refugee Officers are not expected to deal with individual cases administratively. Authority in that respect rests with the Provincial Governments and cannot be exercised except through Provincial and district staff. The Refugee Officers have however met many thousands of refugees personally and have explained to them what assistance is available and how it can be obtained. They have also taken steps in a large number of cases to put evacuees and potential employers in touch with each other. I regret it is not possible to compile any exact statement in this respect as potential employers have frequently to be advised to communicate either with associations or district authorities in particular areas.

RECOMMENDATIONS OF THE COMMITTEE ON REPAIRS TO THE TAJ AT AGRA.

435. *Syed Ghulam Bhik Nairang: Will the Education Secretary be pleased to state:

(a) whether a Committee was appointed by Government sometime ago to make an investigation and to submit a report on the repairs to be effected in the Taj at Agra with a view to ensuring the preservation of that unique monument;

(b) if the answer to part (a) is in the affirmative, whether such Committee did, in fact, make an investigation and submit a report embodying the results of its investigation and recommendations; and

(c) if the answer to part (b) is in the affirmative, what action Government have taken so far or propose to take in the immediate future to translate the recommendations of the Committee into action?

Mr. J. D. Tyson: (a) Yes.

(b) Yes.

(c) In view of the great historical and architectural importance of the Taj Mahal the Government of India are anxious, before taking action to implement the Committee's recommendations to have the advice of the best engineering experience, both official and non-official, available in India and accordingly propose to refer the Report to an expanded committee for advice whether the

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

measures recommended therein constitute a suitable basis for action. The composition of the expanded committee has been settled and the Committee is being asked to begin its work.

HARDSHIPS UNDER THE DELHI RENT CONTROL ORDER.

436. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state if it is a fact that a representation was submitted by the New Delhi House Owners' and Lessees' Association in December last against the provisions of the Rent Control Order to the Labour Department? If so, has the representation been examined by the Department? If so, what conclusions have been reached?

(b) Is the Honourable Member aware that the Rent Control Order is causing great hardship? If so, are Government prepared to replace it by the Punjab Rent Restriction Act, 1941, which is in force in Old Delhi?

The Honourable Dr. B. R. Ambedkar: (a) Yes. The representation is still under consideration.

(b) No. The latter part of the question does not arise but I would refer the Honourable Member to the reply to part (c) of starred question No. 231.

Sardar Sant Singh: May I ask the Honourable Member if he has seen the recent judgment of the Honourable the Chief Commissioner of Delhi in this connection?

The Honourable Dr. B. R. Ambedkar: I have not.

ARRANGEMENTS FOR COLLECTION OF ACCURATE AGRICULTURAL STATISTICS.

437. *Mr. Ananga Mohan Dam: Will the Honourable Member representing the Food Department be pleased to state what arrangements have been made in the Centre and in the provinces for the collection of accurate agricultural statistics?

Mr. K. G. Ambegaonkar: The Honourable Member is no doubt aware that the method and machinery of collecting agricultural statistics in the ryotwari Provinces which cover a large area of the country, are deemed satisfactory. The acreage and crop statistics in these areas are fairly accurate. The Food Department have made special arrangements to compile these statistics for their own use as soon as they are available with the Provincial Departments of Agriculture. The Government of India are fully aware of the deficiencies in the method of collecting agricultural statistics in the permanently settled areas. An Inter-departmental Committee recently investigated this question in all its bearings, with a view to ensure greater accuracy in these statistics, and their proposals are under active examination of the Department concerned.

ARRANGEMENTS FOR SUPPLY OF STANDARD CLOTH.

438. *Mr. Ananga Mohan Dam: Will the Honourable Member representing the Commerce Department please state the arrangements that have been made in the provinces under the control and supervision of the Central Government for the supply of standard cloth to the people?

Mr. T. S. Pillay: I regret I am unable to give an account of the arrangements that have been made in the Provinces for the supply of standard cloth to the people. Information is being collected and will be given to the Honourable Member if he puts down a question during the next Session of the Assembly.

SCHEME FOR CENTRAL PURCHASE OF FOOD GRAINS AND CONTROLLED DISTRIBUTION

439. *Mr. K. O. Neogy: (a) Will the Honourable Member representing the Food Department be pleased to state the details of the scheme for Central purchase of food grains and controlled distribution? When is the scheme likely to be enforced, and at what stages?

(b) What will be the constitution of the executive organisation of the aforesaid scheme at the Centre as well as in the provinces?

(c) Have the Indian States agreed to participate in the scheme, and if so, on what terms?

(d) What is the latest position in Bengal, particularly in the town of Calcutta and the Districts of Dacca, Mymensingh, Barisal and Faridpur, in answer to this question laid on the table, the questioner being absent.

garding the prices and supplies of rice, and what Government organisation has been functioning in Bengal for the purpose of controlling the price of rice and ensuring the adequacy of its supply in each district, and how far have its efforts succeeded?

(e) Has rationing been introduced, or is it likely to be introduced in the near future, in any area? If so, where and in respect of what commodities? What are the principal features of such rationing schemes?

Mr. K. G. Ambegaonkar: (a) The principle of the Scheme and its broad outline was explained in this House by Major General Wood on 22nd February, 1948 during the debate on the food situation. It is hoped to have brought it into effect within the next month.

(b) The executive organisation at the Centre will be the Office of the Controller General of Foodstuffs. In addition, as a result of the unanimous recommendation of the 2nd Food Conference held with representatives of Provinces and States on the 24/26th February, six Regional Commissioners will be appointed in various parts of the country for the better co-ordination and control of food supplies all over India. Their duties can generally be explained as co-ordination, liaison and inspection. As regards the Provinces, most of them have created special Departments to take charge of the procurement and distribution of foodstuffs in their areas which functions, as has previously been explained in this House, are functions that have been entrusted to the Provinces and which the States have been invited to accept.

(c) Matters with Provinces now having reached satisfactory settlement, the Indian States have recently been addressed and it is confidently anticipated that they will participate in the scheme on the same lines as the Provinces.

(d) The latest position in Bengal, particularly in Calcutta, is that the Central Government have already begun to import substantial quantities of rice, wheat and other cereals to ease the situation prevailing there. These supplies will be sold by the Provincial Government through controlled shops at prices considerably lower than those prevailing in the market at present. It is regretted that Government of India have no detailed information as regards the price and supply position nor of the control organisation in the districts referred to. As has been stated in answer to part (b) of this question, these responsibilities are a Provincial function. It is understood that the Provincial Government have recently abrogated price control of rice.

(e) The Central Government have advised all Provincial Governments to work out details in the event of rationing schemes for urban areas proving to be necessary and it is understood that certain Administrations propose to introduce such schemes at certain dates in the future. Should such schemes be put into effect they will undoubtedly cover wheat and rice and possibly other cereals.

The principal feature of any rationing scheme is to ensure the fair and equitable distribution of the supplies that are available.

Dr. P. N. Banerjee: What is the price at which rice is sold in Calcutta at the present moment?

Mr. K. G. Ambegaonkar: I am afraid I have not got that information with me.

Dr. P. N. Banerjee: Then you are here not to give any information?

Mr. K. G. Ambegaonkar: My difficulty is that I am not aware of today's price in Calcutta.

Mr. K. O. Neogy: What is the latest rice position in the market of Calcutta?

Mr. K. G. Ambegaonkar: I am sorry this question does not arise and I have not brought the information with me.

Mr. K. O. Neogy: It is specifically mentioned in clause (d), "What is the latest position in Bengal, particularly in the town of Calcutta regarding the prices and supplies of rice?"

Mr. K. G. Ambegaonkar: I am sorry I have not got the information here but I will ask for the Honourable Member.

Dr. P. N. Banerjee: Then there is no use in having a Food Department here.

Mr. K. O. Neogy: With regard to the scheme which was explained in its

broad outline by Major General Wood in this House, has the Honourable Member anything to add to those broad outlines in reply to this question?

Mr. K. G. Ambegaonkar: The scheme remains substantially the same, the scheme being that the Central Government will ascertain from different provinces if they have got surplus food grains or if they are in deficit and the arrangements for procurement will be made by the provinces and the distribution will also be made by the Provincial Governments but the allocation will be made by the Central Government.

Mr. K. O. Neogy: Is it an essential feature of the scheme that the Central Government will keep no information at all as regards the actual position in the interior of the Provinces?

Mr. K. O. Ambegaonkar: Certainly not. We shall get the information. My only difficulty was that I did not have in my possession the full information asked by the Members. The Central Government keeps itself informed of the food position in each province.

Mr. K. O. Neogy: Will the Honourable Member undertake to supply this House with the detailed information that he has on this point before the House adjourns?

Mr. K. G. Ambegaonkar: When I said that the Central Government keeps itself informed, I did not mean that the Central Government can get itself informed regarding the conditions in each district and that is what I said in my answer to the Honourable Member's question.

Mr. Lalchand Navalrai: May I know if the Honourable Member has got any information or any figures now to show how much is the surplus in each province or the deficit in each province?

Mr. K. G. Ambegaonkar: These figures are being collected. It is not a very easy matter at all, as the Honourable Member will realise. We have made inquiries from all the provinces. These replies are being checked up and the figures are being compiled.

Mr. Lalchand Navalrai: Has the Honourable Member got any information from any province up to this time?

Mr. K. G. Ambegaonkar: Yes, Sir. Several provinces have sent in their information and it is being checked up.

Mr. Lalchand Navalrai: Has the Honourable Member got any information from the Province of Sind regarding wheat?

Mr. K. G. Ambegaonkar: I could not say off-hand.

Mr. Amarendra Nath Chattopadhyaya: Is the Honourable Member aware of the fact that the people are starving in the province of Bengal from day to day?

Mr. K. G. Ambegaonkar: No, Sir.

Mr. K. O. Neogy: Will the Honourable Member make an inquiry when an allegation like this is made?

Mr. K. G. Ambegaonkar: Yes, Sir.

Dr. P. N. Banerjee: What steps have the Central Government taken to stop favouritism, bribery and corruption which are at the root of the present trouble?

Mr. K. G. Ambegaonkar: Sir, I am not aware of any such allegation.

Dr. P. N. Banerjee: You keep your eyes shut.

Mr. K. G. Ambegaonkar: If the Honourable Member means that there is bribery and corruption in the control which is exercised by the provinces, then it is entirely the responsibility of the provinces and not of the Central Government.

SCHEME FOR DISTRIBUTION OF STANDARD CLOTH.

440. *Mr. K. O. Neogy: Will the Honourable Member representing the Commerce Department be pleased to state when the standard cloth is expected to be actually made available to the people of the different provinces? Has any detailed scheme been drawn up for its distribution? If so, what are its main features?

Mr. T. S. Pillay: The Government of India gave detailed information in the Press-note dated the 9th February, 1948, in regard to the orders placed for the manufacture of certain quantities of standard cloth. It may be said that

about 10 million yards of standard cloth have been despatched to certain provinces. As regards the other parts of the Honourable Member's question, the Indian Standard Cloth scheme provides for a Central Advisory Organisation established at Bombay consisting of the representatives of both the cotton trade industry and the consumers. This Central Advisory Organisation will be known as the Standard Cloth Panel and will advise and assist the Government of India in all matters connected with the manufacture, transport, distribution and sale of standard cloth and with the fixing of the prices for the manufacture and sale of such cloth. As a counterpart of the Central Advisory Organisation in the Provincial sphere, the scheme provides for the establishment of Provincial Advisory Committees which consist of the representatives of the Industry and the consumers. The Provincial Advisory Committees will advise Provincial Government on matters connected with the distribution and sale of standard cloth in the Provinces. They will also advise the Provincial Governments about the actual distributive agencies to be established in the Provinces and about the effective agencies to be utilized in order that the standard cloth reaches the poorer sections of the community. It has also been provided in the scheme that, in appropriate cases, standard cloth might be distributed through existing industrial organisations and through organisations like the Indian Railways.

Mr. Muhammad Azhar Ali: May I know if any instalment of standard cloth has been sent to the United Provinces?

Mr. T. S. Pillay: As far as the United Provinces are concerned, I have no detailed information yet.

Mr. Hoosenbhoy A. Laljee: Has any Honourable Member from this House been nominated on any of these Committees?

Mr. T. S. Pillay: Yes, Sir, there are two Honourable Members of this House on the Central Standard Cloth Panel.

Mr. Hoosenbhoy A. Laljee: What interests do they represent?

Mr. T. S. Pillay: There are two Members of this Honourable House; they were not elected by the House, but I do hope they represent the Assembly.

Sardar Sant Singh: May I ask if any allotment has been made for the Punjab? If so, how much?

Mr. T. S. Pillay: The allotment that has been made to the Punjab is of the order of 1,000,000 yards of the standard cloth.

Dr. Sir Zia Uddin Ahmad: May I ask if there is any mill in India which has already produced this standard cloth and, if so, at what price?

Mr. T. S. Pillay: There are several mills who are producing standard cloth.

Dr. Sir Zia Uddin Ahmad: Will the Honourable Member name those mills and the quantity of the cloth they have supplied?

Mr. T. S. Pillay: I have already said that we have manufactured about 10 million yards of standard cloth. I have not got the names of the mills individually before me, but if the Honourable Member desires that information, I can supply it.

Dr. Sir Zia Uddin Ahmad: At what price are they producing that cloth?

Mr. T. S. Pillay: The actual figures I have not got. In this question I have not been asked about the prices but we have already stated in the press-note, which I have referred to, that the prices of the standard cloth are expected to be about 40 per cent. below the prices of comparable cloths in the market.

Mr. Muhammad Azhar Ali: Has the distribution to the various Provinces been made on a settled scheme and is there any allotment made in that scheme so far as the United Provinces are concerned?

Mr. T. S. Pillay: They did not ask for the standard cloth in time.

Sir Muhammad Yamin Khan: I understood the Honourable Member to say that the United Provinces Government did not ask for the standard cloth in time. Does it mean that all the U. P. people will be left without any standard cloth?

Mr. T. S. Pillay: That does not follow. Certain mills have already manufactured the standard cloth and we are considering the question of placing

orders for certain Governments. I hope we will get some cloth for the United Provinces.

Maulvi Muhammad Abdul Ghani: What arrangements have been made so far as Delhi Province is concerned?

Mr. T. S. Pillay: Delhi also comes into the general scheme.

Mr. Hooseinbhoj A. Laljee: May I know how many of the members of Committee represent the interests of industry and how many represent the interests of consumers?

Mr. T. S. Pillay: I think the Honourable Member is referring to the Standard Cloth Panel and if so, the panel is mainly concerned with the problems of manufacture of standard cloth though occasions may arise when there may arise problems in regard to distribution. Therefore the Standard Cloth Panel consists of four representatives of consumers and about 19 of the industry.

Mr. Amarendra Nath Chattopadhyaya: Is there any representative from Bengal.

Mr. T. S. Pillay: Yes.

LICENCES FOR EXPLORATION AND SCIENTIFIC PROSPECTING OF POTENTIAL OIL SOURCES.

441. *Mr. K. O. Neogy: Will the Honourable Member for Labour be pleased to state whether it is a fact that licences for carrying on exploration work and scientific prospecting in respect of certain potential sources of oil in India, have been granted to British and American Companies? If so, to which parties have such licences been granted, and what are the terms thereof?

The Honourable Dr. B. R. Ambedkar: Except in Centrally Administered Areas, the licences referred to are granted by Provincial Governments. The Central Government has no information regarding licences granted by Provincial Governments. No such licences have been granted in Centrally Administered Areas.

The second part of the question does not arise.

Mr. K. O. Neogy: In view of the fact that the Department of Geological Survey has recently started Utilisation Branch, do Government think it necessary to keep themselves informed about licences granted by the Provincial Authorities in the case of important minerals?

The Honourable Dr. B. R. Ambedkar: Certainly.

Mr. K. O. Neogy: Do I take it that according to the information of the Government of India, particularly of the Geological Department, no such licences have been granted by any Provincial Government?

The Honourable Dr. B. R. Ambedkar: We have at present no information. If my Honourable friend wants I can collect it for him.

Mr. K. O. Neogy: I understand from a scientific journal that licences have actually been granted to British and American companies for exploration work in connection with minerals.

The Honourable Dr. B. R. Ambedkar: If my Honourable friend wants the information I will collect it for him.

Mr. K. O. Neogy: Thank you.

1442-443.

DESIRABILITY OF PARTITIONING COMPOUNDS IN FRONT OF ORTHODOX QUARTERS IN NEW DELHI IN FURTHERANCE OF 'GROW MORE FOOD' CAMPAIGN.

444. *Nasir Chowdhury Muhammad Ismail Khan: With reference to the propaganda made by Government in regard to growing more food, does the Honourable the Labour Member propose to consider the desirability of partitioning the joint compound in front of the A, B and C type of orthodox quarters in New Delhi by hedges to enable the tenants thereof to follow that scheme? If not, why not?

The Honourable Dr. B. R. Ambedkar: There has been no general demand from the tenants concerned and if concrete suggestions are put forward by the tenants I am prepared to consider.

UNSTARRED QUESTIONS AND ANSWERS.

DESIRABILITY OF ALLOWING GOVERNMENT SERVANTS LIVING IN THE NEW AREA TO APPLY FOR QUARTERS IN THE OLD AREA OF NEW DELHI.

89. Mr. Amarendra Nath Chattopadhyaya: (a) Is the Honourable Member for Labour aware that:

(i) according to Classification Rules the quarters in New Delhi for the ministerial establishment of the Government of India, are divided into two areas (a) Old Area (near the Secretariat) and (b) New Area (Minto Road side);

(ii) when a member of the staff goes out of a certain class of quarter and becomes eligible for a higher class, he is required to live in the New Area at least for a year before he is provided with a quarter in the Old Area;

(iii) the Government of India have recently passed new rules for allotment under which persons holding lens on quarters have been debarred from applying for any other quarters in the same class;

(iv) under the new rules referred to above, new applicants have straight off become eligible for quarters in the old area whereas persons, who have been living in the New Area for a sufficiently long time and whose names have been on the waiting list, have been deprived of this privilege which they have been enjoying for a long time without any cogent reason;

(v) the Government of India have framed the new rules without consulting the Imperial Secretariat Association, Attached Offices' Association and the General Headquarters' Association who watch the interests of the ministerial staff;

(vi) persons living in the New Area have to pay at least six annas per day per head on bus or tonga hire while coming to, and going back from, office; and

(vii) members of the staff living in the New Area are not drawing any conveyance allowance?

(b) If the replies to parts (a) (i) to (vii) above be in the affirmative, does he propose to remove this disability, with a view to allowing Government servants living in the New Area (Minto Road Area) to apply for quarters in the Old Area?

The Honourable Dr. B. R. Ambedkar: (a) (i) and (ii) No.

(iii) Yes.

(iv) Change of quarters is not allowed under the new rules except in the case of 'C' combined orthodox type but as stated in the reply to (a)(i) the quarters are not divided into areas.

(v) Yes.

(vi) I am prepared to take this fact from the Honourable Member.

(vii) No conveyance allowance is given to the tenants of any quarters.

(b) I am prepared to have the matter considered.

ACTIVITIES OF THE UNITED KINGDOM COMMERCIAL CORPORATION.

90. Mr. K. O. Neogy: Will the Honourable Member representing the Commerce Department be pleased to state:

(a) whether his attention has been drawn to a Reuter's message, dated London, the 3rd February, wherein it is stated that Dr. Dalton, the President of the Board of Trade, refused to give any assurance to the House of Commons that the United Kingdom Commercial Corporation's activities will be terminated at the end of the war;

(b) whether, in view of the fact that Sir Alan Lloyd had promised in the Council of State on the 27th September, 1942, that there was no intention to set up another East India Company or to make the Corporation a permanent organisation for the post-war trade, the Government of India have protested to His Majesty's Government in regard to Dr. Dalton's statement;

(c) whether he proposes to assure the House that Government will immediately take up this question with His Majesty's Government and obtain assurance that the activities of the United Kingdom Commercial Corporation, so far as Indian trade is concerned, will cease after the war;

(d) whether his attention has been drawn to the fact that in allocating ship space the Corporation is the agent of the British Government, as announced

ed in the Reuter's message in regard to Dr. Dalton's replies in the House of Commons debate; and

(e) whether Government propose to assure the House that they will take up this question with His Majesty's Government, and see that the Corporation is not allowed to continue enjoying these privileges, so far as India is concerned, at least after the end of the War?

Mr. T. S. Pillay: (a) Yes.

(b) and (c). The Government of India have received a communication from His Majesty's Government on the subject and the matter is under examination.

(d) Yes. The statement in the House of Commons that the Corporation acts as the agent of the British Government in allocating shipping space to the Middle East was made with reference to exports from the United Kingdom and not with reference to exports from India.

(d) Does not arise.

GOVERNMENT POLICY REGARDING UTILISATION OF TIBETAN SOURCES OF BORAX.

91. Mr. K. C. Neogy: Will the Honourable Member representing the Commerce Department be pleased to state:

(a) whether it is a fact that although an assurance was given that adequate supplies of borax and boric acid would be made by the Imperial Chemical Industries to the indigenous glass industry, the supply of borax and boric acid has been inadequate, resulting in hardship to industries using these chemicals;

(b) the reasons why so far as the Government of India are concerned the Tibetan sources of borax have not been utilised, even though, it is understood, the Government of the United Provinces were at one time anxious to push the scheme forward; and

(c) the Government's future policy regarding the utilisation of Tibetan sources of borax?

Mr. T. S. Pillay: (a) No assurance relating to the supply of borax was given by Government. There has been some shortage of these chemicals but at present the supply position is reasonably satisfactory.

(b) and (c). The Tibetan sources of Borax are being utilised. There is an established trade from Tibet in this article and about 200 tons per annum of crude borax or 'tincal' are brought over the Himalayas during the summer months by sheep and goats and are refined in the Punjab and United Provinces foot-hill areas to provide about 150 tons of borax, a large part of which goes to the glass industry. The question of increasing this source of supply has been investigated by the Government of India but in view of the great uncertainty attending the extraction of the crude material in Tibet, it is felt that the matter cannot usefully be pursued any further at present. It may be noted that the normal Indian consumption of borax is at least 1,500 tons per annum or ten times the quantity imported from Tibet in terms of refined borax. There are no restrictions, however, which prevent glass manufacturers or any other consumers from making special arrangements to obtain their supplies from Tibet should they so desire.

OPERATIONS OF THE UTILISATION BRANCH OF THE GEOLOGICAL SURVEY OF INDIA IN RESPECT OF CERTAIN MINERALS.

92. Mr. K. C. Neogy: Will the Honourable Member for Labour be pleased to make a detailed statement indicating the progress of the operations of the Utilisation Branch of the Geological Survey of India in respect of lead, sulphur, wolfram, tin, copper and mineral waters?

The Honourable Dr. B. B. Ambedkar: A statement is laid on the table.

Statement.

1. **Lead.**—In 1941-42, a thorough examination was made by the Geological Survey of certain long abandoned lead-zinc ore mines in Rajputana. It appeared that the most promising lead-zinc deposits in India were the mines at Zawar in Udaipur State which were at one time worked but have been abandoned for over 100 years. The mineral rights were transferred to the Mewar State who had leased them to a commercial firm. As this firm was not in a position to exploit its lease rapidly (and rapid exploitation was necessary if it was to be given to the war effort) Government decided to buy out their rights and themselves take a lease from the State. This has been done (fair compensation being

paid to the commercial firm) and Government are carrying out their exploration under the terms of a lease granted by the Mewar State. Operations began at the end of May, 1942. They have been planned in two stages—(1) a detailed plane-table survey and deep drilling operations to be followed by (2) the opening up of deposits and the erection of a pilot ore-dressing plant as soon as drilling operations establish the workability of the lode. The old workings are being opened up by 4 Adits or headings. One of these headings has encountered a lode of lead-zinc ore which is of wide extent but which is not at present as a whole as rich as is desired. Another heading has entered some old workings which suggests rich ore. The other two headings have still to meet the lode. The progress of these operations has been satisfactory considering the difficulty in obtaining mine stores and machinery. It is not possible at present to say that any of the four headings must necessarily encounter high grade lead ore. They are merely initial operations and until they are fully conducted it would be premature to speculate as to the size and richness of the deposit. Under peace-time conditions another two years development at the present rate of progress would be advisable before any decision is taken as to the plant required. The Government of India are, however, anxious to secure the earliest possible production in the interests of the war effort. It is hoped that in about three months' time it will be possible to gauge at least to some extent the character of the ore. Should payable ore have been found at the end of this period, Government will take steps to order and to erect ore-dressing machinery.

2. **Sulphur.**—On the outbreak of war the Geological Survey of India, as part of its drive for the discovery of minerals required for war purposes, devoted particular attention to sulphur. The most promising occurrence of sulphur in India is in a crater of an extinct volcano at Koh-i-Sultan in Baluchistan. Having carried out the original prospecting and examination of the Koh-i-Sultan deposits, the Geological Survey in the middle of 1941, handed over the working of the deposits to the administrative charge of the Supply Department, who established a small mining section under a special officer. The mining operations have however required more technical planning than it was first contemplated and with the formation of the Utilisation Branch of the Geological Survey it was found more convenient that that Branch should take over the mining and this has been done. There are two workable areas at Koh-i-Sultan—(i) Miri—which is higher up, less accessible and has not yet been worked; and (ii) Batal—which is the deposit at present being worked. Considerable quantities of +50 per cent. sulphur ore have been delivered to Indian industry. Proved reserves in the deposit at Batal are now nearing exhaustion in regard to +50 ore though there is still some quantities of lower grade ore and the Utilisation Branch are actively considering opening up the Miri deposits which are expected to be considerably richer than at Batal but there are considerable difficulties in regard to transport. The climate at Koh-i-Sultan, particularly at Miri, is very severe; extreme cold being experienced during the winter and intense heat and high winds in summer. Labour is consequently difficult to attract. Owing to the inaccessibility difficulties are likely to be experienced in the Transport of ore down from Miri, but all possible steps are being taken to overcome them.

So far only +50 per cent. sulphur ore has been extracted and the Utilisation Branch is now considering the possibility of opening up lower grade ores and washing the ore near Koh-i-Sultan to improve its quality.

The Utilisation Branch is also carrying out operations to prove some old sulphur mines near Sanni in Kalat State. At present boring operations are in progress there.

3. **Wolfram.**—The Utilisation Branch has been exploring two small deposits of wolfram—one in the Bankura district of Bengal and the other in the Nagpur District, C. P. A certain quantity of wolfram has been extracted from the former deposit and supplied to the Supply Department. This deposit is not particularly attractive as the wolfram occurs dispersed in the rock reef and must be extracted therefrom. Quite a steady output has, however, been obtained from several scattered old low grade occurrences and it is now being considered whether machinery should be installed. The deposit in the Central Provinces is even poorer than that in Bengal. Owing, however, to the great value of wolfram for the war this deposit too is being further investigated and it is hoped to extract a certain quantity of wolfram. The principal occurrence of wolfram in India occurs in Jodhpur State and these mines are being worked by the Jodhpur Government. At the request of the State authorities the Utilisation Branch is giving every assistance by means of technical advice where required and in the supply of machinery.

4. **Tin.**—The Utilisation Branch has concentrated on a possible workable occurrence of tin ore in India in the Hazaribagh District of Bihar. Samples taken from the dump heaps show that tin ore has been worked in this area extensively. Efforts are being made to open up the old mines which appear to have extended deeply but are now filled with water. De-watering operations are now in progress, but have been hampered up to date by lack of or proper pumping equipment. Efforts are being made to secure pumping machinery.

5. **Copper.**—The Utilisation Branch have investigated the possibility of re-opening an abandoned copper mine in Bihar. These old mines will also require de-watering and extensive underground survey and assays will have to be made before it will be possible to state whether they are workable. One or two other copper occurrences are also being investigated. They appear rather disappointing, but if assays are good, further exploration will be made.

6. **Mineral waters.**—The Geological Survey has made an exhaustive examination of the mineral springs in India and for the last 18 months experimented with 6 types of 'Indian

spring' waters. They have been bottled as Red label (acid), White label (neutral), Green label (neutral), Blue label (Gastein), Blue label (Axix-les-Bains) and Yellow label (Vichy) types. The Red, White and Blue (Gastein) waters has been found to be efficacious and steps have been taken to bottle them for trial on a larger scale but arrangements have still to be made with the proprietors. The commercial aspect of these waters, both for Table mineral waters as well as for their valuable medical properties, is also under consideration.

SHORT NOTICE QUESTION AND ANSWER.

FOOD SITUATION AND STANDING COMMITTEE FOR THE FOOD DEPARTMENT

Dr. P. N. Banerjee: Will the Honourable Member representing the Food Department be pleased to state:

(a) whether he is prepared to make a statement in the Assembly on the food situation in India at the present moment; and

(b) whether he proposes to take steps to have a committee of the Central Legislative Assembly elected to advise the Food Department?

Mr. K. G. Ambegaonkar: (a) The food situation in India continues to show improvement although local difficulties appear from time to time in different places. A difficult situation is at present existing in Bengal and the Central Government are in the course relieving the position. As has been publicly announced, substantial quantities of rice, wheat and other foodgrains are at present being imported into Bengal. As regards the rest of India, conditions are easier and particularly in respect of supplies but it is recognised that in certain areas retail prices still rule higher than is desirable.

All conditions now appear favourable for the coming rabi crop and unless any last minute catastrophe occurs, it will prove a bumper crop. With the central purchase arrangements for procurement from this crop well on the way of being established, the position would appear to be favourable for many months ahead.

(b) If it is the wish of this House that a Standing Committee of the Legislature should be set up to advise the Food Department, the Central Government would give such proposal favourable consideration.

Dr. P. N. Banerjee: Was not that made clear in the course of speeches of the Members of this House?

Mr. K. G. Ambegaonkar: Sir, I am not aware that there was any desire expressed by all the Leaders in this House.

Mr. Muhammad Azhar Ali: Has the Honourable Member or the Government not seen the resolution passed by the Federation of the Indian Chambers of Commerce here in Delhi saying that the food control has not been done properly in India?

Mr. K. G. Ambegaonkar: Yes, Sir, we have seen the resolution.

Mr. Muhammad Azhar Ali: Are the Government prepared to consider it?

Mr. K. G. Ambegaonkar: Government have already taken steps in regard to food situation and the control is being properly organised.

Dr. Sir Zia Uddin Ahmad: Is it not a fact that the food control has failed?

Mr. K. G. Ambegaonkar: Sir, I do not know what exactly the Honourable Member is referring to. If he is referring to the control of wheat, he is aware that we have withdrawn the control on prices in primary agricultural markets. If he is referring to the wholesale and retail prices the answer is no.

Mr. K. O. Neogy: What are the factors which led to the present acute situation in Bengal?

Mr. K. G. Ambegaonkar: I am afraid this will take a long explanation which I cannot undertake to give in answer to a supplementary question.

Mr. K. O. Neogy: Will the Honourable Member attempt it?

(No answer.)

Dr. Sir Zia Uddin Ahmad: With reference to the reply given by the Honourable Member in reply to a supplementary question just now, may I ask him whether he expects every Honourable Member of this House to get up and say this thing that an Advisory Committee is necessary to set up for the Food Department? The suggestion made by one of the Leaders of Parties was really on behalf of the whole House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really making a speech.

Mr. K. G. Ambegaonkar: I think the general convention is that if a desire is expressed by Leaders of all Parties, then it can be taken up as the general desire of the House. It is not necessary for each and every Member of the House to suggest this. But in the present instance, I am not aware that the Leaders of all Parties have expressed such a desire.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE COMMERCE DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Monday, the 29th March, 1948, the extended time fixed for receiving nominations for the Standing Committee for the Department of Commerce, five nominations were received. As there are only five vacancies, I declare the following Members to be duly elected:

1. Mr. E. L. C. Gwilt.
2. Mr. Hooseinbhoj A. Lalljee.
3. Mr. Muhammad Nauman.
4. Mr. Amarendra Nath Chattopadhyaya.
5. Seth Yusuf Abdoola Haroon.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE CIVIL DEFENCE DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Thursday, the 25th March, 1948, the time fixed for receiving nominations for the Standing Committee for the Department of Civil Defence eight nominations were received. Subsequently three 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:

1. Kunwer Hajee Ismael Alikhan.
2. Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.
3. Mr. Amarendra Nath Chattopadhyaya.
4. Mr. C. P. Lawson.
5. Mr. Ananga Mohan Dam.

THE HINDU CODE, PART I (INTESTATE SUCCESSION)—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the motion relating to Hindu Intestate Succession Bill.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, my Honourable friend Babu Baijnath Bajoria apologised to the House yesterday for not being either a lawyer or a learned Pandit, but as he went on developing his argument, it seemed to me that he combined the learning of an erudite Pandit with the mathematical genius of Dr. Sir Zia Uddin Ahmad; and though he complained about shortness of time, it did not seem to me that the shortness of time affected his study of the question. At the same time, I must confess to a feeling of sympathy for the complaint, particularly because I am aware that this measure has evoked a good deal of controversy in the Province of Bengal at least. Whatever may be our views, it must not be forgotten that a measure of reform of this character is likely to give a rude shock to age-long traditions, and there must be sections of people, very respectable sections of people, who may be genuinely alarmed at the pace at which reforms take place. I have also to make a complaint that although this Bill is based upon several memoranda which the Special Committee prepared, and although those memoranda were circulated to eminent lawyers and other interested persons, as we find in the Statement of Objects and Reasons, the opinions of these authorities have not been made available to us. It is stated in the Statement of Objects and Reasons that legal opinion has for the most part been very favourable, criticism being confined to certain points of detail. I, for one, would have very much

[Mr. K. C. Neogy.]

liked to see these legal opinions for the purpose of finding out whether they represent the different schools of thought in the country. Sir, legal opinion seems to be discounted by my Honourable friend Pandit Nilakantha Das in the consideration of questions of this character. He said that lawyers are particularly disqualified in the matter of legislating on such subjects. May I, Sir, remind him of what certain ancient sages think on this point. According to Vasishtha, whose authority perhaps my Honourable friend will not question, the decision of eminent lawyers has the force of law and their opinion on all disputed points is authoritative and cannot be gainsaid. My Honourable friend will find this at page 126 in that monumental work of Mr. Prasanna Kumar Sarvadhikari to which he referred with approbation in another connection.

I must say that I, along with many other Honourable Members of this House, was pained at the rather ungracious remarks of a personal character which were made by my Honourable friend Babu Baijnath Bajoria against the very distinguished Judge who presided over the Special Committee. I feel sure that on a cool reflection he will himself regret the observations that he made. Sir, Benegal Narasingha Rau is one of the most distinguished Judges of our High Courts at the present day, and the country at large owes him a debt of gratitude for the remarkable work which he has done by way of producing a Bill of this character. We may have our differences of opinion, but that should not prevent us from acknowledging the signal services that he and the other members of the Committee have rendered in this matter.

I will next come to the principal arguments put forward by my Honourable friend Babu Baijnath Bajoria. He objects to codification and to uniformity. Now, Sir, as regards codification, he referred to a Resolution which was moved in the Legislative Assembly in 1921 when I was a Member of that House. He quoted a few observations made by the Honourable Sir Tej Bahadur Sapru, the distinguished predecessor of the Honourable Member in the charge of the present Bill. Unfortunately, however, my Honourable friend omitted to mention that Sir Tej Bahadur Sapru gave a definite assurance that action would be taken on certain lines in the direction of codification of Hindu law, although he was very cautious in propounding that scheme. It was on that assurance that the Resolution was withdrawn, and I take it that it is in partial fulfilment of that undertaking, that was given about a quarter of a century ago, that the present Bill has been brought forward by the Government, after pursuing a procedure somewhat analogous to what was suggested by Sir Tej Bahadur Sapru, and I can almost imagine Sir Tej Bahadur Sapru moving the consideration of this Bill in this House, had he been present amongst us today. What has been the position as regards codification? However much one might object to codification, piecemeal codification has been actually taking place by stages, in small doses, and it is because of that that the Government felt impelled to refer the whole question for a comprehensive examination by a competent committee, and it was as a result of that examination that the Government agreed with the views of that Committee and they came forward with a comprehensive piece of legislation. Sir, even my Honourable friend Babu Baijnath Bajoria has been a party, a willing party, to one of these small measures of codification, namely the so-called Deshmukh Act, and it does not lie in his mouth now to take exception to codification as a matter of principle. Apart from that, one cannot forget that progressive States like Baroda and Mysore, which are ruled by Hindu Princes of great distinction have undertaken codification of the Hindu law. In the case of Baroda, we have got a complete code of Hindu law, in the case of Mysore, the codification is perhaps taking place in instalments, just as the present proposal is. In one of those measures the Mysore Legislature has enacted a piece of legislation regarding women's right to property. Sir, this legislation has been placed on the Statute book of Mysore with the support of a ruler who, according to Indian opinion, came nearest to the ideal of Hindu kingship and it cannot be said that a revolutionary legislation was approved by such a Prince in defiance of the Hindu Shastras and general Hindu public opinion in the matter. As re-

gards my Honourable friend's objections to modification of Hindu Law as a corollary of any such scheme of codification, as also his objection to uniformity, I shall deal with these points later as I go on with my argument.

Sir, my Honourable friend, Pandit Nilakantha Das, stated that Hindu Law is based on religion, and my Honourable friend, Mr. Bajoria, added that it is of divine origin. If it were of divine origin, if it were based really on religion strictly so-called, Hindu Law should have been uniform throughout the country; Hindu Law should have been static and immutable, but that is not perhaps what is claimed even by my Honourable friends. Sir, it is perhaps the barest truth to say that in the early days of Vedic life, Hindu Law, if it could be described by that name, was of a uniform character, simple and founded on certain general principles of equity. But, Sir, the references made to rules of law in the early Vedas were supplemented subsequently by successive commentators who sometimes gave different interpretations to the very same thing and there arose a good deal of conflict of opinion as a result of such interpretations, and these interpretations were different in different localities, some being recognized as an authority in one particular country but not in another. This process went on for a long time, and I will now give the House the opinion of a very learned judge, who by his pious life, apart from his learning, came nearest to the ideal of an ancient Rishi, to show how by the very process of commenting upon the ancient texts changes were gradually made in the Hindu Law by the ancient law givers in conformity with changing ideas and requirements of society. Sir, I am quoting no less an authority than Sir Gooroodas Banerjea. This is what he says:

"Hindu Law is a body of rules intimately mixed up with religion as it was originally administered for the most part by private tribunals.

The system was highly elastic and had been gradually growing up by the assimilation of new usages and the modification of ancient text law under the guise of interpretation."

Here is the modification to which my Honourable friend, Mr. Bajoria, objects. Then Sir Gooroodas Banerjea continues:

"... when its spontaneous growth was suddenly arrested by the administration of the country, passing into the hands of the English, and a degree of rigidity was given to it which it never possessed."

Sir, it is by way of a partial expiation of its past sins that the Government have come forward today with this Bill of reform. Sir, if I may give another authority which has been quoted with some amount of approbation in some of the opinions which are not in favour of this Bill—I mean that legal genius, Dr. Priyanath Sen, who in his well known work on Hindu Jurisprudence states as follows:

"The commentators had to meet the demands of a progressive time not by the introduction of an avowed innovations but by ingenious interpretation working upon old materials. When the views of a particular writer, who, by reason of his superior scholarship and sanctity of life, commanded the reverence of the people of a particular locality, got a firm hold upon those people and began to mould their lives, and institutions, the chances of those views being easily shaken off diminished from day to day, and at last there came a time when (mark these words) his interpretation might be said to have almost superseded the original authorities on which they were based."

Hindu Law certainly has not been static or immutable. Now, Sir, what has been the result? The result has been that today we find not merely the two principal schools of law, namely Mitakshara school and Dayabhaga school, but several sub-schools—Benares school, Dravida school, Maharashtra school, Mithila school, not to mention the Punjab with its peculiar customary laws,—and each of these sub-schools differs from the other in material particulars, not excluding the rules of inheritance.

Sir, I should like to test the attitude of my Honourable friend with reference to the rules regarding the inheritance of females. The texts in the Vedas have been interpreted by certain commentators to mean that "women are not considered to have a right to use sacred texts, nor to take the inheritance". This is perhaps the purport of the opinion some of the most learned sages who lived in the ancient days, and on this that learned author, Prasanna Kumar Sarvadhikary, comments as follows:

[Mr. K. C. Neogy.]

the list of succession. Then, as regards the question of the right of inheritance of females, a distinction could be drawn between movable and immovable property, between ancestral and self-acquired property, between the family homestead and other landed property. I find that already an ardent supporter of the Bill has suggested the adoption of the law of pre-emption in this connection, for the benefit of the male members of the family. All these questions can easily be gone into in Select Committee; and if the Bill goes before the Select Committee, I venture to hope that it will be possible for that committee to take evidence of leading persons, representing different points of view. If I may make a further suggestion, having regard to the complaint which has been made about paucity of time, the Select Committee should not be summoned too early, so that the country at large may have an opportunity of expressing its views on the basis of the discussion that is taking place on the present motion in this House.

Before I conclude, I need refer to only one other point, and that is also a point which I suggest might be considered by the Select Committee. We in this House are acting under a constitutional handicap in that any legislative measure of this character cannot possibly affect agricultural property in the provinces, and the authors of this Bill therefore made the very cautious suggestion that the Act should not come into force before the 1st of January 1946. They said that the date of commencement was suggested in order to give the Governors' provinces sufficient time to pass complementary legislation in respect of agricultural land. To my mind it would be a welcome amendment, if it were to be adopted by the Select Committee, to make this a sort of permissive measure, which would come into operation in the different provinces as and when such complementary legislation is passed. Otherwise we will have two different rules of succession operating side by side, and even in the same family. Supposing a person owns agricultural property as well as non-agricultural property; the rule of succession applying to agricultural property would be quite different from the rule of succession governing the succession to non-agricultural property. In order to obviate such difficulties, I do suggest for the consideration of the Select Committee that this measure, if and when passed by this House, in whatever shape, it may be, should be kept on the Statute Book as an enabling measure to be brought into operation when provincial legislation has been undertaken on these lines in regard to agricultural property. Then most of the complaints that we have heard in the course of this debate will have absolutely no justification whatsoever, because if the Provincial Legislatures were to put this enactment into motion, apart from legislating in regard to agricultural property, this reform would be carried out with the help of Legislatures which are elected on the basis of a much wider franchise than we the elected Members in this House can claim; and in my opinion it is very essential that in all such measures of reform, we should carry the maximum amount of public support with us, as far as that is possible.

Mr. Umar Aly Shah (North Madras: Muhammadan): Sir, I rise to support this Hindu Women's Intestate Succession Bill which was introduced by the Honourable Sir Sultan Ahmed in this Assembly the other day. Many discussions have been going on on this important Bill and many suggestions have been made for improving the lot of Hindu women. Hindu women have been suffering for a long time under male domination, but it is a very difficult task to explain this in detail. Whatever may be the law, their custom says *Kuladharma patni*—a *saddharmini* shall be "*griheshu daai*": at home she is a menial servant. "*Sayaneshu Rambha*"—in the bed room she is a wife. This is the authority. Mr. Bajoria said something. I am not a great pundit, I am not a lawyer and therefore I do not say all these doctrines before him. My friend, Nawab Siddique Ali Khan, told me something; but I did not say anything to him. Hindu women have no right, no share, in either their fathers' property or their husband's property. That was very bad treatment under the Hindu custom. It is said that a woman is not entitled to any right to property. As such women have been suffering from a very long time under so many difficulties; they have

been treated as menial servants. They must have some relief, and if they are given, they can work miracles. Those who deny this right are not looking at the thing from the point of view of broad principles. The Hindu culture has been great. It is but right that the father's property should be divided among the sons and daughters, and there are so many authorities in the Sanskrit literature in support of this proposition. There are 18 law codes in Sanskrit literature, and there are different schools of thought. Our Indian scholars have not gone into all those 18 codes; if they had done so, there would have been no necessity to introduce this Bill. The Hindu society is a big society; it has rendered very great service to the world.

There can be no reform unless it is given by a Brahmin. If so, what can Mr. Bajoria say? This is Sanatana Dharma. I know the Hindu Sanatana Dharma. There is no authority in the non-Brahmin. There can be no authority except that of the Rishis. So, tomorrow if this Bill is passed our Law Member becomes a Rishi. There are non-Brahmin Rishis. Pantajali belongs to Dr. Ambedkar's caste, Yavanarishi is one from the Arabs, Chayavanarishi is one of the Chinese. Now, the British Government have been ruling for the last 150 years. There are 40 crores of Indians out of which 30 crores are Hindus. But this Government did not translate those books into English and it was very bad. I do not understand this, some people say yes, some people say no. This sort of agitation going on is not right. The first thing that should be done is, take the law and put it in English. The other day my Leader, Mr. Jinnah, told me, "Mr. Umar Ali Shah, what about the Hindu Shastras? The Hindus are my friends. I do not want you to give a wrong interpretation. I do not want to go against them. You had better give me the right quotations". I said, "Yes." It is therefore that I am giving only a few quotations, that is why I have not brought all the reference books. You know that Mahabharata is a big epic and it is one of the most authoritative law books in Hinduism. Mahabharata is one of the Vedas, and therefore it is a very authoritative book for Hinduism. Bhishma was a great warrior, it is said there. He was conquered by Sikandi. Sikandi was a woman by birth. Every one knows this. Her father told her: "Sikandi, my property I am giving you." Therefore, this supports the theory that woman also was given a share in property. I challenge if anybody disputes this. This Assembly contains big men, big scholars, such as Mr. Deshmukh, Pandit Nilakantha Das.

Pandit Nilakantha Das: It is giving Sikandi; it is not succession for a woman.

Mr. Umar Aly Shah: The next thing is this. Dussala is the daughter of Dhritarashtra, she has got 100 brothers. She also took a share in her father's property. That is stated in the Mahabharata. The sister took her share from her hundred brothers. *Ambara* means cloth, *aparna* means ornaments, *hemakunda* means gold vessels, *vasundhara* is land. She took all sorts of things as her share.

Now, there are other authorities also. In connection with Ramayana, after conquering Ravana, Rama rejected Sita who spent her time in the asram of Valmiki. Sita's father Janaka came to her. He said: "Oh, Sita, I will give the whole property to you." Then Sita said: "No, father, I do not want any property. I am living in the forest" (An Honourable Member: "Are you quoting from Valmiki's Ramayan or some other book.") I know it is from Valmiki's Ramayan.

Then there is another woman called Gargi. She also took her share from her father. She was a very learned woman. She performed her father's ceremony. She said: I have got the right. She said: "I have studied the four Vedas and the Brahman, Kshatriya, Vaisya and Sudra, that is, the Brahmins, the warrior caste, the merchants and the Sudras, they also can perform this ceremony, and I can also perform this ceremony". There are also many other authorities. This is a very important Bill at the present time, intended to give rights to the Hindu women population. Therefore, I support this Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, this is a Bill which requires the Hindu law to be amended and codified. I should say

[Mr. K. C. Neogy.]

"The text in the Veda really refers to the ritual of the Soma offerings and declares that women are not entitled to participate in such offering. Baudhyana applies the text to inheritance."

Evidently without any amount of authority whatsoever. It was obviously an interpolation, not in keeping with the spirit of the actual text. Sarvadhikary says:

"The saying which teaches that women cannot own property, refers to property acquired for purposes of sacrifice."

Sarvadhikary continues:

"Vasistha fully agrees with Baudhayana that women should be denied all freedom, and he maintains absolute silence with regard to their exclusion from inheritance. This evidently means that women should be kept in perpetual tutelage."

A learned judge of the Madras High Court, Justice Muthuswami Aiyar, in a decision dated 1885 states:

"the Vedic text is no bar to the succession of women under the Mitakshara law except as to property obtained expressly for the purpose of sacrifices."

Now, if some of us could make a confession, they could testify as to what they owe to their mothers for whatever good and beneficent there may have been in their lives. Sir, I for myself am not prepared to accept the cynical aphorisms of the ancient Rishis as they involve a reflection, an unmerited reflection, on my mother. Sir, modern writers have tried to find a more logical explanation for this rule of exclusion. I find that Prasanna Kumar Sarvadhikari tries to give a somewhat sentimental explanation for this rule of exclusion. This is what he says:

"The women had better to be enshrined therefore within the *sanctum sanctorum* of the family and be worshipped as divinities, who would claim as of right the voluntary offerings of their worshippers. Let them be considered as the Guardian Angels of the family and be relieved of all the grosser cares of life."

My Honourable friend, Mr. Bajoria, has stated how unmarried daughters are worshipped in our families. Sir, the womenfolk are persistent in their claim to be treated as human beings. They do not want to be worshipped. They say: 'We want to be treated as human beings'. What tragedies do we not witness every day in our actual life. My Honourable friend, the Law Member, in his capacity as a distinguished lawyer must have come across many heart-rending cases which go to show that this dependence upon "voluntary offerings" is a very precarious method of keeping one's body and soul together particularly in the case of Hindu widows.

Sarvadhikari again tries to find a more rational explanation for this rule of exclusion. He says:

"These womenfolk were excluded from inheritance simply because they were utterly unfit in those troublous times to administer the family affairs as sovereigns of the corporation. . . . utterly incapable of preserving the family property from the encroachment of powerful neighbours. . . . Where was the woman who could repel attacks of an enemy. This was the virtue which was pre-eminently needed in the ruler of a Family."

This refers to those early days when different clans were living in perpetual warfare among themselves, and certainly that rule of law, even if it were founded on any text of real authority, has no place in modern times.

My Honourable friend, Mr. Bajoria, referred to the argument which has been advanced by many competent lawyers that the right of succession under Hindu Law depends on the capacity to confer spiritual benefit by offering of oblations to their ancestors. It is true that Dayabhaga, which is the school of law by which Bengal is governed, does mention the test of spiritual benefit as the governing test, but Mitakshara definitely stresses propinquity of relationship. Spiritual benefit hardly arises for consideration under Mitakshara, except very remotely in certain cases.

The Dayabhaga itself represents a dissenting school. Dayabhaga, in so far as it has made a departure in essential particulars from the laws of inheritance prevailing in other parts of India, is definitely the result of a reformatory movement, and I should have thought that those people who are governed by the Dayabhaga school should be the last persons to take exception to the process of reform going on according to modern ideas to suit modern conditions. Unfortunately, however, opinion in Bengal is mostly opposed to this measure.

Sir, Dayabhaga rule of succession, says a learned commentator, bespeaks a disruption of the close ties of the old joint family system which are enshrined in the Mitakshara School of Law, and Mayne himself admits that "much of it was due to the natural progress of society".

Golap Chand Shastri says that although the Dayabhaga School of Succession purports to be based on spiritual benefit, it recognises partially the claims of natural affection, and on this point the opinion of a learned Hindu Judge of the Calcutta High Court, Mr. Justice Mitter, may be of some interest. Mr. Justice Mitter, in a judgment delivered in 1908 says as follows:

"In most cases propinquity, spiritual efficacy and natural love and affection run in the same lines. But when they run in different lines, Jimutavahana, the author of Dayabhaga, was compelled to ignore spiritual efficacy and had recourse to other principles."

Sir, the claims of natural affection must have been tugging at the heart of society, and they had to admit these claims under the guise of spiritual benefit.

Sir, in Mitakshara, the rule of succession does not recognise spiritual benefit as the determining factor. The very fact that agnates down to the last Samanodoka are preferred to cognates, some of whom are capable of making greater religious benefits than agnates, shows that propinquity of relationship is the guiding principle for determining the order of inheritance. Where then is the test of spiritual benefit? Certainly it cannot be claimed that spiritual benefit was the only factor that determined the line of succession either under Mitakshara, or under Dayabhaga.

Sir, we have these different rules of succession, which have undergone changes from time to time under stress of circumstances, in the guise of interpretation, and when we come to the British period we find that the High Courts, as well as the Privy Council, contributed their share towards developing, as also perhaps crystallizing, Hindu Law to a certain extent. Now, Sir, the Bombay High Court (the Bombay Province being governed by Vyavahara Mayukha which gives a better place to certain female heirs) has gone one better and has admitted other females into the line of succession on the analogy of the sister's position under Mayukha. The Madras High Court has admitted the claim of female inheritance as Bandhus contrary to the principle of Mitakshara and Smriti Chandrika, though these are the authorities that prevail under the Southern School. Now, Sir, on these instances that learned author, Dr. Prynath Sen observes:

"These decisions exhibit a clear departure from the law as originally laid down by the sages and interpreted by the authoritative commentators."

Sir, so far as the limited rights of ownership of the women are concerned, it is an admitted fact that the position has arisen largely because of the decisions of the Courts of Law, since the advent of the British. A distinguished author, the late Golap Chandra Shastri, who certainly was not of the reformist school, mentions this fact, and then observes that it may be that the Anglo-

12 noon. Hindu lawyers could not conceive the idea that in India, which is so backward in material civilisation, women could enjoy privileges which were denied to them in England. My Honourable friend, Mr. Bajoria, has described the present measure as a sort of legislative *khichdi*, a hotch-potch, in which certain provisions of the Mitakshara have been tacked on to certain provisions of the Dayabhaga for the purpose of drawing up lists of succession. But what of the present position? Here again I rely on one very well known decision given by Mr. Justice Mitra of the Calcutta High Court in the year 1908, which has been adopted and followed in a more recent case. The learned judge observed that in all cases of absence of texts or precedents in the Dayabhaga law, the court should have regard to the theory of propinquity as adopted in the Mitakshara; that is to say, the Dayabhaga can easily be supplemented by Mitakshara, and that is what this Bill professes to do. So that, nothing is being done under the present Bill, so far as this particular point is concerned, which has got no precedent in such past judicial decisions or other authorities.

It is possible to have differences of opinion as regards many of the details with which I am not going to deal on the present occasion, such as the number of female heirs and the order in which the different heirs should be arranged in

[Mr. Lalchand Navalrai.]

at the very outset that we the Members of the Legislature of both Houses are responsible for this Bill having seen the light of day in this House. It cannot be denied that from time to time Bills have been introduced or brought to this House in order to amend the Hindu law in several aspects and it is also a fact that when those Bills were introduced into the House the idea was that the Hindu law, should not be amended by piecemeal legislation. That was objected to. Under those circumstances, it was considered wise that the Hindu law should be amended and codified in such a manner as may remove the complaints or the grievances which come from males as well as from women. Several resolutions were passed by the Women's Associations and also from time to time by several other reform associations and also the general public. That gave rise to this Bill and now we have this Bill before us and this matter of the codification of the Hindu law was referred to the Rau Committee. The Rau Committee has gone into this and prepared a Bill which is being fathered by the Honourable the Leader of the House who will certainly be remembered for the codification of this and removing several ambiguities.

There are two questions to be considered with regard to this Bill, with respect to which objections have been made. Objections come from the orthodox section that this Hindu law should not be touched. The second objection is that no codification is required, according to them. I will come to these two points hereafter but I must make my position clear to the House. I am not an orthodox man nor am I a diehard. At the same time I am not for revolutionising Hindu manners and customs and allowing privileges to women which will disrupt the society.

I want to move with the times. It is already clear to the House that I took part in the Bill which aimed at restraining early marriages. I took an important part in that and it was after all passed but I was not satisfied with that and I went further to complete the Sarda Act in order to see that this is not infringed in any way. In those days, I piloted a Bill that the Sarda Act was not being properly administered and that people went to the borders of Indian States to perform the marriages and then they came to British India with impunity. After all, that Bill was also passed. This is only by way of giving indication of how I have been proceeding in respect to the social legislation.

Now, Sir, I was very glad that the Honourable the Law Member gave a note of warning especially to the women that they must be guided by prudence. Prudence, he very rightly said, is the best part of the valour. I also want to give a warning to woman and the Association of the women—I am sorry Mrs. Ray is not in the House. My warning to them would be that we do recognise that Western ways have now come to us. More or less, we are now plunged into the ocean of Western ways and we should not allow ourselves to be drowned. Therefore, my submission is that they must go on asking for their rights and there will be no hindrance in giving them their reasonable rights. Of course, they are the applicants and they will naturally like to go to the skies and may ask you to get hold of your houses and to take care of all public jobs. But that is not what I am advocating. I am only submitting that we should give them reasonable rights. Of course, the rights cannot be given to them by their mere asking. They are to be given through the Legislature and with caution as is being done now. What I mean to say is this that in these modern times there are many phantasies, even luxuries, that are going on according to the Western system, though the Western world is tired of them now. They are repenting them and they are reforming them. But those Western ways of living have come to India also and I say with great regret that the so-called modern societies of women are jumping too much. They can within certain limits certainly ask for their rights. If Mrs. Ray were here I would have told her to her face how she has got the right to be here? Was it ever expected that women can come to this House? Is it not the very best right that has been given to them? From time to time Bills have been passed and rights have been given and they have no reason to complain. But, of course, they

must go on asking for more because, after all, agitation in this world succeeds. So, let them go on agitating but it should be within certain lines. They should not go about in the Clubs; there should be no boozing and no smoking. These things should stop. They should find their place. A woman's place is in the house. (A voice: "In the kitchen".) If the family is a poor one, why not in the kitchen also? You may be rich.

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

Mr. Lalchand Navalrai: What I was submitting is this that they can go on progressing but not jumping. I need not enlarge this subject as you all know it very well. The House knows how things are happening nowadays. Sometimes we feel very sorry when we see these things happening in Simla, Delhi and at other places. I may say in a word that society has to a certain extent been disrupted. Those who are getting, say, Rs. 1,000 or more a month have created their own society. They live according to the Western fashion. They have their *Ayals* who look after their children.

Mr. President (The Honourable Sir Abdur Rahim): All this has really nothing to do with the Bill. The Honourable Member must confine himself to the Bill.

Mr. Lalchand Navalrai: I am giving them a piece of advice.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not here to give any advice to anybody.

Mr. Lalchand Navalrai: I now come to the question of the Bill itself. The first question is whether we should amend the Hindu law. If I can show that the Hindu law has been amended from time to time, even from the ancient days, then in that case there will be no objection to amending the Hindu law within certain limits. Now, Sir, to begin with what we have got are the two schools of law, the Mitakshara and the Dayabhaga. No, the Mitakshara is the principle source of law and is as old as 200 years B.C.; the Dayabhaga was instituted about the fourth century A.D. Therefore, it is plain that the Mitakshara is the oldest. If I can show that Dayabhaga school was adopted because they wanted reform in the old law, then it will be clear to the House that an amendment has been made even in ancient times. On that point I will quote from Mulla's Hindu Law (page 12) the following words:

"It is said that Mitakshara school is the orthodox school and the Dayabhaga school is the reformed school of the Hindu law. The Dayabhaga is also called the Bengal school of Hindu law."

Then, it shows that reform was made in the Hindu law. We also know that Bengal was a progressive province and they moved with the times and got this reform. Yajnyavalkya was a good authority on Hindu law. What I am submitting is that the amendment commenced from a very early time. After that also, amendments have been made. We also find that an amendment was made after the restraint to early marriage Bill was passed, in 1937 and also in 1938. To some of them, my friend, Mr. Bajoria, was also a party. What I find from Mr. Bajoria's arguments is this. He is not against the amendment and consequently he should not be against the codification also. But what he wants is this: that there should be no hustling. He wants that time should be given and the Bill be circulated and after circulation we should sit together and amend the Hindu law.

Babu Bijnath Bajoria (Marwari Association: Indian Commerce): Sir, that is not my attitude, I am not in favour of any Hindu Law which is against the Hindu Shastras.

Mr. Lalchand Navalrai: My Honourable friend belongs to one school of thought and if he considers all the schools then I am sure he will come to the decision that codification is necessary. Therefore, what I am submitting is this: there will be no difficulty and also no harm will be done in amending the Hindu law to a certain extent. As regards the codification it has been said and I am also of the opinion that piecemeal legislation is not necessary. There is one thing which I will remind the House to consider seriously and that is this: how many cases of law have you got? In how many cases of law changes have been made. Because the original courts decide one way and the High Courts

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change it and the Privy Council say another thing and thus a struggle is going on. Consequently, there is an overwhelming volume of cases of law. Now, I say if this law is codified then these cases of law and litigation will come to an end. Since there is no settled law, there has been so much litigation on Hindu Law from time to time, because one authority says one thing and the other authority says quite another thing. It is just likely my Honourable friend, Mr. Bajoria, or any member of his family or any of his relative may have suffered on this account. In how many cases they have been going to the courts and getting interpretation and consequently either suffered or gained? Therefore, from that point of view alone I say codification is necessary.

Then, Sir, the question of circulation arises. On this point I have got my own opinion and it is this: I do recognize that it will not be very necessary—I say not be very necessary—that the Bill should be circulated, because I find that the Treasury Benches—I mean the Leader of the House, or the Law Member—very rightly thought that there were so many laws on a certain point so it was considered necessary to codify those laws. So the work was entrusted to the highest authority who is a Judge of great eminence and recognised popularity. Now, what did he do? He proceeded very cautiously and when this matter was sent to the Committee he drew certain questionnaires and these questionnaires were sent to the public, to persons who knew law and who are concerned with this legislation. He actually sent for some of the Members of this House as well as of the Council of State. I was present when the first questionnaire was brought out. Replies to these questionnaires were received and the report was prepared. But I must point out that the Rau Committee is not also such as can be said to be infallible and not making mistakes. I find in some cases he has given certain rights to the daughter-in-law and in others he has not given any right to her. Similarly he has given certain rights to married daughters and then again he has not given any rights to married daughters. There are certain things which we have to consider minutely and there are certain mistakes and we have to see how they can be put right. There is another thing also which we have to consider. By this time every woman knows it more or less because things have been managed in such a manner that they have come to know that they are being given certain rights and privileges. So far as men are concerned, when they come to know of a thing they also carry on propaganda in such a way that every one of their sex come to know of that thing. What I mean to say is that we have realised what the feelings of women are in this matter. Therefore, it appears to me that it is not quite necessary that this Bill should be circulated. I may inform the House that these orthodox people will always complain at least through Honourable Members that proper time has not been given to them to put in their views on the subject, although I consider that what my Honourable friend Mr. Bajoria has said is far better than the views of these orthodox people if they were put in by themselves.

Sir, from all these points I consider that it is not very necessary that the Bill should go for circulation. But there is another point and that is that this Bill will come into force on the 1st day of January, 1946, because law of agriculture is to be made and law of inheritance and succession is to be made by the Provincial Govts. and besides that it will take some time if the Bill goes to the Select Committee. Perhaps it will not be possible to take it up during the next Session. In those circumstances I think no harm will be done if in order to remove the objection that the Bill has not been properly circulated, it is circulated. So far as the amendment of my Honourable friend, Pandit Nilakantha Das, is concerned, it does not appeal to me because it is really postponing the evil to a day which is not possible for any body to be sure of.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, on a personal explanation. I have said that it should be postponed till the Provincial Legislatures function.

Mr. Lalchand Navalrai: You have said after the war.

Pandit Nilakantha Das: Because I expect that these Provincial Legislatures will function probably after the war.

Mr. Lalchand Navalrai: What I am submitting is this. This motion I consider, at any rate, is a dilatory one. I believe my Honourable friend will excuse me, if I say so plainly. The other amendment that has been put by my friend, Mr. Bajoria, wants that the opinions be collected by the month of August, 1943. I think that should be accepted.

The Honourable Sir Sultan Ahmed (Law Member): He has put December 1943.

Mr. Lalchand Navalrai: If it does not suit the Government, then in that case it can be changed to June or July and thus the circulation objection of theirs could be removed completely. Then even my Honourable friend, Babu Baijnath Bajoria, will come forward and say these are the opinions which must be considered and it is only after giving deep consideration to them that the law can be codified.

Now, I come to the principles of the Bill. I find there are three questions to be considered, firstly whether there should be a change in the order of succession, that is one of the points to be considered as a principle. Now, we find in this Bill which is drafted by the Rau Committee, the order is daughter's daughter, son's daughter—these have been put even before the father and mother. This was not before. In the Hindu law, as it is in force today, they get a place down below after father's father. Therefore, that is a very important question so far as succession is concerned. The second point is with regard to simultaneous inheritance. With regard to the simultaneous inheritance also, there are weighty questions to be considered, whether simultaneous share should be given to the widow.

Mr. President (The Honourable Sir Abdur Rahim): These are matters which can be dealt with later on.

Mr. Lalchand Navalrai: On the contrary, I request you, Sir, to give the House a ruling on this point, whether it is now the time to consider the principle. Now, if we do not touch the principles, I do not mean we should go into minute details and suggest such and such amendments and so on, when will be the other opportunity for us. There are three broad principles which must be dealt with now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can discuss the principles now.

Mr. Lalchand Navalrai: Thank you, Sir. I will refer to the three broad principles. The question of succession should be considered by the Select Committee, if this Bill goes to the Select Committee, very cautiously and the Select Committee should see which place should be given to these heirs. Now, coming to the second point, namely, simultaneous inheritance, there is one thing that I should like to say. In giving simultaneous inheritance, the estate will be more and more divided. We should also keep in view the preservation intact of the nucleus of Hindu family property. If we are going to divide it, and give so many shares to all the individuals, then the result will be that the nucleus of the property will be disturbed and it may be as was explained by the Honourable Member, Babu Baijnath Bajoria, in his own mathematical way, the nucleus will be reduced to nothing. If it comes to all that, then it will be a serious question.

The Honourable Sir Sultan Ahmed: If it comes to that?

Mr. Lalchand Navalrai: I am not giving my own opinion. I am saying that I am leaving these points to the Select Committee to consider. The third point is this: I come now to limited estates. So far as limited estate is concerned, that is also a very serious question. There has been opposition up to this time. This question has been agitated since a very long time past and also prominently brought to the notice of this House when the last Bill of 1937-38 was being considered when the then Law Member, Sir Nripendra Sircar, was answering on behalf of Government. Then it was considered from all points of view and yet they did not move afterwards and one or two years have passed since then. Have the circumstances so changed since then that

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it should be done? That has got to be considered. When they are asking only for limited interest, you are going to give them absolute interest, and in this way you are removing the very serious limitations and restrictions that are against the property being frittered away. Now they can sell away the property only for necessity. Afterwards, the property will be their own and they will say, 'we are masters of the property'. In this way, they can defy their husbands, they can defy their parents and say, 'we do not care for you all'. What I am submitting is that these are the points which require the serious consideration of the Select Committee. As regards the widow, if the widow marries another husband, that has not been provided for. Now, a widow gets her husband's property and immediately afterwards, she marries again. In that case, should she take away that property which she inherited through her first husband? This has got to be considered. This provision has not been made in Rau's report. It has not been considered by the Rau Committee. This is a most important point to be considered. With regard to the daughter, let the House consider what is going to be done by the vacillation that the Rau Committee showed. They give to the married daughter also a share. Why, because certain opinions came to their notice and so they changed. Is that right and proper on the part of a Judge of such special eminence as Sir B. N. Rau. He has simply made up his mind long before even answers were received to his questionnaire. He says so in his report. Subsequently he says because one or two shastras were sent up to him,—some weighty opinion according to him, we will consider whether they are weighty later on,—on account of this, he has made the change. I am appealing to the Honourable the Law Member to consider that point from this angle of view. Does he not know now that a daughter before she is married has to be given about Rs. 10,000 and even Rs. 20,000 sometimes as dowry.

The Honourable Sir Sultan Ahmed: I know that within the last six months, I had to collect Rs. 5,000 in order to get an educated Hindu girl married, as the demand of the prospective father-in-law was Rs. 4,000. The daughter herself does not get the dowry. I know the Hindu customs. I do not come from Timbuctoo. The exact point is that the money does not go to the girl, but to her father-in-law.

Mr. Lalchand Navalrai: Your definition of Stridhan may or may not include 'dowry'. You are considering 'sulka'.

The Honourable Sir Sultan Ahmed: Not at all. The question of Stridhan does not arise. My Honourable friend is discussing the question of intestate succession and he says that some amount of dowry is paid. I say that dowry has been the curse of Hindu society. If dowry means payment to the girl in cash or jewellery, certainly it is most welcome. But this dowry which we have been hearing about for a long time is not really an item which goes to the girl but it goes to the prospective father-in-law.

Mr. Hooseinhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): The same thing happens in Sind.

Mr. Lalchand Navalrai: I am thankful to the Honourable the Law Member. This question also has to be considered. This should be clarified just as the Honourable Member is putting it here. In the Select Committee it should be decided whether this dowry goes to the bridegroom's father or it goes to the girl. That should be made clear.

The Honourable Sir Sultan Ahmed: Nobody wants to pay the bridegroom's father. But the present day demand is from the bridegroom's father. I know the Hindu customs only too well.

Mr. Lalchand Navalrai: It is not for the father-in-law of the girl. After all the husband of the girl or the father-in-law of the girl says, give me Rs. 10,000 because I have to send the bridegroom to England for higher studies. He will come out as Barrister. Such cases do occur in my part of the country. What I am saying is that there is nothing very definite. If the Honourable Member thinks the other way about, let this question also be considered.

The Honourable Sir Sultan Ahmed: Most certainly.

Mr. Lalchand Navalrai: I am not giving my own opinion. I only suggest that this point should be definitely settled.

Pandit Nilakantha Das: Will the share given to the daughter be a remedy for this dowry system?

The Honourable Sir Sultan Ahmed: I think so. There cannot be any such demand for dowry hereafter.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Why do you take this vicious principle?

The Honourable Sir Sultan Ahmed: I know all about Hindu society as much as anybody else. I know the state of affairs therein. I am borne out by the Hindu Members.

Mr. Lalchand Navalrai: Apart from that, there is another objection. It is also a very wide one; and that is with regard to a married daughter getting a share from her husband's property. She gets a share in her parental house and she also gets a share from her husband side, i.e., from her

1 P.M. father-in-law's house. Therefore, she gets two shares whereas the son gets one share. When this Bill is circulated, I hope, much light will be thrown on this question also. In one way, I am glad, Sir, that this Bill will go before a special Select Committee—Joint Select Committee of both the Houses—and that is a cautious way of moving with the time.

Now, I come to the question of son and divided son: In this connection, I find that a share has been given to the divided son also. In the report, the mover of the Bill has not considered the objection which is very apparent. It is this: When a son chooses to separate, he gets something; he is not excluded altogether.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is now going into details.

Mr. Lalchand Navalrai: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): These are matters which will be discussed later on, and the Honourable Member need not go into details at this stage.

Mr. Lalchand Navalrai: I have nearly finished, Sir. I will only say that this question with regard to sons has also to be considered. Therefore, from all points of view, I think, the questions are very weighty and they should be given proper consideration. That the Hindu Law should be amended according to time and requirements of the society, there is no objection, but it should be amended after a thorough consideration. It should be codified also—though we stand to lose our fees, as at present these questions come into civil courts and we are engaged to contest those matters!—but I am submitting, apart from those considerations, that this codification will also come to the relief of the country. In the end I submit that this matter should be first sent for circulation and then to the Select Committee.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I have been asked by my Party to state the position and attitude of the Party to which I have the honour to belong with respect to the Bill intended to codify and restate, as I take it, the Hindu Law bearing on the subject of intestate succession. You will see, Sir, that the object of this Bill, as stated by the Honourable the Mover, is mainly to evolve as much uniformity on the subject as is possible by the process of codification and, at the same time, to recognize the right of certain classes of heirs to succession and also to lay down the principles which shall govern the nature of the estate which such heirs are to get in the shares which are allotted to them. No doubt under Hindu Law, as ordinarily understood and administered in the courts, we have all along been told that the female class of heirs when they do succeed at all get only a limited estate, that ordinarily they do not come in for inheritance at all and the property left by a Hindu dying intestate goes to his male heirs, without, of course, going into details as to who those male heirs are. That has been broadly the position that we have so far found prevailing in the country. For a long time, Sir, as has appeared from the speeches made during this debate, it has been in contemplation that there being so many different schools of Hindu Law and

[Syed Ghulam Bhik Nairang.]

there being so many different interpretations of the doctrines of that Law given by the courts, an effort should be made to codify that law and to evolve a uniform system. My Honourable friend, Mr. Bajoria, and after him Mr. Neogy referred to the Resolution which was tabled and debated in this House long ago—more than 20 years ago—aiming at the same object, and Mr. Bajoria quoted extensively from a speech of Sir Tej Bahadur Sapru made on that occasion pointing out the caution that is necessary in attempting to frame a Code of Hindu Law. All that shows which way the wind has been blowing: there has been a desire for a long time on the part of representatives of the Hindu Nation to see their personal law shaped into a code. So, Sir, as far as the attempt at the codification of that law is concerned, everyone in this House will simply agree that it should be codified and, of course, nobody is going to contend that the process of codification should be carried on without due regard to the opinions and sentiments of the Hindu nation as expressed by its best exponents. The only point, Sir, which has excited a good deal of controversy in this House is that a certain class of heirs has been recognized by this Bill as entitled to get a share, and as entitled to get that share in absolute right of ownership without their being any condition of life estate attached to it.

Now as a Muslim, of course, I would, and every Honourable Member of my Party would, support any movement intended to recognise the right of women or to confer on them the right to succeed to the property of their fathers and other relatives, under given circumstances. The position of women in society was first of all recognised by Islam. It was Islam that gave the lead to the whole world in treating with justice that very much oppressed and depressed section of humanity—woman. It gave the lead in recognising her status as an equal partner in life to man: gave the lead to the whole world in conferring on her the right to inherit from her father, from her husband, and other relatives, and to inherit in absolute right. In fact, the conception of life estates and limited estates is foreign to every principle underlying the Islamic Law. That is our position as far as the raising of the status of woman in society as well as the recognition of her human rights and conferring on her a status independent of man are concerned. Although, of course, from the very texture of society, she has to co-operate with man in carrying on the duties of life, yet she has her individual rights. Those rights cannot be tampered with or trodden upon by man at his sweet will. So far as these principles are concerned, Islam has led the world and every Muslim will emphatically endorse any opinion expressed and any measure undertaken to give that right a practical shape and enforce it.

But, Sir, this Bill concerns a whole nation inhabiting this vast sub-continent, the Hindu nation. There are—as I believe and it is a fact—two main nations inhabiting this sub-continent, the Hindu and the Muslim nations, and each of these nations has its own personal law. In matters of personal law, Sir, obviously it is the opinion of the nation concerned that should decide any questions which are controversial and contentious, and from that point of view our attitude with regard to this Bill, and with regard to any portions of it which may turn out to be controversial, will be one of benevolent neutrality. We shall help and co-operate in passing any parts of this Bill which may be non-contentious, but we shall observe strict neutrality about things which happen to be hotly contested among the representatives of the Hindus in this Honourable House, and that attitude of ours, Sir, has been made clear, and has been consistently maintained about all other measures intended for the social uplift of Hindus. Take the Deshmukh Act, which has been very much talked of during the course of these debates. On that occasion we made our attitude perfectly clear and supported that Bill because it was found that the Hindu Members of the House were almost unanimously in favour of it. We heartily sympathised with it and supported it. There have been other similar measures I could count them, but I do not think it is necessary to do so. Our attitude with regard to all of them was the same. On the other hand, we have found with regret that on certain occasions legislative measures, which

concerned solely the Muslims, were criticised and obstructed and opposed by our Hindu brethren sitting in this House. For instance, the other day, a Bill was introduced by my Honourable friend, Nawab Siddique Ali Khan, (and before that it was introduced by the late Sir Muhammad Yakub) relating to the abolition of the principle of escheat as far as the property left by an intestate Muslim who had died without any relative heirs was concerned, with the purpose of getting the principle recognised that such property should go to the Muslim community, and although not a pie of such property was coming out of the pockets of the Hindus, yet it was opposed on the floor of this House, even by such responsible men, as Mr. Aney. I will not mention others. I will not quote the speeches. I am simply referring to the matter. Of course, we regarded it as a dog-in-the-manger attitude, and had to put up with it, but for our part we have always declared and have always consistently maintained that our attitude towards reformative Bills like the present one is sympathetic. We will co-operate so far as this Bill is accepted by the majority of our Hindu colleagues and we shall take no part in voting on any points over which we find that they widely differ and there is great controversy. This is our attitude and this is all I have to say.

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. Syed Ghulam Bhik Nairang (one of the Panel of Chairman) in the Chair.

Sardar Sant Singh (West Punjab Sikh): Sir, I will try to be very brief in my observations, due to the fact that the main objections to the Bill have been brought out in the debate already. I only say this, that I am not against the principle of our women-folk coming into their own. Apart from other economic and social reasons

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): On a point of order, Sir; there is no quorum.

(The bells were rung and a quorum obtained.)

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member can now resume his speech.

Sardar Sant Singh: I was submitting that the main principles of the Bill have been discussed thoroughly before I rose. If I participate at all, I want to bring a few facts to the notice of the Government regarding this Bill.

I may assure the women-folk of India that I am not against the women of our country owning property. I do not doubt their capacity to manage affairs, nor do I doubt their right to be independent. Apart from economic or social questions, I look upon this question as well from a political angle, and that approach is like this. I want every individual in this country to have the initiative restored to him or her in social matters, in economic matters, in political matters. I am a believer in the theory that no freedom for this country is possible without restoring initiative, as I said, to all individuals living in this country. So, when the women-folk of our country will feel independent in social customs they are bound to take the political movement forward

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): You want self-determination for every one?

Sardar Sant Singh: This is not self-determination. Initiative is something entirely different from self-determination. I do not find any initiative in those Government Members sitting there—they are bound by their whip and by their conditions of service. I want to restore initiative to them. Now, however able and learned men they are, the initiative is lacking. I approach this question from that point of view. First of all, I will see if it is in the interests of the modern girls to come to power under this Bill if the society is not ready and prepared to meet their demand. From this point of view, I will add only one argument and that is that besides the educated girls whom my friend, Mr. Bajoria, has been pleased to call modern girls, there are millions who are illiterate and no demand has come from them.

[Sardar Sant Singh.]

Then we have to see what will be the effect of this legislation upon the social customs of the country. Looking at it from that point of view, I just want to bring to the notice of the Honourable the Leader of the House the provisions of the Punjab Laws Act. The Punjab Laws Act was enacted in 1872, and section 5 of that Act has been in existence now for so many years. That section reads:

"In questions regarding succession, specially property of females, betrothal, marriage, divorce, dower, guardianship, minority, bastardy, family relations, will, legacies, gifts, partitions or any religious usage or institution, the rule of decision shall be any custom applicable to the parties concerned, which is not contrary to justice, equity or good conscience and has not been by this or any other enactment altered or abolished and has not been declared to be void by any competent authority.

(b) the Muhammadan Law, in cases where the parties are Muhammadans, and the Hindu Law, in cases where the parties are Hindus, except in so far as such law has been altered or abolished by legislative enactment or is opposed to the provisions of this Act or has been modified by any custom as is above referred to."

I think the Honourable the Law Member will take note of this section 5 of the Punjab Laws Act.

The Honourable Sir Sultan Ahmed: I have considered that.

Sardar Sant Singh: According to this section, the custom takes precedence over Hindu Law and Muhammadan Law in matters relating to all social matters which I have enumerated, from succession to wills and legacies: all these matters are governed by custom in the Punjab. The Honourable the Law Member will be aware that most of the time of the Lahore High Court is occupied in giving their decisions as regards a particular custom in matters of succession; custom overrules personal law in the Punjab and overrules Hindu Law and Muhammadan Law; the personal laws of the two major communities in this country are considered to be abrogated and superseded by custom. This being so, the question arises whether this Bill supersedes section 5 of the Punjab Laws Act or it does not, because from a study of the Bill I do not find any reference to the Punjab Laws Act in the Bill. It has neither been repealed nor has it been considered. From the definition of heritable property, I find

"heritable property" means property which belongs to an intestate in his or her own right and passes by inheritance as distinct from survivorship;

Then an illustration is given:

"All property of a Hindu governed by the Dayabhaga School of Hindu Law is heritable property, as it passes by inheritance and not by survivorship; so too is the self-acquired property of a Hindu governed by any Mitakshara School of Hindu Law, as such property also passes by inheritance and not by survivorship."

There is no mention of custom anywhere. As I read the Bill as it stands to-day, I find that henceforth the rule of succession so far as Hindus are concerned is to be the rule which is embodied in this Bill, and all other rules will either stand repealed by implication or they will have to be expressly repealed. If they are not to be repealed, the second alternative would be that custom will have to be given its due place in the law of succession. I am leaving question relating to marriages, wills, and other matters alone, because they are not relevant to the matter under discussion. I am only considering the question of succession. According to this Bill, succession will have to be governed by the provisions of this Bill, but what will happen if it conflicts with tribal or local custom or family custom? The only saving clause given in this Bill is clause 8. Clause 8 reads:

"This Act regulates the succession to the heritable property of a Hindu, other than one governed by the Marumakkattayam, Aliyasana or Nambudri law of inheritance, dying intestate after the commencement of this Act, in the following cases, namely:—

(a) where the property is movable property, unless it is proved that the intestate was not domiciled in British India at the time of death.

(b) where the property is immovable property situated in British India, whether at the time of death the intestate was domiciled in British India or not:

Provided that this Act shall not apply—

(1) to agricultural land, or

(2) to any estate which descends to a single heir by a customary or other rule of succession.

It is further provided that upon the death of any woman who at the commencement of this Act was the limited estate known as the Hindu woman's estate in any heritable property,

such property shall devolve on the persons who would under this Act have been the heirs of the last full owner thereof if he had died intestate immediately after her."

According to this clause, the custom which is accepted is only the custom which prevails in the case of a single heir, that is, the law of primogeniture, as I read it. The law of primogeniture is excepted, other customs are not excepted by this Bill. What happens then? In the case of the Punjab where customary law is the rule, personal law is only an exception, and as I read to the House section 5 of the Punjab Laws Act, it says that personal Hindu and Muhammadan law will be applicable only so far as it is not abrogated by custom. That is to say, even the personal Hindu and Muhammadan law has been given a second place to custom; the first place is occupied by the customary law. This being so, this Bill is silent as to the place custom will occupy. What will happen to the Punjab customary law when this Bill comes into force? In this connection I may be permitted to state that the Bill excepts from its provisions agricultural land. From the various speeches in the debate I find that Provincial Governments are to be asked to make an enactment in consonance with the provisions of this Bill, about the inheritance of agricultural land. May I draw your attention to the existence of another enactment in the Punjab which is known as the Punjab Land Alienation Act? The Punjab Land Alienation Act is a measure by which the alienation of land is prohibited if the alienor belongs to a statutory agriculturist class and the alienee is a non-agriculturist. There is absolute prohibition on that alienation. Then the difficulty will come in when a girl belonging to a statutory agriculturist class marries a non-agriculturist. Such marriages are taking place now. In such a case, as a daughter she gets the property which belongs to a statutory agriculturist and takes it to the family of a non-agriculturist. This, so long as the Punjab Land Alienation Act stands, will not be accepted by the statutory agriculturists there. I may at this stage draw the attention of the Honourable the Law Member to this fact that the Provincial Government in the Punjab to-day is composed mainly of statutory agriculturist Ministers who are very jealous of the provisions of the Punjab Land Alienation Act. So, he will find another difficulty facing him. The Punjab Government, so far as I can foresee at present, will never accept any legislation, even at the instance of the Central Government, to be passed; and even if the Ministers accept it, the Punjab Assembly mainly composed of

The Honourable Sir Sultan Ahmed: May I interrupt my Honourable friend? When he says that the Punjab Government will never allow this, let me read this one sentence from their opinion. "The Punjab Government have no objection to the proposed Bills."

Sardar Sant Singh: The Punjab Government said that probably at a time when they had not considered the implications of this Bill. After this debate the Punjab Government will have its attention drawn to the Land Alienation Act and the Punjab Laws Act, and at the time when the Bill comes before the Punjab Provincial Assembly, all these points will be raised and will be hotly contested there. I am drawing the attention of the Honourable the Law Member, not for the purpose of raising a controversy, but only to warn him of the dangers ahead; nothing more. The Punjab Government has given an opinion, and I find that only one opinion has been given from the Punjab from a member of my community who is a Sessions Judge and who belongs to the statutory agriculturist tribe, Sardar Kartar Singh. He definitely says 'No' to the provisions of this Bill. So that, things are not so easy. I apprehend. My submission is that two points will have to be seriously considered. One is about the position which custom will occupy in this legislation. The second point is, what about the Punjab Land Alienation Act and the statutory agriculturists? How will they be affected by this Bill? Will they accept agricultural land to pass off into a stranger family where the daughter marries? The Punjab insists on villages being homogeneous; they refuse to bring in heterogeneous people. The Punjab Pre-emption Act is another attempt at legislation by which the homogeneity of the village is preserved by not allowing a sale to be made to a stranger outside the village. The

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right of pre-emption is given from ordinary relations to a proprietary body; ultimately if nobody exercises that right, the proprietary body of that village exercises that right. These are the principles which will have to be seriously considered before this Bill assumes the final shape.

I am not aware what views the Sikh Community holds, as a community, about the provisions of this Bill. I have tried to come into contact with some of the Sikhs living in this town of Delhi. I have consulted them about what attitude should be adopted about this Bill in this House and I may inform the Honourable Members of this House that so far as the two points in this Bill are concerned, first, the daughter's coming in both in the father's family and in the husband's family, this principle is not favoured. The second, the principle of granting absolute estate to women, is not favoured by the Community. These are not the last words on the subject. There may be educated women in the Sikh community, who will probably like the provisions of this Bill and they may have to say good many things in favour of the Bill. There may be others, specially the rural community that lives in the villages, that may strongly oppose it.

I now propose to discuss another aspect of this Bill. It may not be pleasant to discuss it, but all the same before we undertake legislation of this description the House and the country should be aware of the dangers which may face the girls. You remember that fifty years ago infanticide was prevailing in all parts of India and it had to be suppressed by very strong legislation. Why, because somehow or other the social circles began to argue that a daughter is not a welcome addition to the family. At present such sentiment does not exist. But the sentiment is lurking still. In one opinion, coming from Madras a hint has been dropped to this effect. I refer to the opinion of Sir V. Ramesam on page 2. He says:

"There is only one other remark I wished to make. This provision should not be allowed to come into force immediately but some period, say ten or fifteen years, should be fixed at the end of which the new provision should come into existence, so that families may adjust themselves to altered conditions."

The relevant sentence is this:

"At present there are large number of families in which daughters are allowed to be born in the belief that after their marriages they are not a substantial burden on the family property"

He has very politely put it, without referring to the practice that prevails. I do not approve of infanticide. I shall be the first to resist that practice. I will go and preach against that practice. But at the same time, the difficulty is that you cannot change society in a month or in a year or two. The thing was there. It is an ugly thing and we do not want to be guilty of any act by which you may encourage the same thing to reappear in society. That will be a great curse to the society, if it appears. Daughters today occupy a very high position in the family circles. They are respected, loved and are given a superior position to the sons but by bringing about an enactment of this kind, the danger is that society may be affected. Therefore, I will request you, without going further into the matter, to consider the question carefully. Discretion is the better part of valour. Let us get more opinions and if there is a considerable body of agreement I will be the first to support the Bill. From conversations with the Honourable the Law Member it appears that the Select Committee will not go into the matter hurriedly. He proposes to consult opinions by calling some witnesses before the Select Committee, if possible, representative witnesses. This is a good idea. That is an idea, which will be a good compromise between the motion for direct Select Committee and circulation. But all the same, as the Bill is not coming into operation before 1949, I do not see any reason why the motion for circulation by the 31st December, 1948, should not be accepted and the Bill proceeded with in the next Budget Session of the Assembly. Therefore, I will ask the Government to take all these matters into serious consideration. There is no hurry. People will adjust themselves by the time the Bill comes into operation. The Bill can be brought by compromise. I would ask the Government to proceed

cautiously in this matter, which touches the religious side of society as well. Therefore, I support the circulation motion.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammaderan Rural): I rise to support the motion moved by the Honourable the Leader of the House for referring this Bill to a Select Committee. I am unable to agree to the motion brought forward by my Honourable friends, Mr. Nilakantha Das and Mr. Bajoria, for circulation. The opposition to this measure as voiced by my friends, Mr. Parma Nand, Mr. Nilakantha Das and Mr. Bajoria and others, has been prompted by a mixture of motives. Their motives are not clear. They seek to bring forward a dilatory motion but it does not appear that their opposition to this Bill is limited merely by the factor of time—of one year, two years or three. I would like to ask the House to make themselves sure, before according their support to this dilatory motion, whether, at any time, in the future these friends of ours will support a motion for reform. I say, Sir, that the only limitation to their opposition is the limitation provided by the fact that we are all mortal. So long as people imbued with that belief live, reform must be opposed.

Bhai Parma Nand: We want public opinion on it. The Bill has not been circulated.

Mr. T. T. Krishnamachari: If my Honourable friend will let me proceed, I will deal with the question of circulation. I do say here and now that the main motive behind this dilatory motion is not one to elicit public opinion or to gather more support for the Bill. But because of the fact that they are opposed to the principle of the Bill they are opposed to this reform. Sir, I am a Hindu and I come from the orthodox south. I am familiar with the workings of the Hindu mind and I do know that the Hindus do

accept the inevitable if it becomes necessary. I know that more than any other part of India, South India resisted the Sarda Bill, but it has accepted it today. Evasions are becoming fewer and fewer; it has become an established fact. The Hindu mind is elastic; it accepts the inevitable. It willingly submits to the principles laid down by law; it accepts them when it finds they are inevitable. That is the logical result of any measure of reform. However much vehemence might be put forward in opposition to a measure of reform, the vehemence loses its sting once the measure becomes a statute.

I will now deal with one or two aspects of the opposition to this Bill. The opposition, as I said, is fundamentally opposed to reform. But granting that that is not so, let us examine the demand for circulation. The House will know that this Bill is based on the report of the Hindu Law Committee of 1941. At the time when this report was issued to the public, conditions were comparatively normal; political conditions had not deteriorated to the extent that it has today. It might be that today this Bill does not evoke much of public attention due to various circumstances and not the least due to the fact that newspapers have shrunk in size and are not willing to entertain correspondence or perhaps it is due to the fact that public opinion is otherwise engaged. But it cannot be said that this matter has been brought out all of a sudden and that the public are faced with the decision on a matter which is of vital importance to them all of a sudden. The whole thing has been on the anvil for a long time and the report of the Hindu Law Committee put the coping stone on the whole question. So, I do feel that this idea of eliciting further public opinion at this stage as being imperative does not hold water. Again, there is another point that has been put forward which has been answered very pertinently by my Honourable friend, Mrs. Ray, and that is the question of the absence of a large number of Hindu Members from this House. She very pertinently pointed out that there has been a substratum of approval to any measure of reform of Hindu law so far as the Members on the empty Benches were concerned. A large majority of them have supported reform. As she also said, the Party which the empty benches represented had in the provinces while they were in power brought forward measures of reform which were of far-reaching social importance, measures which were against the orthodoxy and carried them through. It is futile to take refuge

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and it is futile to draw support or inspiration from the mere fact that a particular group is absent when it is fully known that the groups are advanced both in their political, social and economic views. It is not doing the opposition any good. It is not doing their intentions any credit but it is a species of defamation of those who are absent from the House. I would ask the House to examine this particular point. How many people are going to be affected by this measure? It is said there will be a little over 200 million Hindus that will come within the purview of this measure. Are all these Hindus propertied Hindus? Land is eliminated from the scope of this measure by virtue of the provisions of the Government of India Act. The provisions of the Government of India Act have been framed with a certain design behind them. So far as the people who are immediately affected by this measure are concerned, it affects only the urban population; the propertied classes, subtracting from that group those who possess land. I do not have the ingenuity of my friend, Mr. Bajoria, to evolve an arithmetical conundrum to show how many people are affected. It may be just 5 per cent. of the total Hindu population which is affected by this measure because that will be the percentage of the propertied class. To say that this fact is going to uproot the whole Hindu society is just an exaggeration, pure and simple.

I would like to refer to the question of land. It is said what is the use of this measure if it is not going to include land in its purview which is entirely dependent upon the generosity or willingness of the Provincial Governments which may come into being at some future date? Sir, I would like to say that there is a purpose in the Government of India Act being so framed as to allow land to remain in the purview of the Provincial Governments. Land has got to be reorganised. A lot has to be done and a lot has got to be gone into so far as this question of land is concerned. It is an important element in the economy of the country and as I foresee it today it would not be possible for any Provincial Government to allow further fragmentation of land. It will not be possible for any Provincial Government to allow division of land by people who are absentee landlords. It will not be possible for any Provincial Government to allow land to be handed over from one person to another irrespective of the fact whether he is a farmer or not in the same way as urban property is. Land has to be dealt with from a different point of view and that is why land has been put in the purview of the Provincial Governments. And I do foresee today that it will never be possible to bring land in the purview of a Property Act like this. Land laws will have to be passed having in view the maintenance and improvement of land economy and perhaps ownership will then go with the person who cultivates it. My Honourable friend, Sardar Sant Singh, has told the House how the implications of this Act will affect so far as the Punjab is concerned because there is already a Land Alienation Act in operation in that province. That might be true but as I can foresee today in the future land is going to be dealt with on a totally different footing. I feel that there is no particular reason for saying that since land is not included in the scope of this Bill, it may be dropped. If it really benefits people to the extent that it does or that it seeks to do, it has achieved a certain measure of reform. You cannot in one breath say that this is far-reaching in its consequences and at the same moment say that it has not really covered the whole issue. That is an argument no doubt but it is an argument that does not carry conviction. Sir, if somebody makes a mistake I do not see why wise men in this House should repeat it. It is for wise people to adopt what is true and correct and to discard what is not true and correct. My Honourable friend, Mr. Neogy, with an erudition which every lawyer would envy had very clearly and cautiously put forward the legal aspects with regard to this problem. A position which I see is very difficult to controvert. He has met the points that were put forward by Mr. Bajoria and I would like to repeat here that this question of coupling a religious duty with inheritance has been discussed for a long

time. Nobody really maintains that inheritance now goes by the performance of religious duty. My temperament may vary from that of my Honourable friend, Bhai Parma Nand, but is my Honourable friend in a position to enforce the observance of religious duty by persons who inherit property and enjoy it? The courts today do not take cognizance of the fact that a man performs his father's ceremony and, therefore, allow or disallow enjoyment of the property that has devolved on him from his father. That position has been made very clear by an eminent lawyer from my part of the country the late Mr. Srinivasa Ayyangar. He has very clearly shown how fallacious it is to hold this idea that inheritance is closely connected with religious duties. Well, so long as the courts do not feel that performance of religious duties is essential for purposes of inheritance and so long as the courts presided over by Hindus and non-Hindus do not consider the performance of religious duties as a condition precedent to inheritance of property the argument falls to the ground and it cannot carry conviction. If, tomorrow, because I do not perform my father's Sradh ceremony, can my friend say 'oh, what right you have to inherit, and have your father's property?' Religion does not place me in a position to lose my part of the property simply because of the fact that I fail to perform the obvious religious duties cast upon me. If my Honourable friend established a custom like that and if the established law was such by which I have to give up my property merely because I do not perform Sradh ceremony I will then tell the Honourable the Leader of the House that this Bill interferes with the structure of a society which is so consolidated and in which public opinion is so strong that nothing ought to be done to despoil it in any way and hence the Bill must be dropped.

As regards the theory of fragmentation Mrs. Ray the other day very pertinently replied to the points raised in the debate. With your permission I would like to repeat what has been said. She asked if fragmentation only existed if the property has to be divided between a son and a daughter and did not exist if property was to be divided amongst the sons. There is an obvious fallacy in the argument. Can you really prevent fragmentation as things are today? Can it be that joint family property cannot be divided? In that case how are you going to prevent fragmentation? Then there was the other point raised on the question of fragmentation. My Honourable friend, Mr. Bajoria, had shown to the House by an arithmetical process that within a specific period the property will be so divided that such and such percentage will be in the hands of men and such and such percentage will go to women. It is really a very clever mathematical device which appears to be absolutely correct. I would not question the intellectual ability of my friend. He is a successful businessman. Let me ask my Honourable friend that if he realises that a daughter in Hindu family does not remain a spinster, a daughter has to join somebody, some man somewhere. She is going to be member of the family of some man somewhere. She has to go to some man, if she is to marry. Unless we are going to establish by means of this Bill a system like the one prevailing in Malabar the daughter's property will be added onto the property of a man since the property cannot go into vacuo. I cannot see how then shall the man be deprived of all property and the woman will have all the property. If the woman has the property, the family of which a male member will be the head will still be benefited and the children of such a family will be benefited. What is the use in my Honourable friend shutting his mind to obvious facts. That point has been pointed out to me by my friend, Mrs. Ray, in trying to meet the charge of an ostensible defect in this Bill in the method of allocation, in the method of division. It is a defect which has been noted by more than one person. There is no provision in the Bill for son's widow. She has no rights as a daughter-in-law. The framers apparently felt that it was better to provide for the rights of a daughter rather than to provide for the rights of a daughter-in-law as it is natural in that case for the father-in-law to try to diminish those rights. The daughter has to be a daughter-in-law somewhere and the daughter takes money somewhere. It is not going to disappear. Money cannot disappear.

Pandit Nilakantha Das: Can you stop people coming from Afghanistan?

Mr. T. T. Krishnamachari: If people want to come from Afghanistan, they will come in spite of Pandit Nilakantha Das. You cannot prevent people coming from Afghanistan by the non-passage of this Bill.

So far as the question of interference with religion is concerned since the Hindu social system is so all comprehensive it might be said that interference with any part of it affects Hindu religion. If no interference with this system is possible no reform is possible since the cry of religion in danger can be raised whenever measures of social reform is started. But I may tell the House that so far as the Hindu community is concerned it is not religion-conscious to the same extent as the other communities are. I can very well understand the position taken up by my Honourable friend, Mr. Mehta. That is political. There are certain ties which compel us to take up a particular position, some ties of loyalty to people inside the House and some ties of loyalty to people outside. That is perfectly correct and logical. But opposition of my Honourable friend on my right on the basis of religion being in danger, on the basis of non-interference with religion, on the basis of fragmentation of property, on the basis of money going away from the family, on the basis of money being carried away by somebody who is to be treated as an alien—all those objections do not appeal to me nor do I feel that this Bill when it becomes an Act will have such a disastrous effect. It will not cover all properties. It is limited in scope. To that extent it will do some good. It would fill a demand which has been insistent. Women have been asking for this status and we are giving it in this way. My Honourable friend, Mrs. Renuka Ray, said the other day that you cannot have a static law and a dynamic society. I join issue with her and say it is not a dynamic society we are in. You have got to make the society dynamic by rousing the social conscience, the conscience of these gentlemen will have to be awakened and then only it will become dynamic. We are living in a dynamic age with a static society. There is no danger of a reform of this character ruining Hindu society. We see all round us dynamic changes. It will certainly affect the growth of society, it will hamper the progress of society if we do not introduce these reforms.

Generalisations apart, I would again refer to what has already been said, namely, that this is not the first measure of this kind. There have been measures before of this nature. The Hindu Women's Right to Property Act of 1937 was an instance in point. My Honourable friends are eminently clever people, they are well versed in Hindu law and customs, but they refuse to see light when the light is before them. They refuse to recognise the fact that reform is needed because public opinion is demanding it. It has been demanded all along, it has been demanded from the beginning of this century and very insistently from 1937 and onwards. The numerous Bills that have been discussed in this House and then passed or withdrawn have necessitated the appointment of this Rau Committee. All these support my view. Today nothing is happening which is going to strike at the root of Hindu society, which is going to lead to fragmentation of property and which is going to make a Hindu citizen, politically, socially and economically weak, so weak as to invite other interests into this country. An argument like that does not carry any weight with me. It does not appeal to me. (Interruption). There is no use of shouting at me. I say with all the emphasis at my command that your arguments are of no validity as against this Bill, they would not appeal to any intelligent human being. You oppose all reform. If my Honourable friend, Bhai Parma Nand, lives for another twenty years—I wish he lives for another 30 years and will continue to be a Member of the Central Legislature during the period—he will still every time oppose such reform and will move for circulation of any Bill which aims at reforming Hindu society because such opposition is in the very make up of such a human being. There is no other limitation to his opposition except the fact that he is mortal.

Bhai Parma Nand: Because you have nobody in Madras who will espouse the true cause of Hindu society.

Mr. T. T. Krishnamachari: I am afraid, we have people in Madras Hindu society with the same mentality as my Honourable friend. It is the same all the world over. Even if you are in England, you will still find some people like my Honourable friend, Bhai Parma Nand. My Honourable friend, Mr. Jamnadas Mehta, who, though not affected by strict religious sentiments in his opposition, will yet plead for circulation on the ground that Provincial Governments should come into being and their opinions also should be taken. Is it possible for us to wait till the Provincial Governments come to function? All that he has done is he has supported the motion for circulation and satisfied certain people who wanted to oppose the Bill going to the Select Committee. That, as I said, is an understandable reason which is opposition for a definite secular reason. I do not think that ought to carry weight with the House into supporting a motion for circulation.

Before I finish, I should like to say this: with all due deference to my Honourable friend, Bhai Parma Nand, I must say I am an orthodox Hindu, brought up in a very orthodox Hindu home, having been taught the Vedic texts very early in my life, having performed the Hindu duties as was conceived by my people, I will say this that there is nothing harmful done to Hindu society contemplated by this measure. This is going to affect only the propertied classes from which the land-owning classes are excluded at present and I do not think as such it is going to ruin Hindu society. It simply tries to meet really, perhaps national, if it turns out to be that unfortunately, demand of our sisters, a demand for equality by our sisters, a demand which will only make society better, a society which will integrate the component parts and help in welding all of them together, rather than to disintegrate society as some of my Honourable friends seem to fear. I, therefore, appeal to enlightened Hindu society to support this measure. Opposition cannot really come from the orthodox unless they are told that something serious is going to happen to Hindu religion and that this Bill will cut at the root of the principle which makes it obligatory on a Hindu to offer *pindas* before inheriting property without telling them that it is a conception of Hindu inheritance which has been blown up long ago.

In conclusion, I should like to pay my tribute to the Honourable the Leader of the House, who being a non-Hindu, yet understanding the needs of the situation, wants to help society as a whole, not viewing it from the point of view of a Hindu nation or a Muslim nation, but viewing it as a member of the whole society and trying to help a sister community. I should like to pay my humble tribute to his courage, to his steadfast adherence to duty that has made him take up this responsibility in spite of unpopularity, a quantum of it might ensue for the time being, but which will ultimately turn into gratitude and praise. Sir, I support the motion for referring the Bill to the Select Committee.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I thank you for giving me a chance to speak on this motion. Sir, this Bill is in effect the outcome of two Bills which were sponsored in this House, one by the Honourable the Deputy President and the other by myself with regard to daughter's inheritance if her father died intestate. Government did not like to go into this matter piecemeal and very rightly so. They wanted to codify Hindu law in the matter of inheritance, succession and marriage. Sir, nothing would be better than this sort of consolidated codification. I fully appreciate the idea of codification of Hindu law because by that the Hindu society will be brought into harmony all over the country. The Hindu society if properly organised will become a great force in this country, particularly if they are bound by one law all over the country. Therefore, I welcome this Bill. Without entering into the details of this Bill, I support the motion for referring the Bill to the Select Committee. Sir, my Honourable friends, Pandit Nilakantha Das, Mr. Ram Ratan Gupta and Mr. Jamnadas Mehta, have all agreed to the principles. What is the principle here? The principle is that of giving equal rights to the daughter and the son with regard to succession. If that is really appreciated by those Honourable Members of the House, why should there be any question of eliciting public

[Mr. Amarendra Nath Chattopadhyaya.]

opinion? The Bill was introduced in 1938 and we are now in 1948. The Honourable the Law Member has brought forward a Bill which has been drafted by a Committee consisting of eminent men, like Justice Rau and other eminent Judges and lawyers. They have given us the Bill in this form and their reputation is unquestionable. I believe that there should be no delay in referring this Bill to the Select Committee. What is the hindrance? The Oppositionists say that the Bill has recommended changes which go beyond what is laid down in the Shastras. Speaking frankly, I would ask Honourable Members whether they are sticking to the Shastras in every aspect of their lives, and in every aspect of their activities. If not, then why should they insist on the matter under discussion? Do we know the real purport or the interpretation of the Shastras? Can we understand the language of the Shastras which is written in Sanskrit? We are only following custom. If the custom which was in vogue 10 centuries ago is to be the custom of this 20th century, then I should say we have nothing to think about. We need not have brains at all. If we have to progress, if we have to go ahead, we must act according to the exigencies of circumstances and according to the demands of the times. Therefore, this Bill, which is only going to give a little share to daughters from the property which father leaves for his children, should be supported by everyone, so that on no account a daughter might be deprived of her right share. I cannot conceive any explanation of those who are following this obstructionist policy for not giving a share to a sister when a brother enjoys equal share with her in affection of parents. Mr. Bajoria has shown by a numerical calculation that in case this Bill is passed, in the course of three generations, property shall pass on to the female side, leaving a small portion to males. I ask, what is the harm? Males have enjoyed for centuries; why should the females not enjoy for sometime from now? Why should anybody grudge that?

Bhai Parma Nand: Give place to women.

Mr. Amarendra Nath Chattopadhyaya: Why should we not. Our mothers are women. Sir, we have sad experience in Hindu homes with regard to relationship between father and son and mother and son. When mother dies, father goes on marrying as many times as he likes, leaving the children by his first or previous wife in the lurch. Even under circumstances, if father chose to marry again, the children have to be left in the care of mother. If father is a widower, the children do not know where they stand. He goes on marrying one wife after another and the children are rendered absolutely helpless. But if father dies and mother survives, the widow mother takes all the care that father could have taken—rather more—and the children are possibly kept in comfort and are well reared to find their place in the society. Sir, we are fighting for freedom of our country, and it does not behove us to say that we won't give this share of freedom to our daughters. Economic independence of women is a thing which is unknown to us. We cannot think of economic independence of women, and, therefore, if this Bill proposes to give a little economic independence to the women why can't we tolerate it?

Mr. Ananga Mohan Dam (Surma Valley cum Shillong: Non-Muhammadan): We do not grudge it.

Mr. Amarendra Nath Chattopadhyaya: You have taken up this obstructionist policy as you want to delay the whole matter. Sir, what is good for the country, what is good for humanity should not be delayed at all. This measure is good for our country. There can be no question about it, that giving property to women will not be a curse. Sir, I am for distribution of property between man and woman, because if it is passed on to males only it leads to many difficulties. If brother inherits a large property, he recklessly squanders away in no time, and I have seen cases in which a sister was begging in the street when her brother was enjoying life lavishly—rolling in money bags, indulging in debauchery, drinking and squandering away money he liked. Such cases have been experienced in everyday of our

life, and if these anomalies have to be overcome, this Bill should be supported by everybody. Sir, I am supporting this Bill out of no religious or spiritual feelings—I do not care for religious functions like Sradha ceremony, for instance, as a passport to get property because I know it does not stand to reason. I shall not be sorry if my son does not care to observe such ceremony? It may be that it has come down to us from generation to generation, it may be that our forefathers have given us that as heritage, but, Sir, as we have not kept all the heritages that we have received as we have not even kept all the Shastras that we have received we see no sense in observing these rituals. Now, it is time for us to say frankly that we want to move along with the world. Our political demands are there and anything that would help us in achieving that object, we must support which will be helpful to achieve our aspiration. And we think that this measure will be helpful.

Bhai Parma Nand: That is socialism.

Mr. Amarendra Nath Chattopadhyaya: If socialism is not Hinduism, then Hinduism should die.

Pandit Nilakantha Das: Do you mean all other religions should die if they don't conform to socialism?

Mr. Amarendra Nath Chattopadhyaya: Yes, all such religions should die, if they don't conform to socialistic ideology. Sir, the love of personal property is a curse which is creating havoc in Hindu, nay, human society. Brothers fight like cats and dogs who fight for a bit of bone. I think, either the whole Hindu social system has to be placed on ancient footing, or the present Hindu social system has to be adjusted according to present needs and requirements. Sir, it is not possible to go back; it is not possible to be satisfied with a cart when we have got a motor car. Sir, days of the ancient *rishis* who could adapt themselves to the old system have gone. It is the 20th Century now, a century of science where everything should be done scientifically and nothing should be done on mere sentiments. We should deal with actualities, we should be realistic, logical and sensible. Therefore, I say that this Bill is welcome and in order to undo the wrong which the Hindu society has done to their women-folk they should now come forward with an idea that men and women have equal rights to everything. They are two equal halves. With these words, Sir, I support the motion that the Bill be referred to the Select Committee.

Dr. P. M. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I and some friends of mine had some responsibility for the origin of this Bill, although this responsibility was slight in extent and very remote in character. After the Deshmukh Act had been passed, it was soon found that there were certain defects in it and the Deshmukh Act was amended in 1938. But when this amended Act was passed, we found that the result was that, while the position of the widow and the widowed daughter-in-law had improved, the position of the daughter had declined. Therefore, in order to restore to the daughter her original position, our respected Deputy President, Mr. Akhil Chandra Datta, my Honourable friend, Mr. Amarendra Nath Chattopadhyaya, and my humble self sat down together to frame a Bill. We did frame the Bill and this Bill was introduced in this Assembly over the signatures of twelve Members of this House, and these twelve Members belonged to different political parties. Among the signatories was the late Pandit Krishna Kant Malaviya, there were Sardar Mangal Singh, a Sikh, and Kunwar Ismaiel Ali Khan, a Muslim.

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

Now this proves two things. In the first place it shows that when there is a real grievance we are able to unite in a common cause, irrespective of caste and creed, and irrespective of political affiliations. It also shows that those who are regarded as very orthodox in their social views, are not really so narrow-minded as they are made out to be. Now, this Bill was sent out for circulation for eliciting opinion thereon and the opinions which were received were in a majority of cases favourable. But there were some

[Dr. P. N. Banerjee.]

opinions against the Bill while a considerable body of opinion was in favour of the view that there should not be any piecemeal legislation. Now, when this Bill came back the Home Member, the Honourable Sir Reginald Maxwell, who had taken charge of the subject, pointed out to us the difficulty of proceeding with that measure any further, as he was not well versed in Hindu Law. He suggested, therefore, that the best thing would be to appoint a Committee. That was the genesis of Rau Committee; and to this Committee were referred several other Bills which had been introduced in this Assembly.

Sir this Rau Committee had its terms of reference greatly extended. The terms of reference included not only the particular Bills which were referred to them but also various other matters relating to Hindu Law. The Rau Committee performed their duties in a very businesslike and very able manner, and as a result of the report of this Committee, this Bill has been brought forward by the Honourable the Law Member.

Now, I ask, was it wrong on the part of the Honourable Sir Sultan Ahmed to have brought forward this Bill? If he had not brought forward this Bill before this House, would he not have been held guilty of shelving this measure? I am glad that the Honourable the Law Member's competence in this matter has not been questioned, for we are all aware that he is not only a lawyer of outstanding ability, but that his knowledge of Hindu Law is very deep and sound and that he has a reputation for very able advocacy in Hindu Law cases.

Sir, it is clear that the Honourable the Law Member has done the right thing in placing this Bill before us. Before I discuss the merits of this measure I will say a few words about the objections which have been raised on the motion for reference of the Bill to a Select Committee. In the first place, it has been suggested that Hindu Law is the creation of God; man has nothing to do with it. I do not think that very many people share this view in the literal sense, but there is some sound sense behind this view, namely, that Hindu Law, like all other laws, is based on the moral and spiritual conceptions of man. To that extent only can this view be supported, but not any further.

The second objection that has been taken is that Hindu Law is immutable. This view is contrary to facts and is opposed to commonsense. Now, what are the facts with regard to immutability? There have been many schools of thought in Hindu Law, and there have been many customs prevalent in different parts of the country. Opinions and customs have undergone many changes. As a matter of fact, we know that Hindu Law was changed from time to time,—not by Pandits, not by eminent Sanskrit scholars,—but by men who were administrators, legislators and judges. It may be thought that the Brahmins did all this. That is true. But the Brahmins of those days were not only great scholars, but also the principal Ministers of State and they were also the judges and administrators. The progress of Hindu Law was to some extent arrested during the Mediaeval Age. The reason was that the learned Hindu scholars ceased to be legislators and administrators and the process of stereotyping commenced. This process of stereotyping of the laws of the country was carried further during the early years of British Rule in this country. The interpretations on Hindu law were made by pundits who were mere scholars and who had nothing to do with the actual administration of law or of actual legislation. Therefore, the argument that Hindu law is immutable is wholly invalid. If we look at the changes which have occurred in Hindu Law during the last century and a half we find that the law has been changed in many important respects by the law-courts both in India and in England. Now, if British lawyers are competent to change Hindu law, are we not competent in this Assembly to make changes?

This brings me to the question of the competence of the existing Legislative Assembly. It has been said that the Legislative Assembly consists of representatives of various creeds and colours, and, therefore, it is not competent to deal with a matter which affects only the Hindu society. I do not think this view is correct, because those who represent other races and creeds can help us with

their intelligence and understanding. Besides, the convention has grown up in this Legislature, that when a legislative measure affects only a particular community, the discussion of that measure is left mainly to the representatives of that community. My Honourable friend from the Muslim League Party made it clear this morning that the Muslim League Party was not going to interfere in the discussion or division on this Bill. I believe that is also the attitude of the European Group and of the other non-Hindu groups. That being so, it cannot be said that this Legislature is incompetent.

It has been urged that the majority of the Hindu Members of this Assembly are now absent from the House. That is a fact which is very much to be regretted, and that argument has, no doubt, some validity. It is no use our speculating on what would have been the attitude of the Congress Party if it had been here; nor is it any use saying that the Congress party is present here in spirit. I want the Congress Members to be present here in flesh and blood and not in spirit. But if they decide not to come here, then, although we should be very sorry to be deprived of their help and co-operation, we should not remain in an attitude of negation. We should not remain completely inert and inactive. At the best, this argument is an argument for postponing the discussion for a short period in order that the Congress Members may receive notice of the progress of this Bill in this Assembly and may be persuaded to come back to the Assembly so as to participate in the consideration of this Bill.

Another objection which has been taken is that this Bill is a measure of a revolutionary character. I am a believer in evolution more than in revolution, because I think that the evolutionary process is more advantageous to society than the revolutionary process. I think that the results obtainable from evolutionary progress are more steady and permanent. But sometimes it is found that what is called a revolution is merely a long step in the process of evolution. We should not be afraid of such revolutions if they come.

I should like now to consider whether this Bill is really a revolutionary measure or not. The three principal features of this Bill are: (1) uniformity, (2) removal of the sex disqualification, and (3) the character of the women's estate.

As regards uniformity, I am of the opinion that it is desirable only if it is feasible. There are various difficulties in securing uniformity in the laws and customs of the country, because the laws and customs vary from place to place; and although the physical impediments have been overcome by the development of means of communication, the moral and social obstacles have not yet been removed. Therefore, we should proceed in this matter with a great deal of caution and circumspection. This was the view which was held by Sir Tej Bahadur Sapru, who was the Law Member in 1921. He pointed out that the German Code had taken a long time to be accomplished, and that even in a small country like Switzerland the code had taken a long time to be framed. So, this is a matter which should be taken into careful consideration and nothing should be done to brush aside the principles which govern the different aspects of Hindu law and the usages and customs which prevail in different parts of the country.

There is another difficulty in regard to the securing of uniformity in Hindu law and that is the division of powers between the Central Legislature and the Provincial Legislatures. We all know that this legislature is incompetent to deal with landed property, and we can decide only with regard to non-landed property. If this Bill is passed immediately, there is likely to be a diversity in the laws of the country,—a greater diversity than exists at the present moment. We do not know what sort of legislation will be enacted in the different Provinces. The Madras Legislature may pass a law which may not be quite the same as

the Benazal Legislature may pass, and so also there may be sharp differences between the laws to be enacted in the different provinces. Besides, at the present moment, it may be pointed out, that Provincial Legislatures are not functioning in the majority of the provinces of this country. Therefore, it is desirable before this Bill is placed on the Statute-book to consider all the difficulties which have to be encountered in the future.

Mr. Ananga Mohan Das: Sir, I will not take up much of the time of the House. I only want to support the amendment for circulation with a few words. Some Honourable friends have said that this motion is a dilatory one. I say it is not, because the Committee itself says that the Bill should come into force in 1946 and if the opinions are to be collected by 1945, it should not be called a dilatory process. Another thing is that everybody in the House is drawing our attention to equality of sex but I should warn them against using a phrase without realising its implications; because we are all in favour of giving

[Sir Sultan Ahmed.]

help to us. But more than that, I am afraid, I am not prepared to do. But, I am not prepared to have another circulation of the present Bill. I will certainly give some time to the public to give their opinion on the Bill as it emerges from the Select Committee. (Interruptions.) I am not prepared to give way now. If the Bill emerges from the Select Committee in a form which needs circulation I will do it. I will give ample time to everybody to give his full and considered opinion on the same. Sir, no one is more conscious than myself that in a measure like this I must carry the whole country with me, and if I cannot do that I must certainly carry a very large section of the community that will be affected by this Bill and I feel confident that with a reasonable Select Committee—I am sure everybody who will be there will be there to find means to make the Bill an effective Act and make it really useful to the Hindu community—that steps will be taken to ensure that the measure becomes a good Act. Even in my opening speech I have said there is no good having a bad Act. The result of a bad Act has been that we have had to take all the time of the House for three days. If Mr. Deshmukh's Bill had not been passed in that form many difficulties may not have arisen.

Sir, I will not deal with the different criticisms of the Bill, because most of what I had to say has already been said by my Honourable friend, Mr. Neogy. Several arguments that I intended to advance have already been advanced by him. As a matter of fact, even a case which I wanted to cite has already been cited by him. He has left nothing for me which I could urge.

Sir, I want to deal with one point of my friend, Mr. Bajoria, and that is his arithmetic. He presented that arithmetic to me day before yesterday. I could not follow that at that time but the result was that I got a temperature of 100 degree after that! I hope the House has understood it. I have, however, carefully examined it again today when I have no temperature and I think it is a matter worth consideration. His point will be seriously considered by the Select Committee. The question of share to daughter again is a very serious question. I concede that there are so many complications involved in giving share to the daughter that it requires a very careful consideration of the Select Committee as to how to adjust the various points of view, so that there may be no hardship caused to anybody. I also concede there may be some question of custom as Sardar Sant Singh pointed out. I do not say there is, but I say there may be. I am prepared to consider that also in the Select Committee. Other complications and implications will have to be considered there, e.g., share to daughter's daughter and so on. It may be necessary to consider that very seriously. I make no promises on any account except this that this Committee will be in charge of all those questions which have been raised here. That being the position I do hope that the motion for circulation will not be pressed. I am not going to have a Chamber-packed Committee or a Select Committee of men who will only support me. That is not my idea at all. My idea is to have a representative Committee. I will have on the Committee even men who hold very strong views against me. I will have a representative of the Sikh community on the Select Committee. I will have everyone who will be willing to consider the various implications and aspects of this Bill.

Mr. N. M. Joshi (Nominated Non-Official): You are landing those who supported the Bill.

The Honourable Sir Sultan Ahmed: No. I will not let my friends down. If this circulation motion is pressed then all the promises that I have made must go by the board.

An Honourable Member: Will there be any lady on the Select Committee?

The Honourable Sir Sultan Ahmed: Most certainly.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1945."

The motion was negatived.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1945."

The Assembly divided:

AYES—7.

Bajoria, Babu Baijnath.
Bhagchand Soni, Rai Bahadur Seth.
Dam, Mr. Ananga Mohan.
Das, Pandit Nilakantha.

Lalchand Navalrai, Mr.
Parma Nand, Bhai.
Sant Singh, Sardar.

NOES—35.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Ambegaonkar, Mr. K. G.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Bozman, Mr. G. S.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Deshmukh, Mr. Govind V.
Ghiasuddin, Mr. M.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Joshi, Mr. N. M.

Kamaluddin Ahmad, Shamsul-Ulema.
Krishnamachari, Mr. T. T.
Kushal Pal Singh, Raja Bahadur.
Maxwell, The Honourable Sir Reginald.
Noon, The Honourable Malik Sir Feroz Khan.
Psi, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Senaka.
Shahban, Khan Bahadur Mian Ghulam Kadir, Mubhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

The Honourable Sir Sultan Ahmed (Law Member): I request you, Sir, in putting this motion to omit the words 'and that it be authorised to meet at Simla' and consequently to insert the word 'and' after the words 'Council of State' where they occur for the second time. The words authorising the Committee to meet at Simla were included by inadvertence on the analogy of your ruling in respect of Select Committees of the Assembly. The words are inappropriate in the case of a Joint Committee, for which sub-rule (4) of Rule 42 provides that the time and place of the meeting of the Committee shall be fixed by the President of the Council of State. The omission which I request you to make will, of course, leave the place of sitting entirely open. I also request you further to alter the number of Members to 18, because I am very anxious that all shades of opinion should be represented on the Committee.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That this Assembly do recommend to the Council of State that the Bill to amend and codify the Hindu Law relating to intestate succession be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of eighteen Members."

The motion was adopted.

THE INDIAN ARMY AND AIR FORCE (MILITARY PRISONS AND DETENTION BARRACKS) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the following Motion moved by Mr. C. M. Trivedi on Tuesday, the 2nd March, 1943, namely:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

Mr. C. M. Trivedi (Secretary, War Department): Sir, when the House rose on 2nd March, 1943, my Honourable friend, Pandit Lakshmi Kanta Maitra, was still speaking on the motion for taking this Bill into consideration. It is very unfortunate that illness should have prevented him from being present in the House today to finish his speech, and we all wish him speedy recovery. My Honourable friend, Pandit Lakshmi Kanta Maitra, put a number of questions to me. He first asked whether it was the intention of the Government to send to military prisons persons convicted of offences involving either moral turpitude or violence to life and property. This is an important point which naturally received our consideration before the Bill was brought before the House. When the Bill becomes law, instructions will be issued to appropriate

[Mr. Ananga Mohan Dam.]

equal opportunities of development to men and women, in conformity with the ideals of our society. We should not ground our reasoning only on the so-called equality of sex. The Committee itself says that no woman shall be disqualified for succession merely by reason of her sex. I also say to the Committee that no woman should be entitled to succession only by reason of her sex. She gets from her father and also from her husband. She should not be allowed to get twice by reason of her sex. Another point is this. My friend, Mr. Krishnamachari, was telling us that it was a matter of regret that religion enters into everything that the Hindus do. I say that is the distinctive feature of Hindus, because to a Hindu, religion is the whole of his life, not a part of it. His whole life is a complete discipline. There is no harm if everything is guided by religious principles. Every society has got to be guided by some regulative ideal and the whole ideal of Hindu society is spiritual and, therefore, religious.

Sir, we are not against reform. We want modifications and codifications of laws whenever necessary but the thing is that the opinions we have got show that 102 opinions are against the Bill and only about 69 are in its favour. Some half a dozen is neutral. So, we think that some time should be given to the people of the Hindu society to consider the Bill as framed by the Rau Committee. The Bill in its present form should be circulated, so that the Hindu public may have better opportunities to discuss the points and to form their opinion. In this ameliorative legislation, the Committee have ignored some salient points which require to be thoroughly discussed. Some improvements suggested by the committee may, I think, prove to be obstacles in the path of progress of the women. With these few words, I support the motion of my friend, Mr. Nilakantha Das, because the Committee itself says that the Bill will come into operation in 1946.

The Honourable Sir Sultan Ahmed: Sir, I apologise to the House for not having been present yesterday when the discussion on this Bill was going on, but the House will forgive me it was not due to any discourtesy but only because I was not in good health and even today I have taken the liberty to come here against the orders of my Doctor. But I felt I must be here throughout the day to listen to the interesting debate that had been going on on this very important and vital question. I was provided with a verbatim report of the speeches delivered in this House yesterday and it has been a privilege to have been associated with a House which has given the fullest consideration to all the aspects which arose on the Bill. Nobody ever dreamt that, even if this Bill is circulated for 800 years and if three of my colleagues in this House, namely, Mr. Bajoria, Mr. Nilakantha Das and Bhai Parma Nand, lived up to 800 years, they will not oppose it then just as they have opposed it today. I was certain that they were opposing it not because they just wanted to oppose such a measure but because by conviction they felt they must oppose it. I give them the fullest credit for that. I have never concealed from myself the frailties under which I myself suffer in discussing a Bill which should have been discussed by someone more competent than myself. With all that, it has been such a pleasure to have listened to the interesting debate for two days and to have read the report of yesterday's debate and to have found that after all is said and done there is the vast majority of the Hindu population represented by those who are here in favour of my Bill. Mr. Bajoria shakes his head. That he will do, as I have already said, for 800 years, but I cannot be deterred by the shaking of his head. When Mr. Bajoria started his speech, he said this:

"That God can make a dumb man a great orator, that God can make even one who has no limbs to walk and to cross the mountains. It is He who will give me courage, strength and wisdom to speak on this Bill and convince the House."

I do not know whether God gave him wisdom but He certainly gave him sufficient strength to talk for two hours.

Now, Sir, the supporters of my Bill, as it appears from the discussions, are Mr. Bajoria, Mr. Gupta, Mr. Nagay, Mr. Krishnamachari, Mr. Chattopadhyaya, Mr. Banerjee and also Mr. Lalchand Navalrai. I am talking about

the principles only. Against me are the three stalwarts. Sardar Sant Singh is on the fence and Mr. Jamnadas Mehta also supports me in principle. Now, if we go by this as representing the Hindu public opinion in India and the Sikh opinion, I submit that a case for Select Committee has been amply established. My Honourable friend, Mr. Bajoria, has asked for circulation of the Bill till December, 1948. We have always attributed to him a great sense of humour and certainly he has not deprived us of that pleasure by moving this circulation motion. With what object he has moved it I do not know, but I can tell the House once again, as I did in my opening submissions to the House, that this Bill has been before the country for a very long time. You will remember that in April, 1941, the preliminary report of the Rau Committee was published. That report itself was based on questionnaire which was issued to different Governments, different courts, lawyers of eminence, Sanskrit scholars and Pandits' Associations, apart from the Women Associations. After that, they framed some Memoranda. That, again, was published and it was a great pleasure to me to hear from Mr. Lalchand Navalrai today that the Rau Committee, as a matter of fact, also discussed some of the questionnaire with the Members of the House. After that, they prepared this Bill. This Bill, again, was issued and broadcast all over India and the replies on this Bill along with the Marriage Bill are in 107 closely printed pages because of the vigilant care of Sir Frederick James who always wanted that there should be no wastage of paper. If the previous routine had been followed, these 107 pages would easily have become 214 which might have satisfied Mr. Bajoria. But I do not see the slightest reason for fresh circulation.

Mr. R. R. Gupta (Cities of the United Provinces: Non-Muhammadan Urban): I understand that the Bill as it has now appeared before the House has not been given to the press for publication.

The Honourable Sir Sultan Ahmed: I was talking about the publication in the Gazette and circulation to the different Governments, to the different High Courts and to different Associations. The opinions have been received and they are before the House.

Bhai Parma Nand: My friend has already pointed out that 129 opinions of eminent lawyers are opposed to it. It may be that we are only three here, but all the same it shows that it is a controversial measure and, therefore, it should not be hurried through.

The Honourable Sir Sultan Ahmed: That shows then that all the opinions that could be given against it have come in. That is all right. Then, why ask for circulation? If 129 opinions have already come in against it, then let them be considered by the Select Committee.

Dr. P. N. Banerjee: But the number of opinions from Bengal is very small.

The Honourable Sir Sultan Ahmed: That is not our fault. But I am prepared to take an attitude which will, I am sure, satisfy the reasonable section of my opposition. The House will remember that my Honourable friend, Mr. Jamnadas Mehta, though he accepted the principle of the Bill, had suggested that there are two big women institutions somewhere in Poona or Bombay whose opinions might be very useful. I have promised him and I am prepared to ask for memoranda from both those institutions as soon as possible. I am also prepared to do what has been suggested by Dr. Banerjee. If there is a necessity, I am prepared to examine a few experts, more particularly from Bengal. That, I suppose, ought to satisfy everyone.

Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member give us the answers received to the questionnaire? They are not in the report.

The Honourable Sir Sultan Ahmed: I have not got them here.

Babu Baijnath Bajoria: I asked for them and I was refused.

The Honourable Sir Sultan Ahmed: You were rightly refused because we cannot supply everything these days. If that will satisfy the House, I am prepared to do it. I am prepared to examine two or three experts nominated by the different parties, some from Bengal, some from elsewhere, who may be of

[Mr. T. S. Pillay.]

result of various representations received in the Commerce Department from the commercial associations all over the country. Practically every commercial Chamber interested in Trade Marks have represented and their opinions have been carefully taken into account. I may assert confidently that circulation would not have brought any opinion or point of view that is not already before Government. As I have said the large bulk of opinion is in favour of the provisions in the Bill. Further, in the course of administering the Act passed by this Legislature, it has been found practically impossible to work it unless we make this small amendment. It is for this reason, Sir, that

5 P. M. I have ventured to submit to the House that this modest Bill may meet with its approval.

Dr. P. N. Banerjee: The Honourable Member said something about the Patent Office. Is it the intention of Government to remove the Patent Office also from Calcutta to Bombay?

Mr. T. S. Pillay: Not at the present moment.

Dr. P. N. Banerjee: But it is the thin end of the wedge.

Mr. T. S. Pillay: No.

Dr. P. N. Banerjee: It is very cleverly put.

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

"That the Bill further to amend the Indian Trade Marks Act, 1940, be taken into consideration."

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st March, 1943.

LEGISLATIVE ASSEMBLY

Wednesday, 31st March, 1943.

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 Philip Sargent, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PURCHASES BY INDIA UNDER LEND-LEASE ARRANGEMENT.

445. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Finance Member please mention the value of purchases made by India under the lend-lease arrangement?

(b) How much of this material was utilised by the Indian Industries?

(c) How much of this material was consumed outside India?

(d) How much money did India spend on the reciprocal lend-lease arrangement?

(e) Under what head was the amount debited?

The Honourable Sir Jeremy Raisman: I would refer the Honourable Member to paragraph 26 of my budget speech and the statement I made on this subject on the 17th March, in my reply to the general discussion on the Finance Bill.

SMALL COINS IN CIRCULATION.

446. ***Dr. Sir Zia Uddin Ahmad:** Will the Honourable the Finance Member please state the total value of small coins now in circulation, and the value of such coins now in circulation?

The Honourable Sir Jeremy Raisman: The information is not available.

Dr. Sir Zia Uddin Ahmad: May I know whether the Honourable the Finance Member has got any information about the number or value of coins in circulation, assuming that all the minted coins are in circulation?

The Honourable Sir Jeremy Raisman: I am afraid we have not got that information. After all, many of the small coins now in circulation have been in circulation for a very long time. We only know the output of the mints in recent years, but we do not know the total amount that was in circulation before.

Sardar Sant Singh: May I know the numbers which have been issued during the last six months—roughly?

The Honourable Sir Jeremy Raisman: I gave some information about that at the time of the debate in this House on this subject. I do not think I have got the figures with me just now. I have given them and I have published them more than once. I think we indicated some months ago that we had already put out an additional 1,800 million pieces since the beginning of the war.

Dr. Sir Zia Uddin Ahmad: Is it not a fact that these coins come back to the Imperial Bank or the Reserve Bank and then they are melted and fresh coins are minted?

The Honourable Sir Jeremy Raisman: No. It is not a fact that they are melted when they come back. The only coins that are withdrawn from circulation are coins which are so defaced that they are unfit for further currency, but coins which are quite usable are returned to circulation when they come to the treasuries or to the banks.

Dr. Sir Zia Uddin Ahmad: The Honourable Member is aware that the business has increased about three times owing to the increase in the wages of labourers. Has the Honourable Member taken any action to increase the minting of these small coins?

[Mr. C. M. Trivedi.]

authorities that persons sentenced to imprisonment by courts-martial for extremely grave offences against discipline or for civil offences involving moral turpitude or serious violence to life and property should not be sent to military prisons. My Honourable friend next suggested that persons sentenced to imprisonment for a period of three years or more should in no case be sent to military prisons. Sir, it is not possible for me to give a categorical assurance on this point, but I will say this: that in actual practice, in very few cases, sentences of three years or even two years are likely to be undergone in a military prison. Persons sentenced to transportation will continue as at present to serve their sentences in civil jails. Those required to serve sentences in civil prisons will continue to be discharged from the service, and only those who having regard among other things to the nature of their offences are considered suitable for retention in the service will be sent to military prisons. My Honourable friend apprehended that life in military prisons will be easy. I can assure the House that this will not be the case. Life there will be as hard as in ordinary jails. Moreover, persons serving their sentences in military prisons will not automatically be reinstated in the army. Their conduct in jail will be under constant observation, and they will be subject to special reports from time to time.

Sir, in view of the explanations which I have given, I hope, the House will agree that there is not the slightest justification for Pandit Lakshmi Kanta Maitra's apprehension that the object of the Bill is to protect military personnel from the consequences of their illegal actions and that the Bill may encourage lawlessness among the military. As already stated by me in my opening speech on the motion for consideration of the Bill, it was intended to establish two military prisons each capable of accommodating about 300 prisoners. The expenditure is estimated to be a little over a lakh and a half rupees non-recurring and a lakh and fifteen thousand rupees recurring. It will be debited wholly to the Defence Estimates. No part of it will be a liability on provincial revenues. Sir, I hope that the House will adopt unanimously the motion moved by me.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): May I ask one question? Will this provision have the effect of superseding the ordinary law courts in regard to the trial of soldiers?

Mr. C. M. Trivedi: No, Sir.

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

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. C. M. Trivedi: 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 TRADE MARKS (AMENDMENT) BILL.

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, I move:

"That the Bill further to amend the Trade Marks Act, 1940, be taken into consideration." Sir, the Trade Marks Act, 1940, as it stands today, is defective in one very important respect. The Indian Trade Marks Act has established two independent Registries with the right of deciding cases quite independent of the other. The one result of that is that there are cases today in which it has been found impossible, by means of administrative methods, to reconcile practices between the two offices. Therefore, in all matters concerning Trade Marks there is a certain amount of confusion. It has been complained to us that this has caused great confusion to the commercial community. In the interest of consumers as well as in the interest of the commercial community, for whom we passed this Trade Marks Act about two years ago, and in order

THE TRADE MARKS (AMENDMENT) BILL.

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to avoid confusion, we have been advised that it is most desirable to amend the Act in order to harmonize the position and to establish only one Registry which will determine practice. Sir, the main object of the Bill before the House is to ensure this.

After having decided that it is most desirable in the interests of the consumer and in the interest of the commercial community that there should be only one independent Registry, the question that was carefully considered by Government was whether that Registry should be located at Bombay or at Calcutta. From the various representations we have received and from the number of applications received in the two offices, we have come to the conclusion that this Registry should be located at Bombay, because about 95 per cent. of the Trade Marks are received for registration from provinces adjacent to the Bombay office, and almost all the commercial Chambers in India, except those Chambers that are actually located in Calcutta, prefer this.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): 95 per cent.?

Mr. T. S. Pillay: Yes, Sir.

Dr. P. N. Banerjee: Including non-textile Trade Marks?

Mr. T. S. Pillay: Yes, Sir. It is for this reason that the Bill provides that the Registry should be located at Bombay.

At the same time, it has been pointed out to me that the facilities now offered to the trade in Calcutta should be continued, so that no inconvenience at all need be caused to the commercial community, as far as they are concerned, in presenting applications for registering Trade Marks. I had intended to provide for this under the Rules, but I have conceded to those who have made representations to me that it is desirable to make provision in the Bill itself for keeping an office at Calcutta which will receive applications, which will give all facilities to the applicants in regard to those applications, which will keep copies of the Registry and which will give them facilities to inspect the Trade Marks that have so far been registered, so that they may not be put to any inconvenience by the amending Bill which is before the House. Sir, in order to achieve this object, I propose to accept, when it is moved, certain amendments proposed in the joint names of Mr. Chapman-Mortimer and Mr. C. C. Miller. This will amply provide for the continuance of those facilities which the commercial community now enjoy in Calcutta. It will also provide for those who want to use the Calcutta Office in preference to Bombay Office wherever they are situated.

Sir, in this connection, there is one more point that I may mention: It has been pointed out to me that on the abolition of the Calcutta Registry as an independent office, it is just possible that in all cases where there are disputes that those merchants who are in Calcutta may be compelled to go to Bombay. Sir, it is our intention that periodically, as and when required, the Registrar will rather go to Calcutta and hear hearings there rather than compel the commercial community to proceed to Bombay. This meets the point that has been made that the facilities which now exist for the commercial community in cases of opposition should be continued.

Sir, there is another point in connection with this Bill, and it is this: There is an article in the International Convention which provides that there should be a Central Office for Patents, Trade Marks, etc., in order that the Trade Marks registered in this country can receive what is known as 'reciprocity treatment'. It has been pointed out to me that by moving the Trade Marks Office away from the Patents Office, India will presumably be made ineligible to join the International Union. I have examined this Convention and I am advised that there is nothing in the Article which prevents India being eligible to the International Convention by establishing the Central Registry at Bombay.

Sir, I have only one more point before I conclude, and it is this: It may be asked why a measure of this type has been put before the House before it has been circulated to elicit public opinion. I wish to say that this short amending Bill, which I have ventured to place before the House, is the

The Honourable Sir Jeremy Raisman: Yes; I have taken every possible action. The mints are working night and day, and we are constructing a third mint.

Dr. Sir Zia Uddin Ahmed: What is the value of the coins which are minted every day and circulated?

The Honourable Sir Jeremy Raisman: I gave statistics of that when I last spoke on the subject. I have some figures here. I stated that the output of the two mints had been stepped up from 16 million pieces per month at the beginning of the war to 70 million pieces per month last summer and has now reached the rate of 125 million pieces per month. Thus, both the mints are working 24 hours a day; that is the rate at which we are now putting them out—125 million pieces a month; and I can only say that if these things have any meaning, then within a reasonable time an impression must be produced; and when the hoarder realises that small coin is no longer to be an article of scarcity, he will also pour out his hoards and the country should be swimming in small coin.

Dr. Sir Zia Uddin Ahmed: Will the Honourable Member be pleased to give the figures of the newly-coined one-pice coin, with a hole in it?

The Honourable Sir Jeremy Raisman: At the time when this note was written, we were minting 10 million single pice coins, a month. I would point out that it is not desirable to increase the minting of single pice coins at the expense of other small coin, because the object is to put out sufficient small coins to mobilise all the small transactions that are necessary and if you concentrate entirely on the smallest unit of currency then the effect of the increase of output is less than if you also provided half annas and one annas and so on.

Dr. Sir Zia Uddin Ahmed: May I know whether these pice pieces are actually in circulation or are they only kept in the banks, because I have not seen this coin except with the Honourable Member and a member of the Reserve bank?

The Honourable Sir Jeremy Raisman: I have already said that it takes some time before any new coin which is issued percolates to all parts of the country.

PREPONDERANCE OF EUROPEAN OFFICERS IN ORDNANCE INSPECTION DEPOT, LAHORE CANTONMENT.

447. *Bhai Parma Nand: (a) Will the War Secretary be pleased to state if it is a fact that there are various Ordnance Inspection Depots for inspection of war material manufactured by Indian contractors?

(b) Is it a fact that the biggest Ordnance Inspection Depot of the Northern India is at Lahore Cantonment?

(c) Is it a fact that the Ordnance Inspection Depot, Lahore Cantonment, is controlled by European Officers?

Mr. O. M. Trivedi: (a) Inspection Depots exist for the inspection of stores ordered on behalf of the War Department, whether the contractor is Indian or European.

(b) No. The biggest Depot is at Delhi.

(c) No; in the Ordnance Inspection Depot, Lahore Cantonment, there is one Major in command who is a European, three Captains, one of whom is an Anglo-Indian and the rest Europeans and two Lieutenants, one of whom is an Anglo-Indian and the other a European.

PREPONDERANCE OF EUROPEAN OFFICERS IN ORDNANCE INSPECTION DEPOTS.

448. *Bhai Parma Nand: (a) Will the War Secretary please state if it is a fact that almost all officers in the Ordnance Inspection Depots drawing salaries of more than Rs. 300 are Europeans?

(b) Is it a fact that highly qualified technical supervisors of Indian nationality are working under European Sergeants without any technical qualifications?

(c) Is it a fact that the number of Indian and Anglo-Indian officers drawing more than Rs. 400 as salary in the various Ordnance Inspection Depots of Northern India is only three?

(d) Is it a fact that Indian and Anglo-Indian officers working in these Depots have made representations with regard to their promotions?

(e) Is it a fact that great distinction is made between the European Officers and the Indian and Anglo-Indian officers in these Depots?

Mr. O. M. Trivedi: (a) Yes, but I would add that the number of officers employed in India under the Controller General of Inspection and drawing more than Rs. 300 is, Europeans 231, Indians 235 and Anglo-Indians 11.

(b) No.

(c) No; the number is actually four within the Northern India Area. I would add that the numbers of officers in the Punjab under the Controller General of Inspection drawing more than Rs. 400 are: Europeans 29, Indians and Anglo-Indians 25.

(d) and (e) No.

HINDUSTANI EXAMINATION FOR INDIAN AND ANGLO-INDIAN OFFICERS OF ORDNANCE INSPECTION DEPOTS.

449. *Bhai Parma Nand: (a) Will the War Secretary please state if it is essential for the Indian and Anglo-Indian officers in the Ordnance Inspection Depots to pass an examination in Hindustani?

(b) Is it a fact that the Indian and Anglo-Indian officers working in these depots have made representations that they should be exempted from such an examination?

Mr. O. M. Trivedi: (a) The rules governing the qualification in Urdu which officers must possess are laid down in I. A. O. 1261/1941.

Under this Army Order, Indian officers whose mother tongue is Urdu are automatically exempt from the necessity of passing a qualifying examination.

(b) Individuals may apply for exemption from the examination under the conditions laid down in I. A. O. 1261/1941. All applications so far received have been dealt with by the authority for granting such exemptions, namely, the Headquarters of the Command concerned.

TREATMENT METED OUT TO CONTRACTORS IN ORDNANCE DEPOTS.

450. *Bhai Parma Nand: (a) Will the War Secretary please state if it is a fact that no chairs are offered to the contractors working under the Depots of Northern India when they go to see the European Officers?

(b) Is it a fact that meetings of the contractors of these depots are held in the beginning of every month?

(c) Is it a fact that only five per cent. of the contractors are encouraged to attend the meetings?

(d) Do Government propose to make enquiries to the effect, why contractors do not care to attend such meetings?

(e) Is it a fact that the Indian and Anglo-Indian officers of most of the depots have made representations for a Court of Inquiry with regard to the treatment meted out to them?

Mr. O. M. Trivedi: (a) No. Standing Orders for Inspection lay down that the visitors' waiting room should be furnished with a table and chairs; and that lights, fans and drinking water should be provided.

(b) No. Meetings are held at convenient intervals.

(c) No.

(d) Does not arise.

(e) No, except in the case of one officer under adverse report.

NON-PROMOTION OF CERTAIN QUALIFIED CIVILIAN SUB-DIVISIONAL OFFICERS IN THE MILITARY ENGINEERING SERVICE.

451. *Mr. H. A. Sathar H. Essak Salt (on behalf of Hajee Chowdhury Muhammad Ismail Khan): With reference to the replies to starred question No. 264, dated the 9th March, 1943, will the War Secretary please state:

(a) the number separately of the civilian Sub-Divisional Officers, permanent and temporary, with foreign University qualifications promoted as Assistant Engineers during the last six months.

(b) the number of the civilian Sub-Divisional Officers (permanent) with no University qualifications whatever, promoted as Assistant Engineers during the same period.

(c) the number separately of the civilian Sub-Divisional Officers, permanent

and temporary, with foreign University qualifications and at least with one year's approved service still awaiting promotion;

(d) the time it will take to absorb such foreign University qualified subordinates not yet promoted as officers;

(e) whether he is aware that very few such qualified subordinates have been promoted as compared to the large number of unqualified permanent subordinates;

(f) if this is due to the fact that the latter are given priority over the former in the matter of promotion; if so, why, in view of the replies already given to parts (b), (f) and (g) of starred question No. 264, this is so; and

(g) whether he proposes to consider the desirability of stopping further direct recruitment of officers to the Military Engineering Service in order to absorb the qualified departmental subordinates as Assistant Engineers or, alternatively, if he proposes to consider any scheme for giving promotion to such deserving subordinates in view of their high technical qualifications and great demand everywhere; if not, why not?

Mr. C. M. Trivedi: (a) and (c). One permanent civilian sub-divisional officer with foreign university qualifications has been promoted as Assistant Engineer during the last six months and two, with at least one year's approved service, are awaiting promotion. The cadre of permanent sub-divisional officers includes seven subordinates with foreign university qualifications and three with Indian university qualifications. Of these, five and two respectively have been promoted as temporary Assistant Engineers since the outbreak of the War. Information concerning temporary sub-divisional officers is not available, and its collection would involve an amount of time and labour which would not be justified in wartime.

(b) Eleven.

(d) This would depend upon the vacancies which occur and whether these persons are found suitable for selection.

(e) No, Sir. It will be seen from my reply to parts (a) and (c) of this question that a large number of permanent sub-divisional officers with university qualifications have been promoted as temporary Assistant Engineers.

(f) Does not arise.

(g) No, Sir; Government is satisfied that the present system of promotion to the posts of Assistant Engineers does adequate justice to the legitimate claims of permanent qualified departmental subordinates.

COMPLAINTS OF CERTAIN CIVILIAN OFFICIALS IN THE MILITARY ENGINEERING SERVICE.

452. *Mr. H. A. Sathar H. Essak Sait (on behalf of **Hajee Chowdhury Muhammad Ismail Khan**): (a) With reference to the reply to starred question No. 265, dated the 9th March, 1948, will the War Secretary please state the authority under which the appointing authority of a temporary or permanent (separately) civilian officer or civilian subordinate in the Military Engineering Service can reduce the pay solely on account of his having been declared medically fit for 'C' category instead of 'A' or 'B' to which he belonged when entering service, although he is considered to be efficiently performing the same duties after his categorisation?

(b) Have any instructions been issued which restrict the further advancement of such individuals? If so, does he propose to place a copy of such instructions on the table of the House?

(c) Is he aware that due to hard conditions and work the health of the individuals is bound to be affected during the war?

(d) Does he propose to consider the desirability of amending such restrictions so as to allow the individuals who are later on placed in the 'C' category to advance to the rank, the duties of which they are physically capable of performing? If not, why not?

(e) Does he propose also to consider the desirability of exempting such individuals from the operation of the Essential Services Ordinance in order to let them better their prospects anywhere else if they cannot be given promotion in the Military Engineering Service? If not, why not?

Mr. C. M. Trivedi: (a) No orders have been issued providing for a reduction in the basic pay of civilian employees of the Military Engineering Service who are placed in medical category 'C'.

(b) The rules under which advancement is withheld on account of medical unfitness for field service are contained in A. I. (I.) No. 375 of 1940, a copy of which has been placed in the library of the House.

(c) Yes, in a certain number of cases.

(d) During the existing emergency, the orders contained in the Annexure to A. I. (I.) No. 375 of 1940, which provide that an individual who has been found repeatedly unfit for field service will be brought before a Medical Board with a view to his being invalided out of the service, have been modified by a provision that such persons may be retained in the service if declared fit for garrison duties in India. Moreover, unfitness for field service in the case of individuals who have 20 years' continuous and pensionable service under Government does not constitute a bar to further promotion, provided they are certified to be fit for duty in cantonments. Again, provision is made in the Instruction for special consideration of cases of individuals whose unfitness for field service is the result of illness contracted on field service. It is not proposed to relax the conditions further.

(e) The reply to the first part is in the negative. These persons are governed not only by the Essential Services Ordinance but also by the terms of their agreement which prevent them from leaving the Military Engineering Service while the country is at war.

WORK DONE BY THE NATIONAL WAR FRONT ORGANISERS.

453. *Mr. Ananga Mohan Dam: (a) Will the Honourable Member representing the Information and Broadcasting Department be pleased to make a brief statement or lay a statement on the table on the work done by the National War Front Organisers in different provinces up to February 1948?

(b) Do the National War Front Organisers also work as Recruiting Officers? If so, how many recruits have been enlisted in the province of Assam, and how many of them are Hindus and Muslims?

The Honourable Sir Sultan Ahmed: (a) The National War Front aims at keeping up public morale, discouraging the spread of rumours and generally stimulating the War effort. In pursuance of these aims all the usual forms of propaganda are employed. Very large numbers of meetings have been addressed by non-official speakers, posters and other forms of pictorial publicity have been widely displayed, considerable use has been made of propaganda cinema vans and pamphlets and leaflets have been distributed on a large scale. The organization of these is in the hands of Provincial Organizers the Central Organization being responsible only for suggesting policy and for providing propaganda material. In some Provinces village defence parties or similar bodies have also been organized by the National War Front. Exact figures showing the volume of work done have not been collated but the scale of propaganda has been considerable.

(b) No.

POSTS RESERVED FOR SCHEDULE CASTES IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

454. *Bhai Parma Nand: (a) Will the Honourable the Home Member please state whether there are posts in the Government of India Secretariat and attached offices which are reserved for Schedule Castes? If so, how many, and in which offices?

(b) Were any posts reserved for Schedule Castes filled by Muslims since 1938? If so, why? What is the percentage of Muslims in the grades in which such posts were filled by Muslims on the dates when such appointments took place?

The Honourable Sir Reginald Maxwell: (a) Not at present but the question of reserving a definite proportion of vacancies for members of the Scheduled castes in Central Services is under consideration.

(b) Does not arise.

HARDSHIPS FELT BY GOVERNMENT SERVANTS IN NEW DELHI DUE TO SHORTAGE OF SMALL COINS.

†455. *Bhai Parma Nand: (a) Will the Honourable the Finance Member please state whether he is aware that Government servants living in New Delhi are experiencing considerable difficulty and sometimes are put to very great inconvenience due to the shortage of small coins?

(b) Is he aware:

(i) that when they want to purchase postage stamps, etc., or to send a money order or a telegram, the postal and telegraph counters refuse to accept their indents unless they pay the small change that may be due;

(ii) that the school authorities in New Delhi refuse to accept fees from students unless they give small change, where necessary;

(iii) that the postal and telegraph counters and the school authorities never pay any change themselves;

(iv) of what happens to the large quantity of small change that these various authorities go on accumulating;

(v) that the said Government servants cannot purchase daily necessities of life, e.g., vegetables, etc., unless they have small change; and

(vi) that regular shop-keepers refuse to sell their wares if they are called upon to return any small change?

(c) Are any banks or currency offices issuing any small change from where these Government servants can get it?

(d) If the reply to part (c) be in the negative, how are these Government servants to carry on their daily purchases?

(e) Can these Government servants refuse to take their pay if they are not paid sufficient small change? If not, why not?

(f) Do Government propose to pay to these Government servants some change every month as a part of their pay, basing the amount of change to be given on some percentage or other system?

The Honourable Sir Jeremy Raisman: (a) to (d). The small coin situation has already been discussed in the House on the 10th of February, 1943, in connection with Babu Baijnath Bajoria's adjournment motion and subsequently with reference to starred question No. 58, on the 12th February, 1943. Government are aware of the difficulties and inconvenience from which Government servants in New Delhi are suffering in common with the rest of the community as a result of the present shortage of small coin. The small coin depot at the Reserve Bank of India, Delhi, issues small coin in limited quantities to the public and Government cannot contemplate discrimination in favour of their servants in the matter of such supplies.

(e) and (f). Government servants cannot refuse to take their pay if they are not paid small change to the extent desired by them since notes are legal tender to any amount, whereas small coin are legal tender only to the limit of one rupee. If Government servants were afforded special treatment in the manner suggested it would result in invidious discrimination in their favour *vis-a-vis* the general public.

PROPAGANDA PROGRAMME OF THE NATIONAL WAR FRONT.

456. *Mr. K. C. Neogy: (a) Will the Honourable Member representing the Information and Broadcasting Department be pleased to state, separately, the broad details of the programme of the National War Front for the year 1943-44 in respect of provinces and Centrally Administered Areas?

(b) What will be the nature of publicity and propaganda to be directly undertaken by the Central Organisation?

(c) Is the National War Front going to undertake any propaganda directly or indirectly relating to post-war economic, fiscal and financial matters? If so, with what object?

(d) Is it a fact that the services of economists, including a professor from the Madras University, have been engaged on behalf of the National War Front? If so, with what object?

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

The Honourable Sir Sultan Ahmed: (a) It is not possible to enumerate, within the compass of a reply to a question, the various propaganda schemes in force in the Provinces. It may however be stated that the aims of the National War Front will continue to be as before namely, the maintenance of public morale, discouraging spread of rumours and generally stimulating the War effort and that in pursuance of these aims all the usual forms of propaganda will be employed. Particular use will be made of meetings, posters, cinema vans, pamphlets and leaflets. The themes treated through these different media will vary from time to time and will be selected according to circumstances as they arise.

(b) The Central organisation will continue to provide propaganda material to the Provincial organisations but as explained in answer to part (a) the themes to be treated will be selected from time to time in the light of changing circumstances.

(c) The National War Front itself does not undertake, directly or indirectly, propaganda relating to post-war economic, fiscal and financial matters though it does try to inculcate the view that just as we are fighting for victory now, so we must fight for India's prosperity and greatness in the post-war period. Some of the officers of the National War Front are in other capacities, directly concerned with stimulating public interest in post-war economic, fiscal and financial problems. One organisation formed for this purpose is that known as the New India Planning Groups. About 100 of these Groups have already been formed. They are autonomous bodies which frame their own rules, select their own subjects for discussion and are entirely non-official in character. The Central organisation of the New India Planning Groups is responsible for suggesting subjects for discussion (though the Groups may or may not accept these subjects) and for putting out facts and figures to assist these Groups in their discussions. The Central organisation is wholly precluded from expressing opinions or in any way seeking to influence the opinions of the Groups.

(d) The services of Prof. P. J. Thomas of the Madras University have been engaged, not on behalf of the National War Front, but on behalf of the New India Planning Groups. He has been appointed as Director of Research and he is responsible for preparation of the objective pamphlets referred to in answer to (c).

Mr. K. C. Neogy: Is the new National Planning Group movement an integral part of the National War Front?

The Honourable Sir Sultan Ahmed: I understand that it is absolutely different from the National War Front.

Mr. K. C. Neogy: Is it going to be financed out of the funds which Government have provided for the National War Front?

The Honourable Sir Sultan Ahmed: I want notice of that question. I have no idea.

Dr. P. N. Banerjee: I did not follow exactly what the Honourable the Law Member said, but do I understand that propaganda work is to be the main function of this body and of the expert appointed by the Government?

The Honourable Sir Sultan Ahmed: Not at all. I repudiated that suggestion. It is more or less in the form of a study circle—preparation of what should be done after the war. There are plenty of groups working on those lines, and if they want materials from the centre they are given. But they are an absolutely autonomous body, and the idea is to appoint, if possible, a non-official chairman. We are on the look out for a non-official chairman.

Dr. P. N. Banerjee: Will this Assembly be represented on this organisation?

The Honourable Sir Sultan Ahmed: I have no idea at all. The matter has never been considered.

Mr. N. M. Joshi: May I ask whether Professor Thomas's salary is paid out of the National War Front's funds, or out of the funds of some other department?

The Honourable Sir Sultan Ahmed: No cost is incurred on account of local groups themselves, but Government bears the expenditure on account of the research directorate, that is, of Dr. Thomas's appointment.

Mr. K. C. Neogy: When was this New India Planning Group movement first initiated, and where were these hundred groups formed?

Sardar Sant Singh: Does the Honourable Member know that his department gave an answer in the Upper House to a similar question?

Mr. C. M. Trivedi: This question is not exactly the same as the question to which a reply was given in the other House.

Sardar Sant Singh: What has the Honourable Member to say to the reply given in the Bengal Legislative Assembly, which is quoted?

Mr. C. M. Trivedi: I understand the quotation is correct.

Sardar Sant Singh: If the quotation is correct, do the Government of India agree with the contents of that quotation?

Mr. C. M. Trivedi: The answer to that would depend upon the further inquiries I am making with regard to part (b) of the question.

DESIRABILITY OF GIVING HIGHER CLASS TO MAULANA HUSAIN AHMAD MADANI A DETENU.

458. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state if it is or it is not a fact that Maulana Husain Ahmad Madani, Principal of Darul-Ulum, Deoband—the premier institution of Arabic learning in India—and President of Jameat-ul-Ulema-i-Hind, was convicted under rule 38 of the Defence of India Rules on the basis of a speech and sentenced to 2 years rigorous imprisonment about June 1942, which sentence was reduced to 6 months rigorous imprisonment by the Court of appeal?

(b) Is it or is it not a fact that Maulana Husain Ahmad Madani occupies a very prominent position in life both as a learned divine and a politician and was given 'A' Class on his conviction?

(c) Is it or is it not a fact that on the expiry of the term of imprisonment the said Maulana Sahib has been detained under rule 126 of the Defence of India Rules? If so, under the orders of which Government has he been so detained?

(d) Is it or is it not a fact that now Maulana Husain Ahmad Madani Sahib has been transferred to 'Q' class which is considered to be equivalent to 'B' class? If not, what is the real situation?

(e) If the answer to part (d) be in the affirmative, do Government propose to consider the advisability of persuading the Provincial Government to transfer him at least to the first class detenus, in view of the status and position in life of Maulana Husain Ahmad Sahib?

The Honourable Sir Reginald Maxwell: The Government of India have issued no orders in respect of Maulana Husain Ahmad Madani and are not aware of the circumstances of his detention. I might, however, point out that the treatment given to the two ordinary classes of security prisoners is generally superior to that given to the corresponding two classes of convicted prisoners and that a security prisoner of Q class, which is intermediate between the two ordinary classes would probably approximate more nearly to that of an 'A' or 'B' class convicted prisoner, than a 'C' class convicted prisoner.

Qazi Muhammad Ahmad Kazmi: May I know if Q class prisoners are the people who were already in the A class? Maulana Husain Ahmad Madani was in A class when he was a convicted prisoner and where was the necessity of bringing him to this new class?

The Honourable Sir Reginald Maxwell: I think the Honourable Member has misunderstood the position. Q class applies to security prisoners detained in connection with the present Congress movement and has nothing to do with the classification of convicted prisoners.

Qazi Muhammad Ahmad Kazmi: If a person has been recognised to be entitled to A class treatment as a convicted prisoner, what is the reason for keeping the same person in a lower class as a security prisoner?

The Honourable Sir Reginald Maxwell: I explained that there is no comparison between the classification of ordinary prisoners and the classification of security prisoners. Each has its own independent standard of treatment and the treatment of security prisoners is as a rule superior to that of the corresponding class of convicted prisoners. It is a wrong inference to suppose that a person who has been convicted and placed in a certain class should also be placed in that particular class as a security prisoner.

Sardar Sant Singh: May I know what is the difference in the treatment of persons placed in the A class and the Q class?

The Honourable Sir Reginald Maxwell: The exact difference would take a long time to explain. The details of the treatment of various classes are matters for the provincial regulations and they differ in each province. If necessary, I could lay a statement on the table giving such differences as we are aware of. We have not got absolutely full information as what the various provinces are doing.

Maulana Zafar Ali Khan: What does the letter 'Q' stand for?

The Honourable Sir Reginald Maxwell: 'Q' means neither 'A' nor 'B'.

Qazi Muhammad Ahmad Kazmi: What is the reason why people who have been convicted actually and found guilty are treated in a better way, so far as maintenance allowance is concerned, than those persons who have not been found guilty of any offence but there is only suspicion against them?

The Honourable Sir Reginald Maxwell: The facts are not as stated by the Honourable Member.

RECRUITMENT OF INDIAN CHRISTIANS IN THE AUXILIARY FORCE (INDIA), DELHI CONTINGENT.

†459. *Bhai Parma Nand: (a) Will the War Secretary be pleased to state if it is a fact that only Europeans and Anglo-Indians are recruited in the Auxiliary Force (India)?

(b) Is it a fact that in the Auxiliary Force (India), Delhi Contingent, Indian Christians are also being taken? If so, what is their number, and is the Honourable Member prepared to allow non-Christians to join the Auxiliary Force (India)?

(c) Does the Honourable Member propose to inform the House of the nationality and race recorded by the Indian Christians, who are already in Government service, on their enrolment forms of the Auxiliary Force (India), Delhi Contingent?

Mr. C. M. Trivedi: (a) Yes, Sir, only Europeans and Anglo-Indians are eligible for recruitment in the A. F. I.

(b) Government have caused enquiries to be made and no Indian Christians have been recruited as such into the Delhi Contingent.

(c) In view of the answer to (b) above, this part of the question does not arise.

WITHHOLDING OF CABLEGRAMS FROM MAHARAJ-KUMAR SIR VIJAYA OF VIZIANAGRAM TO PRESIDENT ROOSEVELT.

460. *Mr. K. O. Neogy: (a) Will the Honourable the Home Member be pleased to state if it is a fact that two cablegrams addressed to President Roosevelt were received from the Maharaj-Kumar Sir Vijaya of Vizianagram by the Telegraph Offices, one bearing No. 1, dated the 12th April, 1941, of the Benares Head Post Office, and the other bearing No. NCRB 30, dated the 19th August, 1942, of the Madras Central Telegraph Office?

(b) Were these cablegrams duly despatched to the addressee? If not, under whose authority were they withheld, and for what reasons?

(c) Is it a fact that these cablegrams contained a request to President Roosevelt to use his influence in bringing about a settlement of the political deadlock in India?

(d) Was the sender informed by the postal authorities at any time that the two cablegrams had been withheld? If so, when?

(e) What were the amounts paid in respect of the two cablegrams? Were the amounts refunded to the sender? If so, when?

The Honourable Sir Reginald Maxwell: I regret that no information can be given regarding telegrams stopped, delayed or otherwise dealt with in the course of censorship.

Mr. K. O. Neogy: Is the Honourable Member not prepared to answer even part (e) of the question, as to whether the amounts that were paid in respect of these cablegrams have been refunded to the sender?

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

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

UNSTARRED QUESTIONS AND ANSWERS.

ALLOCATION OF WAR EXPENDITURE BETWEEN INDIA AND BRITAIN, ETC.

93. Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to make a statement showing:

(a) the total amount of War expenditure incurred in 1940-41, 1941-42 and 1942-43, respectively (approximate figures being supplied for 1942-43), charged to Indian Revenues and to His Majesty's Government, respectively, inclusive of capital, revenue or suspense accounts;

(b) the total expenditure on construction of aerodromes and air-fields in 1940-41, 1941-42 and 1942-43, respectively (approximate figures being supplied for 1942-43), and what proportion of it is charged to civil and military heads, respectively, and whether any proportion of the military expenditure on this account has been charged to His Majesty's Government or the American Government, and if so, what; and

(c) the approximate total amount to be charged to India for acquiring capital assets for war industries, under the proposal referred to by the Honourable the Finance Member in paragraph 25 of his Budget Speech, and what approximate proportion thereof may reasonably be expected to be recovered from private industrialists who are supplied with such assets?

The Honourable Sir Jeremy Raisman: (a) The net expenditure charged to India and His Majesty's Government in the books of the Military Accountant General was as follows:

	(Lakhs of Rs.)	
1940-41	India.	H. M. G.
1941-42	73.61	53.35
1942-43 (Revised Estimates)	102.93	193.63
	238.89	337.05

The basis of the Revised Estimates, for 1942-43 has been indicated in my Budget Speech, and further details cannot be furnished at the present stage.

(b) The total expenditure on the construction of aerodrome and air-fields during the three years in question was 46, 1.07 and 63.27 lakhs respectively. Of this 16 lakhs will be charged to civil estimates during 1942-43, the rest being a Defence liability. No portion of this expenditure has been charged to the Government of the United States of America. The amounts borne by His Majesty's Government were 46 and 25 lakhs, respectively, during 1940-41 and 1941-42. As regards the expenditure in 1942-43, I would refer the Honourable Member to para. 24 of my Budget Speech to which I have at present nothing to add.

(c) I have no information later than that given in my Budget Speech. It is impossible to say at this stage what portion of this expenditure will be recoverable from private industrialists after the war.

DOUBLE INCOME-TAX RELIEF GRANTED BY INDIA.

94. Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to state the amounts of double income-tax relief granted by India, under section 49 of the Indian Income-tax Act, under arrangements with the Governments of the United Kingdom, Ceylon, Burma, Aden and Indian States, for the years 1937-38, 1938-39 and 1939-40?

(b) Have the Indian companies incorporated in India and operating in the United Kingdom received any double income-tax relief under similar provisions of the United Kingdom Income-tax Act? If so, will the Honourable Member be pleased to state the amount of relief obtained by Indian companies from the United Kingdom for the respective years mentioned above?

The Honourable Sir Jeremy Raisman: (a) The amount of double income-tax relief granted by India was:

	1937-38.	1938-39.	1939-40.
	Rs.	Rs.	Rs.
United Kingdom	84,85,520	1,31,21,914	44,45,005
Ceylon	65,327	88,843	88,847
Burma	1,72,175	1,71,715	42,00,856
Aden	45	1,422	830
Indian States	2,80,264	5,98,925	5,75,242

(b) Companies incorporated in India and operating in the United Kingdom are entitled to double income-tax relief in the United Kingdom under section 27 of the United Kingdom Finance Act, 1920 on that part of their income which has been taxed both in the United Kingdom and in British India. Government have no information as to the amount of such relief granted in the United Kingdom.

ELECTION OF MEMBERS TO THE COMMITTEE APPOINTED TO CONSIDER THE CONVENTION REGARDING THE RAILWAY FINANCE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Railway Finance Convention Committee:

1. Sir Cowasjee Jehangir, 2. Dr. Sir Zia Uddin Ahmad, 3. Mr. K. C. Neogy, 4. Mr. Jamnadas M. Mehta, 5. Sir Muhammad Yamin Khan, 6. Sir F. E. James, 7. Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, 8. Maulvi Syed Murtuza Sahib Bahadur, 9. Sardar Sant Singh.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, two messages have been received from the Council of State. The first message reads as follows:

"The Council of State at its meeting held on the 29th March, 1943, agreed, without any amendment, to the following Bills which were passed by the Legislative Assembly at its meetings held on the 20th March, 1943, namely:

1. A Bill to provide for the imposition and collection of excise duties on tobacco.
2. A Bill to provide for the imposition and collection of an excise duty on vegetable product."

The second message is as follows:

"The Council of State at its meeting held on the 30th March, 1943, agreed, without any amendment, to the Bill further to amend the Indian Tea Control Act, 1938, which was passed by the Legislative Assembly at its meeting held on the 24th March, 1943."

THE TRADE MARKS (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with the further consideration of the motion moved by Mr. Pillay: "That the Bill further to amend the Trade Marks Act, 1940, be taken into consideration."

(No Honourable Member got up to speak.)

The question is:

"That the Bill further to amend the Trade Marks Act, 1940, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now consider the Bill clause by clause. Clause 2.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, I move:

"That in part (c) of clause 2 of the Bill, in the proposed sub-section (2A) the words 'in relation to trade marks' be omitted and the following be added at the end of the sub-section:—
'and any reference in this Act to the Registrar shall include a reference to the Deputy Registrar when so discharging any such function'."

Sir, the reason why we move this amendment is, first, that in the original 1940 Bill the proposal was that the office should be centralised in Calcutta with a Branch for textiles in Bombay. In the 1941 (Amendment) Act that position was altered and a dual administration was set up. That has been proved very unsatisfactory and Government have now brought forward their present Bill to centralise control not in Calcutta but in Bombay. Now, Sir, in Calcutta it is perfectly true that, according to the figures given the other day by the Honourable Member in charge of the Bill, the number of marks applied for in that centre are less than in Bombay. But at the same time they are very considerable in number and it also is a matter of importance to provinces like Assam, Bihar, Orissa and the United Provinces that they should have facilities, if necessary, to apply to the Branch in Calcutta, and the object of this amendment which I have now moved is to provide such facilities for eastern India. I understand Government are prepared to accept my amendment; so, I do not think it is necessary for me to take up the time of the House by arguing it further.

I move.

The Honourable Sir Sultan Ahmed: I cannot give the date because I have not got the materials relating to the same, but I can supply all those materials in the form of a statement to be laid on the table of the House.

Mr. K. C. Neogy: Is there any literature available on the subject from which one can gather details of the scheme?

The Honourable Sir Sultan Ahmed: Perhaps there may be. If there is any, I will lay it on the table.

Mr. N. M. Joshi: In view of the fact that those groups are going to consider plans for post-war period, will they prepare plans for an independent India, or for an India under the British Government or the present Government of India?

The Honourable Sir Sultan Ahmed: It has got nothing to do with politics. It will prepare the materials in the interests of India alone. It has got nothing to do with politics.

Mr. N. M. Joshi: My question is, if the groups are going to make any plans regarding post-war period, they will have to take note of the Government that may exist at that time, and I wanted to know whether those groups will visualise India as an independent India, or as on the lines of the present Government of India?

The Honourable Sir Sultan Ahmed: I understand that they are going to discuss post-war problems and not to lay down plans. They are going to discuss and come to certain conclusions. They are not a body which can come to final decisions on any point.

Sir F. E. James: I take it that they will discuss problems, whether they are political or economic or social?

The Honourable Sir Sultan Ahmed: Yes, certainly, but they will not come to any final decision which will be binding on anybody.

Sardar Sant Singh: What will be the value of those conclusions? They will be recommendations to Government, or mere advice tendered? What will be the nature?

The Honourable Sir Sultan Ahmed: No. They will come to certain conclusions themselves. It will be more or less educative.

Dr. P. N. Banerjee: What is the connection of the Government with those groups?

The Honourable Sir Sultan Ahmed: None whatsoever, as I have already explained in my answer to part (c) of the question.

Mr. T. T. Krishnamachari: May I ask whether Government will determine the nature and scope of the discussions that will take place?

The Honourable Sir Sultan Ahmed: No.

Mr. T. T. Krishnamachari: Am I to understand that Government is spending all this money merely for the purpose of allowing people to indulge in desultory talks without determining the nature and scope of the discussions?

The Honourable Sir Sultan Ahmed: It is the objective of the Government to see that these matters are seriously considered by different groups and different classes of people, and to that end Government is deeply interested, but no more. The groups are autonomous bodies absolutely. They will come to their own decisions. They will consider the problems very carefully and give us the benefit of their own decisions. But Government are not bound by their decisions. It is necessary that it should be done because it is done in every country.

Mr. K. C. Neogy: Who actually selects members for the individual planning groups?

The Honourable Sir Sultan Ahmed: I think they form themselves. Certain directions are given to the provinces in the sense that they are asked to have groups, and that is all. They form themselves.

Mr. F. J. Griffiths: Is it not a fact that any person is at liberty to form a group without any permission from anybody at all?

The Honourable Sir Sultan Ahmed: Yes.

Sardar Sant Singh: May I ask if the Government of India will pay for the chairman or secretary of any group which is formed?

The Honourable Sir Sultan Ahmed: The idea is to have a non-official honorary chairman.

Mr. K. C. Neogy: Have the objects of this group been widely advertised at the instance of the National War Front or any other authority?

The Honourable Sir Sultan Ahmed: I think so. I think there are pamphlets which have been issued.

Mr. K. C. Neogy: Inviting people to form themselves into groups of this character?

The Honourable Sir Sultan Ahmed: I think so. That is my impression. If my Honourable friend will put down a question, I will lay on the table of the House a statement.

Sardar Sant Singh: Who finances this venture?

The Honourable Sir Sultan Ahmed: Of course, Government. The House should give us credit for that—we think that everybody should consider these post-war questions. They are very important.

Dr. P. N. Banerjee: Was this matter placed before the Standing Finance Committee since this is a new demand?

The Honourable Sir Sultan Ahmed: I have no knowledge of that.

MACHINE-GUNNING ON A MOB FROM AIR NEAR RANAGHAT IN BENGAL.

457. *Mr. K. C. Neogy: (a) With reference to the mention made by the Deputy Commander-in-Chief of an instance of machine-gunning on a mob from the air near Ranaghat in Bengal, in reply to question No. 66 in the Council of State on the 25th September, 1942, has the attention of the War Secretary been drawn to the following statement made by the Chief Minister of Bengal in the course of a debate in the Bengal Legislative Council on the 2nd October, 1942:

"As regards the Ranaghat incident which my friend Sir Bijoy Prasad Singh Roy has referred to, the facts are that there was an Army reconnaissance and they mistook some coolies working on the lines as people who were out for purposes of sabotage on the railway lines. Bombs were dropped but fortunately there was no casualty. Far from this being done at the instance or knowledge or consent or connivance of the Bengal Government, we came to know about this incident only the day before yesterday, when news came to us in the ordinary course conveying the information."

(b) Is the instance mentioned by the Deputy Commander-in-Chief the same as that referred to by the Chief Minister of Bengal? If so, does the Honourable Member propose to make a comprehensive statement of all the circumstances relating to the incident, giving particularly the date of the occurrence and the date on which the Government of Bengal or any responsible officer of that Government was first informed about it?

(c) Did the Air Force act in co-operation with the civil authorities in such cases in August and September last? Was any liaison maintained between them and the authorities of the Government of Bengal at the time when the incident took place near Ranaghat, or was the Air Force expected to act independently and to use its discretion in dealing with such supposed cases of sabotage?

(d) What instructions were actually issued to the Air Force for dealing with such cases: by whom were they issued and under what provisions of law?

Mr. O. M. Trivedi: Information to enable me to answer all parts of the question is not readily available. It is being collected and will be laid on the table of the House in due course.

Mr. K. C. Neogy: Which part of the question cannot be answered without further enquiry?

Mr. O. M. Trivedi: Part (b).

Mr. K. C. Neogy: What about part (a)?

Mr. O. M. Trivedi: I would prefer not to give an incomplete answer.

Mr. K. C. Neogy: If the Honourable Member is in a position to answer certain parts of the question, then the House is entitled to hear the reply to those parts.

Mr. O. M. Trivedi: My point is that all the parts are more or less inter-connected.

[Mr. President.]

House, Members of Government or Non-Official Members of the House.

Motion moved:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability be referred to a Select Committee consisting of Sir Vithal N. Chandavarkar, Mr. N. M. Joshi, Mr. Jamnadas M. Mehta, Mr. D. S. Joshi, Mr. Hooseinbhoj A. Laljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Mr. C. C. Miller, Mr. E. L. C. Gwilt, Maulana Zafar Ali Khan, Mr. Yusuf Abdoola Haroon, Hajee Chowdhury Muhammad Ismail Khan, Mr. H. A. Sathar H. Essak Sait, Mr. Amarendra Nath Chattopadhyaya, Mr. R. R. Gupta and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. C. C. Miller (Bengal: European): Mr. President, Sir. The European Group support the reference of this Bill to a Select Committee to meet later in the year, but they would urge Government to use the occasion for two purposes. One is to place at the disposal of the Select Committee much more information than has been done hitherto, and the other is to very carefully consider, in the meantime, the provisions of the War Injuries Ordinance 1941 and the rates thereof because we consider that if that Injuries Ordinance remains unamended and if this Bill passes the Select Committee and subsequently the House in its present form, then the Honourable Member will become the parent of about as notable an instance of discriminatory legislation as is to be seen on the Statute book of any country.

I now wish briefly to refer to the theory of the Bill and the system which it outlines, and I hope the Honourable Member will correct me if I make a technical mistake.

Under this Bill, employers of factory labour, of labour in major ports, of mine labour and of essential services labour, are required to insure their employees against war risk injuries for the difference between the scale laid down in the War Injuries Ordinance and the scale laid down in the Workmen's Compensation Act. Government will act as sole insurers, but as insurers in a peculiar position. They take no risk and they quote no definite rate. They will receive from their clients premia in advance which they estimate will cover the risk over a certain period. The Honourable Member mentioned a quarter as the period, but I do not find 'a quarter' specifically mentioned in the Bill. That, however, is only a matter of minor importance, and I take it that if in a sudden catastrophe Government should exhaust the supply of money which they have in the shape of premia, they will immediately send round the fiery cross to employers and collect more premia, in other words they will always endeavour to be on the right side of the balance sheet with money in hand. I make a point of that because I want to allude to that a little bit later.

Now, Sir, since this measure, as the Honourable Member has stated, is so closely linked with the two existing measures, I would ask your permission to take a very brief glimpse at those two measures.

In the first place, we have the War Risks Ordinance. This is legislation of a type which, I think, finds its counterpart in every belligerent country within the danger zone of modern warfare in the world today, and the principle is that the whole country is facing a common danger and a common peril, and, therefore, there should be a common measure of relief or compensation according to the ability of the country to pay.

The relief in the War Injuries Ordinance for all major injuries takes the form of what one might call an exiguous over-all pension, bearing no relation to the earning power of the person who is known as the "gainfully occupied" person.

The Workmen's Compensation Act, on the other hand, is totally different legislation. The principle in that Act is, very rightly, that the employer is definitely responsible for conditions of danger which arise from dangerous machinery, or the handling of noxious products or anything of that nature, that is to say dangers which are incurred by workmen but which are not incurred by the ordinary citizen and for which the employer is liable. I do not think, however, that any Member of this House could possibly hold the view that

the employer is liable for the presence of a fleet of hostile aircraft over his factory. I will not argue that point further now, but I would like to point out that the rate of compensation in the Workmen's Compensation Act differs very widely both in scale and in principle from the rate of compensation in the War Risks Ordinance. In the Workmen's Compensation Act, the rate of compensation is much more generous. It is paid on the principle of a lumpsum payment and that payment varies according to the earning power of the workman concerned.

Now, Sir, since under this Bill the employer is required to pay compensation to the extent of the difference between the scale laid down in the Workmen's Compensation Act and that in the War Risks Ordinance, it has become necessary to find a point of comparison between the two and that is by no means an easy task because the two differ completely both in scale and in principle. However, Government has, as the Honourable Member has remarked, reached the conclusion that the compensation under the War Risks Ordinance approximates to the compensation afforded to a workman earning between Rs. 21 and Rs. 24 under the Workmen's Compensation Act, and from that point it is easy to draw a comparison between the scale of compensation which will be paid under the new Bill to the workman and the scale which is being paid to the ordinary citizen. Thus in the event of permanent total disablement, the ordinary person, or the "gainfully occupied" person, can only receive a lumpsum of Rs. 1,008; in the event of his death his next-of-kin can only receive a sum of Rs. 720. That compensation cannot vary. But in the case of a workman earning between Rs. 35 and Rs. 40, the sum received would be Rs. 1,200 as against Rs. 720, and Rs. 1,680 as against Rs. 1,008. In the next category, i.e., the Rs. 50 salary category, the figure goes up for the workman to Rs. 1,500 and to Rs. 2,100, that is more than double the compensation to the man in the street: a workman earning between Rs. 70 and Rs. 80 would receive considerably more than treble the compensation awarded to the ordinary citizen: and when you get to the highest scale of all, i.e., the Rs. 200 mark, then your workman's compensation is between five and six times that which is awarded to the man in the street under the War Injuries Ordinance.

Moreover, Sir, it appears to be the intention of the framers of the Bill to include in the workman's salary all temporary benefits which he is receiving under the war emergency. Well, it is really a question for the Select Committee whether the principle of awarding permanent compensation upon the basis of a temporary benefit is, or is not, permissible, and moreover there will be extreme difficulty in calculating the workman's pay, because so much of these temporary benefits are not paid in cash but are paid in kind, and very often in kind at a price which is enormously below the market price. But leaving that point for the moment, if you are going to include these war benefits in the workman's salary, then I believe, Sir, that I am right in saying that so far as the textile mills of Bombay are concerned, every man, woman and child employed therein will in the event of war injury receive double the compensation awarded to any one else.

Now, I think I have said enough to prove that there is in this measure discrimination in a very marked degree in favour of the workman against the "gainfully occupied" person, and the next step is to ascertain whether that discrimination is justified by the greater risk which the workman runs: if so, well and good. Naturally one must turn to Government for proof of that contention, but the trouble is that having turned to Government there is no proof forthcoming, because all that Government say in paragraph 2 of the Statement of Objects and Reasons is that there is probably more danger to employees in factories and other industrial concerns (which may be a target for enemy attack) than there is elsewhere. In other words, one is forced to the conclusion that the whole structure of the Bill is based on that word 'probably', but surely, Sir, we can have better information. At the beginning of this Session in this House we were given figures of air raid casualties in India. Surely these figures can be diagnosed to prove or disprove this contention that the workman is in greater danger than the ordinary citizen. If the contention cannot be proved,

[31st MARCH, 1943]

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved: "That in part (c) of clause 2 of the Bill, in the proposed sub-section (2A) the words 'in relation to trade marks' be omitted and the following be added at the end of the sub-section:

"and any reference in this Act to the Registrar shall include a reference to The Deputy Registrar when so discharging any such function."

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, on behalf of Government, I am prepared to accept this amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in part (c) of clause 2 of the Bill, in the proposed sub-section (2A) the words 'in relation to trade marks' be omitted and the following be added at the end of the sub-section:

"and any reference in this Act to the Registrar shall include a reference to the Deputy Registrar when so discharging any such function."

The motion was adopted.

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

Mr. T. Chapman-Mortimer: Sir, I move:

"That after clause 2 of the Bill, the following new clause be inserted:

"2A. After section 4 of the said Act, the following section shall be inserted, namely:

"4A. *Branch of Trade Marks Registry*.—(1) There shall be established at Calcutta for the purpose of facilitating the registration of trade marks a branch of the Trade Marks Registry.

(2) There shall be kept at the said branch a copy of the Register and the Refused Textile Marks List, and the said copies shall at all convenient times be open to the inspection of the public in the same manner as the originals thereof."

This amendment is consequential on the amendment which the House has just accepted. It is clearly necessary that if facilities are to be provided for applications, etc., for trade marks in Calcutta there should be at that centre a copy of the list maintained by the Registrar. For that reason, this amendment becomes necessary in view of the acceptance by the House of my first amendment.

Sir, I move.

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

"That after clause 2 of the Bill, the following new clause be inserted:

"2A. After section 4 of the said Act, the following section shall be inserted, namely:

"4A. *Branch of Trade Marks Registry*.—(1) There shall be established at Calcutta for the purpose of facilitating the registration of trade marks a branch of the Trade Marks Registry.

(2) There shall be kept at the said branch a copy of the Register and the Refused Textile Marks List, and the said copies shall at all convenient times be open to the inspection of the public in the same manner as the originals thereof."

Mr. T. S. Pillay: Sir, I am prepared to accept this amendment.

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

"That after clause 2 of the Bill, the following new clause be inserted:

"2A. After section 4 of the said Act, the following section shall be inserted, namely:

"4A. *Branch of Trade Marks Registry*.—(1) There shall be established at Calcutta for the purpose of facilitating the registration of trade marks a branch of the Trade Marks Registry.

(2) There shall be kept at the said branch a copy of the Register and the Refused Textile Marks List, and the said copies shall at all convenient times be open to the inspection of the public in the same manner as the originals thereof."

The motion was adopted.

New clause 2A was added to the Bill.

Clauses 3 to 16 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. T. S. Pillay: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. T. Chapman-Mortimer: Sir, I would like to say a few words about this Bill before it is finally passed by the Assembly. The Honourable the Mover, taking which we from Bengal very much appreciate. Notably, he gave us the undertaking that the Registrar or Deputy Registrar, as the case might be, would make very frequent visits to Calcutta. He might make even fairly prolonged visits to Calcutta for the purpose of despatch of business in that centre and for the hearing of cases. I should like just to take this opportunity to

express our appreciation of those promises which we have been given and to thank the Honourable Member in charge of the Bill for the very helpful spirit in which, throughout, he met the protestations of, and gave consideration to the claims of Bengal.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I should like to congratulate Government for bringing this Bill, specially the Member in charge, because better late than never. Sir, we have heard that for years and right until 1940 no Province even got any such facilities as what my Honourable friends from Bengal are now being offered, although we were crying hoarse for all those facilities. Even in 1940 when a Bill was moved an half-hearted attempt was made, with due deference to my Honourable friends from Bengal, and in 1941 an amendment was passed. But, Sir, I tell you that when 95 per cent. of the trade marks with regard to the textile and others are being registered in Bombay and no less than one hundred and fifty thousand applications are there who can fairly deny that Bombay is the right centre. I am glad that the Government of India have after all been pleased to accord facilities to Bombay as also to the Bengal people. We on our part will never grudge any such facilities to business and commerce wherever they be in India. But I do hope my European friends from Bengal will extend the same to us, hereafter and will consider the best interest of the country above their own.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE WAR INJURIES (COMPENSATION INSURANCE) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability be referred to a Select Committee consisting of Sir Vithal, N. Chandavarkar, Mr. N. M. Joshi, Mr. Jannadas M. Mehta, Mr. D. S. Joshi, Mr. Hooseinbhoy A. Lalljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Mr. C. C. Miller, Mr. E. L. C. Gwillt, Maulana Zafar Ali Khan, Mr. Yusuf Abdoolah Haroon, Hajee Chowdhury Muhammad Ismail Khan, Mr. H. A. Sathar H. Essak Sait, Mr. Amarendra Nath Chattopadhyaya, Mr. R. R. Gupta and the Mover; that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member given the names?

The Honourable Dr. B. R. Ambedkar: Sir, I will hand over the list now.

Mr. President (The Honourable Sir Abdur Rahim): The names ought to have been given earlier.

The Honourable Dr. B. R. Ambedkar: Sir, I do not think it would be necessary for me to take much time of the House in order to commend this measure to the Honourable Members. The main provisions of the Bill are three. The Bill seeks to give compensation to workmen who may become victims of war injuries; secondly, the Bill seeks to make employers liable for such compensation; and thirdly, the Bill seeks to compel employers to insure against liabilities imposed upon them.

Now, taking the question of compensation, the point to which I wish to draw the attention of the House is that this Bill is a linked measure. It is linked to the War Injuries Ordinance of 1941. On the other hand, it is also linked to the Workmen's Compensation Act. Now, Sir, the relationship of this Bill to the War Injuries Ordinance to which I have made a reference is plain. As Honourable Members will recall, the War Injuries Ordinance, 1941, defines what is called the qualifying injuries. Those injuries are classified in that Ordinance. What the present Bill does is to adopt in the main the scope and limits of the qualifying injuries as has been defined in the War Injuries Ordinance. As to the question of relationship of the present Bill to the Workmen's Compensation Act that will be clear to the Honourable Members from the fact that the amount of compensation which has been fixed in this Bill for the victim of war injuries more or less follows the scale that has been fixed in the Workmen's Compensation Act.

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then, Sir, you are brought up against two inescapable alternatives—either you are paying the ordinary citizen too little, or else you are going to pay the workman too much. Well, there again, one does not get much help from Government. What about the rates in the War Injuries Ordinance? Are they fair, just and equitable? All that Government say is that it is impossible for Government themselves generally to increase the scales of relief under the War Injuries Ordinance. They just say it is impossible. They say you must do one thing but is quite impossible for us to do the other.

In the absence of definite proof, we are inclined to think that the workman does not face this extra degree of danger as compared to the "gainfully occupied" person, because the tactics of our enemy so far have been aimed at "terror bombing", i.e., bombing congested areas rather than the much more difficult "precision bombing". If Government themselves maintain that the rates of compensation suggested for workmen are just and reasonable, then it surely must follow that the rates of compensation which exist for other persons are unjust and parsimonious, and that seems to me to be logical.

What we feel is that we must really have more data on the subject of this discrimination before the Bill can be properly considered. I am not asking the Honourable Member to substantiate his statements here and now but, I am asking him with as much emphasis as I can command, to provide the Select Committee with much more detail than has so far been vouchsafed: and if he still refuses to increase the rates under the War Injuries Ordinance, to give detailed and definite reasons for his refusal. I may say, Sir, that I have heard that the War Injuries Ordinance rate bears some relation to the pension awarded to Indian soldiers, but I think we can hardly take that into consideration. From one point of view it is a *reductio ad absurdum* of the worse degree to contend that labour is facing two, three, four or five times the danger that the man at the front is facing: but in any case the pay and pensions of Indian soldiers does not come within the purview of this House and therefore we cannot consider it. We can however consider this question of compensation to non-combatants.

Lastly, I would remark that in our opinion at least, this question of a higher rate of payment for steadying labour morale is a myth. I can quote an instance which occurred to me in the early days of danger in Calcutta. Some of my neighbours collected their domestics together and obtained the services of an A. R. P. expert to instruct them about what to do in the event of air raids. About the second day all the domestics, but one, went home. They said quite frankly, and I think logically, that they had been told that if in the event of a man losing both his legs, he would get a pension, but they preferred to have both legs and no pension: so they went home. My experience with labour has been this. When in the outset something new and terrible occurs, labour for the time being, at any rate, panics, nor for one moment do I blame them—after all, in Calcutta, some two or three hundred thousand citizens of affluence and standing panicked over the most wretchedly feeble display of an air raid ever seen,—I do not therefore blame labour if it did panic at first, after a little bit however they find, as many of us have found, that prolonged and continued discomfort is rather worse than intermittent danger. Then the question comes in as to what protection the employer provides for his labour. If he is providing good protection, they will in all probability come back. That has been our experience; but it has not been our experience that when air raids are on, the workman says "Well, if I remain here now I am going to get so much more and so I think I will stay." He just goes.

I have spoken at some length on this question of discrimination because it does appear to us to be the most salient feature in the Bill and I think it needs very careful consideration before the Select Committee passes it.

But there are one or two points in connection with the Bill itself which I would rather like to refer to now. The first is that in connection with the proviso to clause 6(5)(e) of the Bill. That is the clause by which Government

take power to collect from employers as the first instalment of premia a half per cent. of wages over a given period. The Labour Member has informed us that that period is a quarter, and the total premium would be very large because it would include factory labour, mine labour, dock labour, and essential services labour. I cannot make even an approximate guess at it, but I should think that that first premium might well amount to something between 20 and 30 lakhs of rupees; and this has an intimate connection with clause 10(3) because if I read that clause correctly, Government intend,—at the end of the hostilities when the whole thing is cut and dried and all the liabilities are known,—they intend simply to take over themselves any excess which may be found in the funds of the account. If I may say so, that seems to me to be a most extraordinary proceeding. Government can collect monies under this Bill to any degree they like, and they know from whom they collect those monies; they must have their lists; but why should they keep the money at the end? The money is collected against a contingency which has failed to materialise. I think probably the Select Committee will have something to say to that, because at the moment it presents the appearance of legalised highway robbery, if I may say so.

Just one last point, and I shall not detain the House further. That is with reference to clause 6 and its many sub-clauses. This clause 6 enables Government to put into operation a scheme on the lines of the War Risks Ordinance, but that scheme is the whole kernel of the Act and if one looks at clause 6(4) one gets this little innocent sub-clause: "The Scheme may be amended at any time by the Central Government." It rather looks to me as if the Government was offering the Select Committee of the House an orange and saying: "Now you take the skin and I will take the rest of it." In fact it bears the suggestion that this Bill was an Ordinance concealed rather thinly under the disguise of legislation. That again, I think, the Select Committee will look into. I will not trespass on the time of the House further beyond a remark that I think, though it is a short Bill, the Select Committee are likely to have a very arduous time of it.

Mr. Hooseinbhoj A. Laljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to welcome this Bill. It is a fact that the Bombay Mill-owners' did request Government to give necessary relief or, more than relief, some compensation; and I am very glad that the Honourable the Labour Member has at once kindly brought this Bill before us. I must also congratulate him on placing this Bill before us because I know very well that he could have got this by Ordinance. My friend from the European Group who spoke just now doubted whether some portion of this Bill should or should not be considered as part of an Ordinance. Therefore, in the first instance for placing the same before us we are very much obliged to the Honourable the Labour Member. My friend has rightly pointed out two important facts; those are, that a certain amount will be taken from the employers by the Labour Department every quarter and the basis will be fixed by the Labour Department. I submit that if that is done, it must be done in consultation with the industries who are primarily responsible; and furthermore I wish also to join my friend in drawing the Honourable the Labour Member's attention as to the final disposal of the surpluses, if any. They should certainly be given back to the parties from whom they were recovered—and certainly far more justified is the desire when they have offered voluntarily to contribute. I do not agree with my friend in this respect that the War Injuries Ordinance does give sufficient sum, and I do feel that as the Honourable the Labour Member has pointed out, our financial conditions, even though some people say there is prosperity in the country due to war, I feel we are really speaking unable to pay to our people compensation on the scale that other countries have been giving or what they are really entitled to; and therefore when the industries do make some money, I do feel that a reasonable compromise between the relief and compensation be made and not altogether as put by the Honourable the Labour Member, would like to do but a fair thing must be done. Whether we should give, as against the relief

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further all the compensation that has been awarded under the Compensation Act is a question into which we shall look certainly in detail in Select Committee.

Then I should also like to point out, that so far as the question goes that the workmen's morale is affected by the increase in compensation, it is a fact that nowadays in India the workmen are fortunate enough to have leaders like my friend, Mr. Joshi, and if I may say so with the permission of the Honourable the Labour Member, they know they have got a Labour Member who is very sympathetic to them; and if they are assured by them that when they have to work in a factory and when they have to get compensation they would get a reasonable sum of money, surely their morale will help them to sustain the working under war conditions or even of bombing. It is said that the workmen's morale in India is not affected by money, it may be to a certain extent. The workmen in India, I must admit to our shame, are in a very very straitened circumstance, and whatever is given to them they cannot refuse in any circumstances. But that does not justify that morally they are only entitled to that. I am very glad that some more compensation is to be given. I do admit that we will have to consider in greater detail some of the points which my Honourable friend has pointed out, as affecting industry and also the future betterment of labour. I must also tell the Honourable the Labour Member when he says that a large portion will come from E. P. T., that he is not correct. Not all factories pay E. P. T. If the Government's contention is correct, then Government could make some arrangement with those who have got to pay E. P. T., when this proposal is only applied to them. I am not going into details, but there ought to be a scale. If Government honestly and sincerely wish to subscribe to these war injuries compensation, they should come forward and say, only E. P. T. payer will pay a certain percentage and not others. If not, whatever industrialists have to pay, they have to pay as all other citizens. With these words I welcome this Bill and hope that in the Select Committee the many important points that have been raised will be gone into and we shall be able to bring out a Bill which will be satisfactory both to employer and the workman.

Mr. N. M. Joshi (Nominated Non-Official): I join in welcoming the motion made by the Honourable the Labour Member. The principle which he enunciated is that if during air raids or naval bombardment or in other operations of war the workman suffers injuries, it is necessary that in order that the morale of workmen may be maintained, the workmen should be compensated for the injuries that they suffer. The Honourable Member made some difference between relief and compensation. Personally, I feel that the State or the employer should take responsibility for compensating and not relief. Government spend a lot of money in propaganda asking people not to be panicky, and they make a special propaganda among the working classes telling them that as their work is necessary for the war effort they should stick to their work. In these circumstances I feel that it is the moral obligation either of the employer or of the Government to compensate fully the workman who undertakes the risk and suffers injuries on account of any of the war operations. Here I would like to correct one of the statements made by the Honourable the Labour Member. He said that the Workmen's Compensation Act compensates fully the workman for the injuries which he suffers. That is not so. The Workmen's Compensation Act gives a very small compensation for the injuries that the workman suffers. If you look into that Act and look into Schedule IV, you will find that in the case of a workman getting a certain amount of wages, say not more than Rs. 10, his family gets Rs. 500 as compensation for the loss of his life. I know that life in India is considered very cheap, but even in India the life of a human being and a workman need not be so cheap that his family should be considered to be fully compensated if they receive Rs. 500. I do not want to raise that question; I only wanted to correct a misconception of the Honourable Member. My Honourable friend, Mr. Miller, said that this Bill discriminates between an ordinary citizen and a workman, and he objects to that discrimination.

Mr. C. C. Miller: If I may interrupt my Honourable friend, I did not say that I objected to it, but I wanted proof that the danger to which the workman was exposed justified discrimination.

Mr. N. M. Joshi: My Honourable friend wanted proof for discrimination. I feel that you do not require much proof for discrimination between a person whose presence is necessary for production and a citizen whose work is not so essential. In the case of workman, he certainly undertakes greater responsibility when he agrees to stay in the factory and continue work even under great risk, even when there is the risk of air raid, or naval bombardment or any other operation of war. If the ordinary citizen undertakes work which is necessary, if Government carries on propaganda that he should stick to his work, then certainly he has a right to be compensated. But, as a matter of fact, what happens is that Government make propaganda that the workmen in industries should stick to their work, while they make propaganda that those people whose services are not very necessary may evacuate. So, I feel that there is a good case and justification for discriminating between those whose presence is necessary in a place which is in danger, in the war zone and those whose presence is not necessary. I go further and say that the Government of India places special responsibility on the industrial workman by making his leaving his work a penal offence. My Honourable friend, Mr. Miller, may evacuate Calcutta without taking any risk. The Government of India may perhaps be glad if he leaves, may even provide some help in doing so. But the Government of India, by several enactments, such as, the National Service Ordinance, the Essential Services Ordinance, and even by Rule 81A of the Defence of India Rules, forbid the workman from leaving his job without, in some cases, long notice, and in some cases without the permission of some Governmental authority. I hope that my Honourable friend, Mr. Miller, now sees the justification for the discrimination made by the Government of India between a workman and himself, an ordinary citizen. The Government of India does not send an ordinary citizen to jail for leaving his work without the permission of certain authorities in Calcutta, as it does in the case of those who come under the National Service Ordinance, under the Essential Services Ordinance and Rule 81A of the Defence of India Rules.

I therefore hope that my Honourable friend Mr. Miller is now convinced of the justification of discrimination made between the workmen and what he calls the man in the street and an ordinary citizen.

At this stage I do not wish to go into the question whether the rates paid under the War Injuries Act are low and the rates paid for the workmen under the Workmen's Compensation Act are higher. We shall discuss that question in the Select Committee. My own view is that the rates paid both under the War Injuries Ordinance and under the Workmen's Compensation Act are very low and they require to be enhanced.

There is one discrimination which this Bill makes which my Honourable friend Mr. Miller should have brought out. In the first place the compensation is not given to all classes of workmen. I would have liked compensation to be given to all classes of workmen and not only to the classes of workmen who are provided compensation under this Bill by section 4. Not only the Government of India is not proposing to give compensation to particular classes of workmen but they do not propose to give compensation even to all those who come under the Workmen's Compensation Act. The Government of India is discriminating between different classes of workmen who come under the Workmen's Compensation Act. The Government of India is providing compensation under this Bill for workmen who come under certain Ordinances and also to those who come under the definition of factory, who come within the definition of a mine and people who work in major ports. Then the Government of India take power to themselves to apply the provisions of this Act to other classes of industries, which they may notify in the official gazette. I feel that the Government of India in the first place have omitted a large class of workmen who today are working under the risk of war injuries, several classes of work-

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Now, Sir, the reason for bringing this measure is this: After the War Injuries Ordinance was passed in 1941 a question was raised, a question which is of substance and if I may say so, of some importance and that question is whether the payment made to a workman who unfortunately happened to sustain what is called the qualifying injuries should be a sort of relief or should be compensation. The difference between relief and compensation is quite obvious. Relief is merely to help a person to get over the difficulties to which he might be reduced by reason of the incapacity which he suffers by a war injury and which prevents him from earning his normal wages. Compensation, on the other hand, according to the terms of the Workmen's Compensation Act, seeks to make payment which compensates him fully for the loss which he incurs. When this question was raised a reference was made to the conditions that were prevailing in England and it was found that the British Parliament passed an enactment which is known as the War Injuries Miscellaneous Act of 1936. On examination of the provisions of this English law it was found that the payments which were allowed under that Act amounted to compensation and not merely relief. Obviously the question arose whether it was not desirable for the Government of India to follow the principle which was laid down in this English Statute. Secondly, some of the employers, on their own accord after the passing of the War Injuries Ordinance of 1941, addressed a letter to the Government of India stating that from their point of view the provisions made in the War Injuries Ordinance were not sufficient for the maintenance of the morale of labour and that compensation should be paid in order that the labourers working in disturbed areas may remain steady at that work. From both these points of view the Government of India accepted the principle of giving compensation to workmen in place of what was originally thought to be only relief.

On examining the provisions of the War Injuries Ordinance, it was found that at a level of about Rs. 24, the payments made under the War Injuries Ordinance constituted not only relief but also compensation. What is therefore necessary to do is to give the workman drawing a salary above Rs. 24 additional rebate which will make payments made to him amount to compensation; that is to say to supplement what he gets under the Ordinance so that what he will get will also amount to compensation. This measure therefore is a measure which is a supplementary measure, which supplements the provisions of War Injuries Ordinance of 1941.

Having explained to the House the main provision, namely of compensation and how the Bill was linked up to the War Injuries Ordinance as well as to the Workmen's Compensation Act and having explained to the House the reason which led the Government of India to bring in this supplementary legislation, I will proceed to explain the second main provision of the Bill, namely to make the employer liable for such compensation. It might be said that while under the provisions of the War Injuries Ordinance, it was Government which was undertaking the liability to pay relief, the Government also should undertake similar liability for making compensation to those to whom this present Bill applies. It is quite obvious that it is not possible for Government to undertake the liability which under the circumstances of the case may almost amount to anything because if India remains as safe as it is, there may be no liability arising out of this. Or, if the situation worsens, the liability may be quite indefinite and having regard to the capacity of the Government of India, it is quite obvious that the Government cannot be asked to undertake such indefinite liability. Secondly, I do not think that much can be made of the fact that Government is not undertaking liability in this matter for it will be realised that whatever amount of compensation the employer may be called upon to pay under the liability which we are imposing upon him, it would no doubt be regarded as an admissible revenue expenditure under E.P.T., and consequently in the main the burden would ultimately fall upon the Treasury.

I might also mention that while the Government of India is seeking to impose liability upon the employers, the Government of India is not forgetting its

own obligations to its own employees. Honourable Members will find a clause there stating that this Bill does not apply to servants of the Crown or to employees of the Federal Railway. But that does not mean that these employees are not going to get the benefit similar to those which we are providing in this Bill. I should like to inform the House that the Federal Railways as well as the Government of India have informed their employees that they would be prepared to extend the provisions of extra pensions which are contained in the Civil Service Regulations and in the Statutory Rules governing the employment of railwaymen.

Now, Sir, the third provision which seeks to compel the employer to ensure the liability imposed upon him is, I claim to be, a very necessary and a very salutary provision. The object of making this provision is to ensure that the workmen at all time will get the compensation for which this Bill seeks to make provision. It may be, as the House may well realise, that if a factory is bombed or demolished the assets of an employer are destroyed and if any provision of the sort that is sought to be made in this Bill is in existence, notwithstanding the liability and notwithstanding the benefit which the Act extends to the workmen, it may in the final analysis leave the workmen where they are without any opportunity of getting compensation which is provided for. Insurance therefore is guaranteed to the workman that in all circumstances the benefits which this Bill seeks to give him will be there for him, if he is so unfortunately situated as to receive the war injury. The working of the system will be somewhat as follows. The payment will be made by the employer to the employee in the first instance in regard to the terms of the Bill. The employer will be reimbursed out of an insurance fund which may be managed by the Government. The employer will contribute to this insurance fund the premium which will be settled at the end of the war when the total liability will be known. In the meanwhile, Government will be recovering advances from employers against the final premium which will be settled after the war. The quantum of advance will vary from quarter to quarter. In the first quarter the advance will not exceed eight annas per 100 of the Wage bill. For subsequent quarters it will change depending upon the liability that may be outstanding. It may be that there have been no casualties in the preceding quarter. If that is so, it is obvious that no advances will be recovered from the employer. As I said, the advantage of the insurance scheme is that it ensures the workmen a payment, secondly, the risk is distributed—safer areas which are not exposed to any attack will also be contributing towards the payment of compensation to workmen living and working in areas which have been attacked. Thirdly, the burden is proportionate because it is based upon the Wage bill of each employer.

It will therefore be seen, Sir, that the Bill is a very simple measure. I would also say that it is a non-controversial measure. The House would like to know that the idea of the Bill came from the Millowners Association in Bombay in the beginning of 1942. After the suggestion was sent to the Government of India, there was an informal conference held in April 1942 between the Secretary of the Labour Department, Sir Henry Richardson, Sir Frederic James, Mr. Haddow, Mr. Gwilt and Mr. Hooseinhoy Lalljee. On their suggestion, the employers were consulted, two employers organisations were approached and two All-India organisations of Industrial employers have completely supported the measure. With regard to employers Federation, that organisation unfortunately was divided. One section is in favour, and the other is not. So far as labour representations are concerned, the Standing Labour Committee unanimously recommended this measure. I do not think that anything more is necessary to enable the House to understand fully the provisions of this Bill. Sir, with these remarks, I move.

Mr. President (The Honourable Sir Abdur Rahim): Before I put the motion, I ought to mention to the Assembly that it is the practice of this House that names of Members chosen for the Select Committees should be supplied beforehand to the office, before the Honourable Member moves the motion and that practice, I must insist on being conformed to by all Honourable Members of the

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men who are working in Assam, for instance. Take the workman on a plantation. The Honourable the Labour Member the other day gave us some figures and the House knows that a very large number of workmen on the plantations of Assam whose number is more than eight hundred thousand or nine hundred thousand or about a million, are not mentioned in this Act at all. As a matter of fact, the greatest risk today is in Assam but the Government of India have taken care to omit them. I do not know why. It may be that the Government proposes to bring them under clause (e) by mentioning them or notifying them in the gazette. I do not know why they should have been dropped as a class in this Bill.

There are other classes of workmen but I do not wish to go into the details. I shall place my proposals before the Select Committee. But I would in this connection draw the attention of the Government to the omission of the mention of seamen, on sea-going vessels and coastal vessel and inland steam vessels. I know that the Government of India had informed this House that they propose to make some schemes for compensating the workmen for injuries suffered by seamen but I would have liked the Honourable Member to tell the House whether those schemes provide compensation which is equal to the compensation which is payable under the Workmen's Compensation Act. In any case I would like the Honourable Member to examine those schemes and see if the compensation paid under the schemes made by the Government of India for seamen is not less than the compensation payable under the Workmen's Compensation Act. If the compensation is less, they should bring that compensation at least to the level of what is provided in this Bill. When the question of compensation for war injuries suffered by seamen was considered, I suggested to the Honourable Member in charge of the Bill, the Honourable the Commerce Member that he should consult the representatives of the organisations of Indian seamen and hear them before those schemes were made final. The Honourable the Commerce Member promised me at that time that they would consult the representatives of the seamen's organisations. I am very doubtful if the Honourable Member had fulfilled that promise. I happen to be the President of one of the small organisations of seamen in Bombay. So far as I know, I was never consulted nor was my union consulted. I would therefore like the Honourable the Labour Member to study this question of seamen and if the compensation given to the seamen is not equal to the compensation paid under this Bill then make some provision for the payment of compensation to seamen and he should also try to convey to his colleague in the Commerce Department that the promise made by him when the question of compensation to seamen was discussed in this House that he would consult the representatives of the seamen's organisations has not yet fulfilled.

I do not wish to go further into this question at this time but I would like to state here that I approve of the principle of compulsory insurance which has been introduced in this Bill. I would like this principle of compulsory insurance to be adopted not only for the period of the war but for ordinary times also. We have passed the Workmen's Compensation Act but there are occasions when the employers find it difficult to make the payment of the compensation, because they have not got the resources to pay the compensation. It is therefore necessary that this principle of compulsory compensation should be introduced in the ordinary legislation for compensation.

I do not wish to go into the other points which were raised by the Honourable Member in charge of the department and the two other speakers who have spoken before me. Sir, I support the motion for sending this Bill to the Select Committee.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Syed Ghulam Bhik Nairang (one of the Panel of Chairmen).]

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, in supporting this motion I have only one word to say and that is that the Select Committee, when it will consider the clauses of the Bill, will take into account the grievances which have been referred to by my Honourable friend Mr. Joshi.

He pointed out that some classes of labourers have been omitted from the purview of this Bill. It may be said that those classes will be brought into the scheme by rules, but that would not be quite a satisfactory method of dealing with the matter. It will be better to provide for compensation being granted to the labourers of these classes mentioned by Mr. Joshi in the Bill itself. I welcome the Bill and have great pleasure in supporting the motion moved by my Honourable friend Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar: Sir, I am glad to find such a general support accorded to the measure which I had the pleasure of moving this morning. The words of criticism which have emerged are indeed surprisingly few and most of them came from my Honourable friends, Mr. Miller and Mr. Joshi. My Honourable friend, Mr. Miller, said that it was necessary that the Government should give more information with regard to the measure. I shall always be glad to give him whatever information he wants if he would kindly let me know the points which are troubling his mind. With regard to the other question which he raised, namely, that in his mind there appeared a certain discrimination between the rates we were paying under the War Injuries Ordinance and the rates we proposed to pay under the present measure, I fear he is labouring under a misapprehension because, as I tried to make out, the object of this measure is really to equalise the position of those who are covered by the War Injuries Ordinance and of those who are going to be covered by the present measure. As I pointed out, on examination of the rates we offered to the war injuries victims, we found that those who drew Rs. 24 and above only got relief and those who drew Rs. 24 and below got compensation. And what we propose to do now by this measure is to give compensation to those who stand above Rs. 24. Therefore, my Honourable friend will see that far from creating a position which will be called discriminatory, we are really equalising the position of all workmen to which both these measures are going to apply. I quite appreciate the point that my Honourable friend, Mr. Miller, made, namely, that this measure is restricted to a certain type of workmen or certain classes of workmen who are defined in clause 5. That is quite obvious from the provisions of the Bill itself. But, as I pointed out, having regard to two circumstances, firstly, that it is not possible for Government to undertake the liability of paying compensation to all workmen and, secondly, having regard to the fact that any scheme of insurance which Government can put forth must be administratively workable, it follows that Government cannot spread itself out to cover all sorts of workmen because, as I said, it would be too much of a liability for Government to take and the scheme will become administratively unworkable. In order that we may run the insurance scheme, it is quite obvious that we must be able to locate an employer on whom we can definitely place the liability and from whom we can recover the premium. In the case of general population it is not possible to locate someone on whom this liability could be imposed and from whom the premium could be demanded. That is certainly the reason why we have been required to limit the scheme to certain classes of workmen who have been defined in clause 5. My Honourable friend, Mr. Miller, said that we have given no justification for confining our scheme to the classes of workmen who have been defined in clause 5. Some of the answers which I could have given to him have already been given by my Honourable friend, Mr. Joshi, and I do not propose to repeat them. The answer really is to be found in the Statement of Objects and Reasons itself. The Statement of Objects and Reasons (paragraph 2) makes it clear that they are exposed to danger in factories and other industrial concerns. That, I submit, is as good a reason as any could be given for confining this measure to the classes of workmen who are defined therein. It cannot be denied that factories and industries are easy targets for enemy attack and the people working there are, therefore, more exposed to danger than the general population.

With regard to the question raised by my Honourable friend, Mr. Joshi, that this Bill does not apply to all workmen and he pointed out two particular

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cases in which he desired that the provisions of this Bill should be extended, namely, to the labourers working in Assam on tea plantations and seamen, are, no doubt, cases which require some particular answer. Now, Sir, my general answer to the criticism of Mr. Joshi with regard to these two particular points is this, that Government is quite aware of what he has said and that is the reason why Government has introduced sub-clause (e) in clause 5, whereby Government has reserved to itself the power of extending the provisions of the Bill to other workmen employed in any employment. Government does not regard that the categories of workers defined are the final and that no occasion may arise to include others.

Dr. P. N. Banerjee: It is not exhaustive.

The Honourable Dr. B. R. Ambedkar: It is not exhaustive and, therefore, if a situation arises when it becomes clear to Government that the provisions of this Bill should be extended to workmen employed in other employments, Government will undoubtedly consider the matter.

With regard to the question of Assam, the only point I would like to make is this that, as I said, we are confining the measure to workmen who are living in what might be called exposed centres. To my mind and according to the information we have at present, it cannot be said that the tea plantations are exposed centres. If at any time the plantations do become exposed centres and subject to risk, there is no doubt about it that either Mr. Joshi may move in the matter or Government will take notice and see that the provisions of this Bill are extended to the labourers in Assam.

With regard to the seamen, I think the matter was brought forward by the Commerce Department and I understand that there is a measure already in existence whereby a provision, if not of the same force, at any rate, analogous to the scheme that we are having, is already in existence. If my Honourable friend, Mr. Joshi, thinks that it is desirable that the Select Committee should examine and make some provision, if that provision is not incongruous with the main features of the Bill, I certainly will raise no objection for his considering the matter in the Select Committee.

My Honourable friend, Mr. Miller, referred to one or two clauses in the Bill. The first was sub-clause 5 (e). To that I have given my reply that Government has deliberately introduced that sub-clause by way of caution because Government thinks that the expediency may arise whereby the provisions of this Bill may have to be extended.

The other section to which he referred was section 10 of sub-clause (3).

1 P.M. His point of criticism was that by this provision Government proposes that if any balance is left out of the fund the excess will be paid into the general revenues. I understood Mr. Miller to say that this policy of the Government of India was not justified by the circumstances of the case. But if Mr. Miller will bear in mind the fact to which I have already referred, namely, that a good part of the money which will be paid as premia by the employers to this fund will come out of the E. P. T., then it is only proper that Government should be the residuary legatee of such balance. Sir, I have nothing more to say.

Mr. E. L. C. Gwilt (Bombay: European): May I ask a question from Honourable Member? He said in his opening speech that it is the Millowners' Association that initiated the scheme.

The Honourable Dr. B. R. Ambedkar: They made a suggestion.

Mr. E. L. C. Gwilt: Did not they also make a suggestion that any money left in the fund after the compensation is completely paid should be devoted to industrial research and if so, will my Honourable friend give consideration to that suggestion?

The Honourable Dr. B. R. Ambedkar: I have no memory, but I will look into the matter.

Mr. Chairman (Syed Ghulam Bhik Nairang): The question is:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such

liability be referred to a Select Committee consisting of Sir Vithal N. Chandavarkar, Mr. N. M. Joshi, Mr. Jamnadas M. Mehta, Mr. D. S. Joshi, Mr. Hoosenbhoy A. Lalljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Mr. C. C. Miller, Mr. E. L. C. Gwilt, Maulana Zafar Ali Khat, Mr. Yusuf Abdoola Haroon, Hajee Chowdhury Muhammad Ismail Khan, Mr. H. A. Sathar H. Essak Sait, Mr. Amarendra Nath Chattopadhyaya, Mr. R. R. Gupta and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

The motion was adopted.

THE DELHI UNIVERSITY (AMENDMENT) BILL.

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

Sir, I move:

"That the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee consisting of the Honourable the Law Member, Nawabzada Muhammad Liaquat Ali Khan, Dr. Sir Zia Uddin Ahmad, Dr. P. N. Banerjee, Sir F. E. James, Shams-ul-Ulema Kamaluddin Ahmad, Mrs. Renuka Ray, Mr. J. P. Sargent and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. Chairman (Syed Ghulam Bhik Nairang): Motion moved:

"That the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee consisting of the Honourable the Law Member, Nawabzada Muhammad Liaquat Ali Khan, Dr. Sir Zia Uddin Ahmad, Dr. P. N. Banerjee, Sir F. E. James, Shams-ul-Ulema Kamaluddin Ahmad, Mrs. Renuka Ray, Mr. J. P. Sargent and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I have an amendment. May I move it now.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member can move his amendment now and speeches can follow later on.

Mr. Lalchand Navalrai: Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1945."

Mr. Chairman (Syed Ghulam Bhik Nairang): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1945."

Mr. J. D. Tyson: Sir, I feel I owe an apology to the House for confronting it with such a formidable-looking Bill at the end of the Session. Though we are anxious to get the Bill through quickly, we have attempted to soften the blow and have contented ourselves with moving for its reference to Select Committee, instead of taking it on the floor of the House. I should like to explain also the form of the Bill. Unless the Select Committee or the House itself wishes to make it so, the Bill is not really nearly so formidable as it might appear from its bulk. If the number of changes proposed in the Bill is the criterion, thirteen pages out of 14½ represent the Schedule and the Schedule contains all the Statutes. We have only proposed changes in eight out of the thirty-six Statutes.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The number of changes is ten.

Mr. J. D. Tyson: I think, eight in the Statutes and some changes in the Bill. It may be ten in the Statutes.

Now, Sir, clause 9 of our amending Bill read with the note on the clause explains why we have put all the Statutes into the Schedule. Honourable Members will remember that the parent Act enacted what were termed the First Statutes of the University. The object was to enable the University to start straightaway with a body of Statutes which the University itself could amend or add to, as occasion arose, by the machinery provided. Now, Sir, to some extent we are making a fresh start, at this stage, in the career of the University. The object is to make a statutory provision for changing the degree course from two years to three years. The changes that are necessary must be made both in the parent Act and in the Statutes as they exist at the present moment. We have thought it best, therefore, to ask the Legislature to present the University with Statutes which embody the necessary changes as

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well as with amendments in the parent Act. For that reason if our Bill is accepted the existing section of the Act which refers to the "First Statutes of the University" will simply refer to "the Statutes". But in order to do that we have had to put them all into the Schedule. I mention this in order to explain the bulk of the document which I have at this late hour placed before the House.

The necessity for legislating at all to amend the Delhi University Act arises out of the history of the University itself. There has been a steady development in the University. To mention only one feature,—when the University first began its work, there were no Professors at all. Today, there are five professors and we hope that in the very near future there will be six or seven. As there were no Professors at first,—I presume that was the reason,—there was no provision made for the representation of the Professors on the Executive Council. But we feel that it is not right that, when there are Professors, the Executive Council of the University should be deprived of the advice which might come to them from the Professors and we have, therefore, proposed to add two Professors to be elected by their colleagues to the Executive Council. Another reason why legislation is necessary is the reform to which I have just alluded, the very important educational reform,—educational experiment we may call it, perhaps,—of increasing the degree course, the real University training, from two to three years. Certain changes are necessary both in the Act and more particularly, I think, in the Statutes to give effect to that reform which has been accepted in principle by the University.

Dr. P. N. Banerjee: You call it reduction?

Mr. J. D. Tyson: No, I call it an increase, really. The present degree course is two years, because the first two years are spent in Intermediate work, which is really properly speaking the kind of work which should be done in the high school. It is now proposed that the degree part of the course should be three years. I call it an increase from two to three years.

The third factor of which we must take note and for which changes in the Act and Statutes are necessary arises from the fact that there have been changes in the conditions of Government grant to colleges. These, then, are the reasons why legislation is necessary and the opportunity has been taken, as is stated in the Statement of Objects and Reasons, to cover a few other points which are overdue for amendment. From what I have said already and from a study of the Bill Honourable Members will realise that the Bill before them consists partly of some inter-related clauses and partly of clauses which stand by themselves and I do not propose, therefore, to go into detail about matters which obviously would more fittingly be discussed at the Select Committee stage. I would like, however, to advert to two or three of the proposed changes.

Dr. P. N. Banerjee: What are the one or two matters which are overdue for amendment?

Mr. J. D. Tyson: "Professors", for example, is certainly overdue.

Dr. P. N. Banerjee: That you mentioned already.

Mr. J. D. Tyson: I propose to advert to two or three of the proposed changes which appear to be of special importance or which are likely to attract special attention. The first is the proposal that the University should have power to have a whole-time paid Vice-Chancellor. As I have already said, the University has developed and the time must come, if it has not already come, when its chief executive officer can no longer be as in the past a gentleman who, while actively pursuing a profession, is willing out of public spirit to devote his leisure to the work of the University. The development of the model University calls for the services of an educationist who can devote his whole time to the task. It has been the University's good fortune to have had during the earlier stages of the transition to the three years degree course

a part-time Vice-Chancellor who was able in fact to devote a very great deal of time to the University.

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

*The Assembly then adjourned for Lunch till Half Past Two of the Clock. Syed Ghulam Bhik Nairang (one of the Panel of Chairmen) in the Chair.

Mr. J. D. Tyson: Sir, I was observing when we adjourned that it was the good fortune of the University to have had during the earlier stages of the transition to the three years degree course a part-time Vice-Chancellor who was able in fact, to devote almost whole-time service to the University, but that was a chance on which the University cannot count every time.

Now, Sir, there is nothing in the Act to prevent the person selected as Vice-Chancellor from devoting his whole time to University work. But generally if you want whole-time services and want to be in a position to insist on whole-time service, you must be prepared to pay a salary and there is nothing in the present Act which would enable the University to pay a salary to its Vice-Chancellor. There is provision for paying a salary to the Treasurer, but there is nothing in the Act which would enable the University to pay a Vice-Chancellor. In fairness I ought, perhaps, to make it clear that if this Bill is passed into law, the present Vice-Chancellor has made it clear that he would not seek to take advantage of that provision.

Honourable Members will notice that we have left intact the present procedure for appointing an unpaid Vice-Chancellor. The present arrangement is that the Vice-Chancellor is appointed by His Excellency the Chancellor on the recommendation of the Executive Committee. But we seek to prescribe a new procedure, to be applicable only for the appointing of a whole-time, and presumably paid, Vice-Chancellor. Under this procedure, the Chancellor is to make the appointment after such consultation with the Executive Council as he thinks fit. The Chancellor will also decide whether a whole-time Vice-Chancellor is necessary, and I have no doubt that in coming to that decision also he would consider the views of the Executive Council.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Why this new procedure? Any reason for it?

Mr. J. D. Tyson: I am coming to that.

Honourable Members will recall that the Chancellor has already a number of important duties under the existing Act, and we have preferred making him the arbiter in this matter of whether there should be a paid Vice-Chancellor—a whole-time Vice-Chancellor—to leaving it to the unfettered decision of either of the parties who are primarily interested in this matter, namely, the University or the Central Government—I want to make that perfectly clear that the Central Government has a vital interest in that matter. The interest of the Central Government arises from the fact that in spite of the war, the Central Government has put up and is putting up considerable sums of money to finance the development of the University on certain very definite lines. Government want to see that that development is steadily and consistently taken through to a conclusion. I would like to add that Government have had this particular amendment in view for two or three years,—in fact, ever since the present financial arrangements were agreed to. It is no new idea.

I will only deal briefly with two other matters in the Bill. The Bill seeks to add four members to the Executive Council. The present strength of the Executive Council is, I think, 23—there is no Rector; if there were a Rector it would be 24—and the Bill seeks to add four members to that number. I have already mentioned the case of the professors. There were no Professors when the parent Act was passed, and I do not think there will be any disposition to question the provision whereby we seek to add two Professors to the Executive Council, to be elected by their colleagues—the other Professors. We also propose to empower the Chancellor to nominate four, instead of two members as at present, two of the four to be women. This is to facilitate the nomination of women to the Executive Council and, in view of our experience of lady

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universities. They acquire talent and education not only in Delhi but from all round. Even Delhi people who pass their examinations go to other places and they have to be in conformity with the provisions of the other University Acts too. Therefore, this is a naked Bill. There ought to be opinions called for, and not only that opinions should be called for, but there should be no haste in passing a Bill like this. At this time of war we are asked not to be in a hurry even where our food is concerned, but here, simply because the Government wants to give certain powers to certain persons in whom they may be interested, they want us to hurry on on the plea that they are giving a grant to the University. I ask, is that not a clear reason for circulating this Bill? I was asked if the Court was not consulted on this Bill. This Bill was introduced here only a few days ago, and we do not find there was any consultation with the Academic Council; we do not know whether there was any consultation with the Executive Council, but I can assert that the Bill never came before the Delhi Court in my presence. There is an Educational Conference or Committee where questions concerning all universities are considered; but even that conference or committee was not consulted about this. All of a sudden, one day the Honourable the Secretary for Education comes here and says "I introduce the Bill", and within a few days he says "send it to the Select Committee direct, do not think of anything else." What purpose can be served by such a Bill? I think this Bill which is being adopted in its nakedness by the Honourable the Secretary for Education must not be considered unless and until it gets the support of educationalists and other universities and also the college authorities for whom it is intended. All these must be consulted. Ordinarily, when a Bill is brought, we know what the public opinion is before we proceed with it; people must be consulted, but that has not been done here. We are simply told "This must go to Select Committee because we are giving a grant to this University and we want you should hurry up and, therefore, a measure of this kind should be sent to Select Committee forthwith." So far as circulation is concerned, the matter is very clear. Members of this House, who do not know what the public opinion is on this Bill, and who have only read this Bill now, cannot be asked or told "Accept the principle of the Bill now." At this moment we are being asked to consider the principles. How are we to consider the principles unless we look into this Bill critically? One Honourable Member will find out something here, others may find out something there; but unless we know what public opinion is we cannot really contribute anything useful. Therefore, this Bill should be circulated, especially when it is said that the Select Committee is not going to be called in a hurry. If it is not so, why is it that the same principle that was adopted in the case of the Hindu Law Bill is adopted here? It may be said that there is time to think over it; but we want public opinion; and the Honourable Member will not bind himself and say that in the meantime he will circulate it and get opinions—so that the two things can go on together; he will not accept that. Therefore, there should be no haste in sending this Bill to Select Committee.

As for the principles of this Bill, they are not only important but they revolutionise the whole system of education. I will show that this three years' degree course is unprecedented, it does not exist in any university in India; it is absolutely a new conception; it has not got the blessing of any other university or of any educational authority of high merit. It is only a Bill which some officers of the Council—I may say, the Vice-Chancellor of the University—are interested in. As I was in the University one day when a meeting was going on, I saw the haste with which this three-year course was being proceeded with. I may say that I wanted that this proposal should be placed before the Court before it was considered by the Executive Council, and the Vice-Chancellor who is the Chairman of the Executive Council and also of the Court. I sent in my resolution to that effect—for what purpose? For the purpose only that before statutes are passed or ordinances are passed, the matter should come to the court. My point was that according to the Act, this Bill comes with statutes and ordinances passed by the executive council,

then the court can only set it aside and reject it; therefore, I say that before these statutes are passed, because it becomes difficult afterwards when a matter is perfected by the Executive Council and then comes to the Court and the Court differs after the statutes have actually been passed. Therefore I put in a resolution to the effect that it should see the light of the Court, where we can look at it and see what it is; and it should not remain in purdah or in camera only with the Vice-Chancellor or the Executive Council. I was called to see the Vice-Chancellor and for about an hour I placed my case before him and asked him that my resolution may go to the Court. After all, he was kind enough—and, of course, no one could doubt his intelligence or his competency—he said it would be laid before the Court. But then some of the authorities were very much averse that the resolution should come before the Court and should succeed. Then I put my case before the Court and I saw all round there were teachers and principals and such like members of the Court and I argued my point and explained the necessity of its consideration before the Court and said that nothing would be lost by such a course; I also said that the Court is the highest authority of the University; it was contested whether it was the highest authority or not, but I said "After all the Court has to consider matters finally". I argued it in that sense. Then it came to voting. Very few hands were raised in my favour and the resolution was

thus lost but I asked for a secret ballot. I understood that the consensus of opinion would really be in my favour if they were free to vote. So, I asked for a secret ballot, and the result was that I got a very great majority in my favour. The Vice-Chancellor complimented me but he said that the resolution may not be operated upon, and it never came before the Court as resolved upon by the Court. So, I submit that the Bill should have a wide circulation and a free circulation; in other words, undeterred by any influence, and that would only be when the Bill goes to other universities, when it goes to other educational societies and institutions which have nothing to do with the Delhi officers or the authorities of the Delhi University.

The change in the university course from four years to three years is an unprecedented thing. I think my Honourable friend, Dr. Banerjee, put a question whether it was a progressive reduction or increase. The Secretary for Education said that it was not decreasing. Let me explain to you the position. At present we have this. A student who has passed the matriculation can go directly to the college. He has two years in the intermediate and F. A. and another two years in the B.A. But under the new system proposed, what happens is this. At present there are seven standards on our side of the country and you have ten standards here. Under the proposed new system, there will be eight years in the High School on our side and 11 years here. Then they will have three years in the university to become a graduate. I submit you are revolutionising the whole system. Supposing one who has put in 11 years in the high school goes to the Bombay University or any other university, will he be accepted in the college for B.A.? No. They will say, "You have not passed the intermediate". It means you are trying to restrict students only to those residing in Delhi. At present, as a matter of fact, there are many students in the two or three colleges here, who have come from other provinces. You are trying to prevent them from reading in the Delhi University. This is a very important thing and you cannot allow the Bill merely to go to the Select Committee.

Now, with regard to the Vice-Chancellor's powers. The Vice-Chancellor at present is an honorary Vice-Chancellor; and all credit to the present holder and we hope that so long as he is there he will not ask for salary. So far, so good, but why should you make a provision in anticipation? You are giving more powers by this Bill to the Chancellor so that it may be easy to fix his salary, etc., and to determine on what salary he should be appointed and for what term he should be appointed—these are also questions that are more or less left to the Chancellor.

Now, Sir, with regard to that, I would say that under the amended Act the Vice-Chancellor may become a salaried officer and be appointed direct by the

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Chancellor who may only consult the Executive Council as he thinks fit. These are the important words. What is the present system? Who appoints now? You will see that in the original Act, the Vice-Chancellor is appointed by the Chancellor after considering the recommendations of the Executive Council. You see the difference now. In other words, it comes to this that when a Vice-Chancellor is to be appointed, the course would be that the Executive Council will appoint. The Executive Council having appointed will make a recommendation to the Chancellor to accept it or not. That makes a great difference, so much of difference that it will happen like this. He may consult hereafter the Executive Council but the Executive Council will have no power to create a Vice-Chancellor. Now, it would mean that the Executive Council is a democratic body, where there are educationists and persons belonging to the public. (An Honourable Member: "What is the elected element in the Executive Council?") That will be the next question. I will come to that. This clause remains in the amended Bill but may be superseded by the provision enacting the appointment of a paid Vice-Chancellor. Vice-Chancellors are whole time salaried officers only in certain universities. There are certain universities in which they are whole time. (An Honourable Member: "In all four universities.") Yes, I have got the facts here. I will be taking up too much time if I take up the case of each university. I have got facts here about every university. Each university has got its own provision and that provision is hedged by several limitations when it gives power not to the executive but to the Chancellor.

Then, I will come to the question of the term of office. You will find that the term of office is different and it is left indefinitely to the Chancellor. According to the original Delhi University Act, section 11, the Vice-Chancellor holds office for such term and subject to such conditions as may be prescribed by statute. Now, it is the statute that fixes the term and the relevant original statute lays down that the Vice-Chancellor shall hold office for a period of two years. The amended statute fixes the Chancellor's period of office at two years but in the case of the Vice-Chancellor he is a whole time officer. He should hold office for such time as the Chancellor may fix and would be paid salaries as the Chancellor may determine. It may be an indefinite term, for any number of years and several difficulties may arise on this account and this provision is also a retrograde one.

Under the original Delhi University Act the Vice-Chancellor's disciplinary powers are to be exercised in accordance with this Act. The powers are also limited under the statute. Under the amended Bill, these powers are intended to be made absolute and the words 'in accordance with this Act', as it is in the ordinances, are being omitted. This is what we find and this is a question on which we should have the opinion of educationists and other universities.

What is the effect of the omission of these words, which are included in all other University Acts? These words which enable them to make statutes and ordinances remain in other Universities but this University is showing itself to be a higher university. Is it progress or retrograde step? It is possible that such provisions may also lead to a conflict of the powers and duties of the Principal of a college who is responsible for discipline in his own college. This will be so, if the term University can be interpreted to include also a college.

I now come to the powers of the Executive Council and the Court. Even the powers of the Court are being decreased more or less. Even the few powers which the Court has, are sought to be taken away and as I explained to the House, it was actually contested that the Court was not the highest authority at the University and attempt is made to make it a nullity. Some of the powers of the Executive Council are to be increased but there again the powers will remain in the hands of the Chancellor and the Vice-Chancellor.

Under the amended Bill, the Executive Council becomes, for all practical purposes, the only authority in the University. Nor are some of its powers, especially vis-à-vis the Colleges, subject to modification by a reference to the existing Act.

This power of the Executive Council relates particularly to the recognised colleges. Under the existing Act, colleges are recognised by Statute S.2A and a statute is drafted by the Executive Council and made by the Court. Under the amended Bill, the Executive Council is given the power, subject to the Statute, "to recognise or withdraw recognition from a college or Hall not maintained by the University". But the expression "subject to the statute" does not mean that this power is vested in any other authority than the Executive Council. The amendment of section 28(g) of the Act lays down that statutes may provide for—

"the conditions for the recognition by the Executive Council of colleges and Halls not maintained by the University and the withdrawal of such recognition and the management of such colleges and Halls."

These conditions, under this section, are laid down under the new statutes 34 and 35. Hence, so far as the colleges are concerned, no reference to the Court is necessary. I have now shown sufficiently clearly that the powers of the Court are being kept down rather than being made progressively. The Executive Council can recognise even without recognition granted to a college and it is itself the judge whether a college complies with the conditions prescribed by the statute or the ordinance.

Now, Sir, I come to the constitution of the Executive Council. Under the original Act of 1922, the constitution of the Executive Council was liberally conceived. The only official, who was an *ex-officio* member, was the Superintendent of Education. About four years ago, the statute was amended to include another officer as an *ex-officio* member, namely, the Educational Commissioner with the Government of India. Only two members were to be nominated by the Chancellor. The amended Bill provides for four more members, two to be appointed by the Professors and two to be nominated by the Chancellor as now proposed.

Mr. J. D. Tyson: I think the Honourable Member is under a misapprehension. The first two that he spoke of are not nominated by the Chancellor; they are *ex-officio* members.

Mr. Lalchand Navalrai: I meant to say that they are *ex-officio* members.

Mr. J. D. Tyson: We do not propose to alter that. They will remain.

Mr. Lalchand Navalrai: And the two lady members will also be nominated according to the amended Bill. Would not the Chancellor nominate these two lady members? After all, we know the value of nominated members. We know what freedom they can exercise.

Kunwar Haje Ismael Ali Khan (Nominated Non-Official): Sir, I strongly object to this remark of the Honourable Member about nominated members.

Mr. Lalchand Navalrai: But you cannot conceal facts and the practice that we have seen. But my Honourable friend may be an exception. Sir, I would like to hurry up and I now come to the other provisions of the Bill.

Honourable Members: Do not be in a hurry: take your own time. We are not in a hurry.

Mr. Lalchand Navalrai: Thank you. The Chancellor can nominate a number of women to the Court out of 15 members allotted to him in order to increase the number of eligible women for election from the Court to the Executive Council.

I will now like to place the facts of some other Universities in connection with this point. I will also show the number of Government officials, the nominees of the Chancellor and the members elected by the Court or the Senate to the Executive Council or the Syndicate in the different universities of India. The Agra University has one Government official and the Chancellor nominates six including two representatives of the affiliated colleges; the Board of Rajputana, Central India and Gwalior. There are 18 members elected by the Senate or the Court with not less than three or four graduate members. In the Aligarh University, there are no officials and none is nominated by the Chancellor, and 20 members are elected by the Senate of the Court. This shows the democratic nature of the university. In the Allahabad University there is no Government official; three

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are nominated by the Chancellor and six are elected by the Senate of the Court. In the Annamalai University, there is one Government official; Chancellor's nominees are two and the number of those elected by the Senate is three. In the Benares University, there is no official and none is nominated by the Chancellor. The Chancellor of the Benares University is not a Government official and yet he has no power to nominate a member. The number of the members elected by the Senate of the Court is 15. In the Bombay University, there is one official and nobody is nominated by the Chancellor. The number of those elected by the Senate of the Court is nine. In the Calcutta University there is one official and none nominated by the Chancellor. Four members are elected by the Executive Council and one member is to be co-opted. In the Dacca University, there is one official and two teachers are nominated by the Chancellor and six are elected by the Senate of the Court. One member is to be co-opted. In the Delhi University, as at present constituted, there are two Government officials and four are to be nominated by the Chancellor.

Mr. J. D. Tyson: Two only are nominated by the Chancellor.

Mr. Lalchand Navalrai: There will be four nominated by the Chancellor now.

Mr. J. D. Tyson: But the Honourable Member said "as it is at present".

Mr. Lalchand Navalrai: And then five are to be elected by the Senate. In the Lucknow University, two are Government servants and four are nominated by the Chancellor and seven are to be elected by the Senate. In the Madras University, there is one Government official and three are nominated by the Chancellor; six are nominated by the Academic Council including three others. In the Nagpur University, there is no official, three are nominated by the Chancellor and five are elected by the Senate. In the Punjab University, there is one official and none is nominated by the Chancellor and 15 are elected by the Faculties and the Senate.

This comparative statement shows that the Delhi University Act is now going to be constituted in a manner which is absolutely unprecedented and which is absolutely different from the other Universities.

Now, Sir, I come to the Selection Committee. The constitution of this Committee on the recommendation of which alone can the teachers both of the colleges and of the University be recognised or appointed is a great departure from the original statute, which forms part of the Schedule annexed to the original Act. Under the old statute, after due consideration by the Government of India, colleges were given representation on the Selection Committee, as their own teachers were to be recognised on the recommendation of that Committee. So, they ought to have their representation and, therefore, they were given that representation. This representation has altogether been taken away—I hope I am correct in saying this—under the proposed amendment. And this Committee is now to consist of the Vice-Chancellor who may be a salaried officer appointed by the Chancellor at his discretion. The Educational Adviser to the Government of India an official nominee of the Chancellor and a member elected by the Academic Council, but not connected with any college. Even the Rector and Deans of Faculties are excluded and the Executive Council which has to make a formal appointment is denied representation. Is this fair? I ask.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): They will give only executive instructions.

Mr. Lalchand Navalrai: I will give you the details.

Pandit Nilakantha Das: Will they give instructions for every thing?

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Members should not carry on a conversation like that.

Mr. Lalchand Navalrai: Sir, I want to, point out so far as this Selection Committee is concerned that in other universities these selection committees are differently constituted. But I do not want to go into the details because there are other Honourable Members who, if they think it fit, will show to the House how they are differently constituted.

Now, Sir, there are a number of Universities especially those which are teaching bodies and where a provision is made for selection committees. But nowhere is the constitution so drastic as is proposed to be made for the Delhi University. This is all the more difficult to understand as the vast majority of the teachers in Delhi colleges are appointed by the colleges and not under any recognised and specific regulations of the University. In the Aligarh University, there is a Committee of appointment consisting of Pro-Vice-Chancellor, the Chair of the Department of Studies concerned and three other persons appointed by the Academic Council. In Allahabad University, there is also a Committee of Selection consisting of the Vice-Chancellor, head of the Department of the Teaching and the Faculty concerned, two members of the Executive Council selected by the Executive Council, two members of the Academic Council selected by the Academic Council and one member, who shall not be an officer or teacher appointed by the Chancellor. Whenever an appointment is for the post of a Professor in any Department, one person is nominated by the Vice-Chancellor.

The Benares Hindu University has a Board of appointment consisting of the Vice-Chancellor, the Pro-Vice-Chancellor and eight members, two being elected by the Court, the Council, the Senate and Syndicate each.

The Dacca University has a Committee of Selection for the appointment of Professors and Readers only consisting of the Vice-Chancellor, one member of the Executive Council, two of the Academic Council, an officer of the local Government, and three persons appointed by the Chancellor.

The Lucknow University has a committee of Selection for the appointment of Professors and Readers only, one in India and the other in the United Kingdom. The former consists of:

"(1) The Vice-Chancellor, (2) The Dean of the Faculty concerned, (3) Two members elected by the Executive Council, (4) Two members elected by the Academic Council, (5) One member appointed by the Chancellor, and (6) One expert to be nominated, if necessary, by the Executive Council."

The Selection in the United Kingdom consists of one member appointed by the Academic Council, one by the Executive Council and one by the Chancellor.

The Nagpur University has similar Selection Committees to those of the Lucknow University, with almost a similar constitution.

The Madras University has a similar Committee consisting of the Vice-Chancellor, the Chairman of the Board of Studies concerned and four experts nominated by the Syndicate.

The Bombay University has a Selection Committee consisting of the Vice-Chancellor and four other persons, two selected by the Academic Council and two by the Syndicate.

The Punjab University has a Selection Committee for the appointment of a Professor or Reader of the University, appointed by the Senate for the purpose, provided that there shall be at least four experts, at least two of whom shall be external. The appointment is to be made by the Senate on the recommendation of the Syndicate which shall consider the report of the Selection Committee similar to that proposed by the Delhi University.

Now, Sir, all these things that I have placed are only to show that in the first place this Bill is not so simple. This Bill has in it provisions which are very drastic and extremely revolutionary. With regard to the Selection Committee, from what I have said it has become quite clear that its constitution is very reactionary. Some change must be made because teachers and professors are to be appointed by this Committee. As I have explained to the House, no representation is given to the colleges on the Selection Committee. Teachers and Professors have got a right to be there. Therefore, Sir, it is absolutely wrong to extend the constitution in such a way as to give more powers to the Executive especially when they proposed to make three years degree course. My Honourable friend, Nawabzada Liaquat Ali Khan, put a question in respect of this three years degree course. It is because the Government is going to amend the Act. It seems to me that there is a dispute rather than disagreement in regard to the lowering of status and the merit of

[Mr. Lalchand Navarai.]

the Delhi University in so far as the adoption of this three years degree course is concerned. This Bill is designed simply to give more powers to the Chancellor and the Vice-Chancellor and to the Executive Council so that it may not be said that three years degree course is not based on reason and equity. The Government of India will supply the money and, therefore, the hold, and I think very rightly that they are the masters of the situation as they can do anything that can be accomplished but it will not be fair or reasonable.

Without taking any more time of the House, I say that I have made clear to the House that this is not so simple a measure as it is supposed to be, and that it should not be sent straightaway to the Select Committee. If it goes directly to the Select Committee all these questions that I have placed before the House cannot be fully considered. The Select Committee Members might ask for opinions but nothing will be forthcoming. These are the handicaps for the Select Committee. Under these circumstances, I hope the House will be with me to ask for circulation. I hope the European Groups also will be with me. For this is not a matter where political questions are involved. It is purely an educational matter in which we should proceed in a manner which is most beneficial to educationists beneficial to those who are being trained in these colleges. If you are going to pass this Bill straightaway, you are going to make this University an exclusive one which will not be touched by any other Universities, not even by the Aligarh University.

I submit this is a fit case in which the Bill ought to be sent out for circulation.

Maulvi Muhammad Abdul Ghani: Sir, the day when this Bill was introduced, I went through the provisions of the Bill and thinking that it was a drastic measure, I gave notice of a motion for circulation. All Government measures are usually hurried through the House. In the case of non-official Bills, even if a single word is put as an Amending Bill, the Government say it should go into circulation. Why should not the Government keep in mind the same principle which they apply in the case of non-official measures. They should be a little considerate. This Bill changes the whole aspect of the University of Delhi. It is not so innocent as it is made to look at a first glance of the provisions. The first thing that strikes me is that the Vice-Chancellor is going to be all-in-all. One amendment is going to be made in section 12(5) which says:

"the words 'in accordance with this Act, the Statutes and the Ordinances' shall be omitted."

The result will be that the Vice-Chancellor shall be the monarch over the whole University affairs. He shall not have to observe any rules or observe anything that is laid down in the statute or ordinance. Formerly the Vice-Chancellor had to refer now and then to the conditions laid down in the statutes and ordinances which are the creation of the court. Now the Vice-Chancellor is going to be given a free hand. He is going to be made absolutely free from the conditions to be imposed by the court through the statute or ordinances particularly in matter of university discipline. Furthermore, section 11 is going to have a proviso which says: "Provided that if the Chancellor is of opinion,

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member is not in order in discussing the Bill clause by clause at this stage. He should refer only to general principles.

Maulvi Muhammad Abdul Ghani: Very well, Sir. The effect of the amendment will be that a proviso will be added to sub-section (1) of section 11 of the Act. That proviso is that the Vice-Chancellor should be appointed not on the recommendation of the Executive Council but directly by the Chancellor. That Executive Council used to attach much importance to the conditions laid down in the statute. Now, if the proviso is added that section will mean that in the first place the appointment of the Vice-Chancellor will be entirely in the hands of the Chancellor and he can appoint anybody he likes for any period and on any salary and he may inform thereafter to the Executive Council.

He may consult the Executive Council also, but he is not bound to take their recommendation. The Executive Council will not have any opportunity to conform to the conditions laid down in the statute. That is, the Chancellor will appoint the Vice-Chancellor irrespective of any condition laid down in the statute. If this amendment is carried, the Executive Council will not carry any weight at all.

In section 22 of the Act, a new sub-clause (ff) is being added, and this means that the Executive Council shall have powers, subject to the statutes to recognise or withdraw recognition from a college or Hall not maintained by the University. This provision was not in existence before. This drastic power is going to be given to the Executive Council. After clothing themselves with this power, you come to section 34 where a new sub-section is to be substituted in place of sub-section (1). This amendment says:

"The colleges shall be such as may, after the commencement of the Delhi University (Amendment) Act, 1943, be recognised by the Executive Council in accordance with this Act and the statutes."

In my opinion they are going to be recognised afresh. If so, it is a drastic measure. They have already been recognised. What is the necessity of putting in an amendment like this that they will again be recognised. Again, section 28, clause (g) is going to be replaced by a new clause (g) which provides that "the conditions for the recognition by the Executive Council of Colleges and Halls not maintained by the University and for the withdrawal of such recognition, and the management of such colleges and Halls". In the original Act there was recognition but now the Government have gone a step forward and have put down the word 'conditions' of recognition.

Under Section 37 of the Act, formerly those who were not members of the University were given chances to become an examiner. Now, under this section it has been provided that teachers or other persons in the service of the University or a college will not have the privilege to become examiners. This provision singles out the teachers particularly and puts restrictions in their case. By this amending Act they are not going to be examiners on the ground that they are teachers or servants of the Delhi University.

Then, Sir, Government want to introduce that all the degree colleges shall be in close proximity to one another, i.e., in one place, except in the case of such a college which may ask permission which may or may not be given by the University, to remain in a separate area. In view of this, I feel, Sir, that there will be a very great danger to the Arabic College which is far away from the University area. That is the only flourishing college here in which many Muslim students take shelter and get degrees from there. I am afraid, Sir, there is a possibility of this college being disaffiliated on the ground that it is not close to the University Area. What a great misfortune it is that the Muslims are denied affiliations of their colleges and schools to Muslim University.

These are the matters on which the opinion of those who will be affected by the provisions, which are going to be introduced by this amending Bill, is required. I think the Honourable Member in charge should not hurry up in this manner, as there seems to be no reason except that there may be somebody kept ready to be appointed as a Vice-Chancellor. Even in that case that gentleman, who may be in view, may wait for sometime although he will suffer some loss as a result of any delay which may occur in passing this amending Bill. But, I think, Sir, the House will agree with me that the Bill should first be circulated for eliciting opinion thereon.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I rise to support this motion for circulation of this Bill. I do not know why this customary practice has in this particular Bill, not been followed.

From a cursory reading of this Bill, it is evident that the framers of this Bill wish to eliminate the popular control over the administration of the affairs of the University. Let me give an instance: The question of recognition and withdrawal of recognition of colleges depends on the sweet will of the Executive Council. The reason given is that in certain Universities, for instance, Nagpur, it is said, it is the Executive Council which recognizes or withdraws the recognition.

[Mr. Govind V. Deshmukh.]

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

Now, my Honourable friend is following that precedent, but I wish he would follow the whole of the precedent. The case is not on all fours. If my Honourable friend had looked up the particular clause which he wants to follow, he would have seen that the composition of the Executive Council of the Nagpur University and of the Executive Council of Delhi University which he proposes now are quite different. This is apparent from the composition of the Executive Council of the Nagpur University. It lays down: "Government officials—Nil, Nominated by the Chancellor—3, Elected by the Senate or the Court—5". So, it is evident that there is a very large popular control over the administration of the affairs of the Nagpur University. How do we stand so far as this Bill is concerned? I gather, Sir, from what has been referred to in this particular Bill that there are almost three Government officers, 4 *ex-officio* members, 9 members are elected, 4 are by nomination, and then *ex-officio* members. In other words, we have a very overwhelming majority of such persons who can drown the voice of those members who are elected. If you wish to follow the precedent of the Nagpur University, you had better follow, first of all, the principle of having a majority of elected members on the Executive Council. Let us not be under a delusion that because the Nagpur University is following a particular procedure we ought to copy it. We would have been too glad to do it if you had provided for a large measure of popular control. It is an ill wind which has been blowing recently from the other House to this which tries to eliminate the democratic control of the institutions which are being brought into existence for the benefit of the public. The institutions may be dealing with the relations of the Government and the governed, or may be the teaching class and the taught, attempts are made to eliminate popular control. But it seems to me that it is an ill wind that is blowing hard which wants to blow away this principle of democracy. Take the Madras University also. It will be evident from the composition of the Executive Committee of that University also that the voice of the people—the elected voice—is a preponderating element. So, before we are told that we should follow that example, it would be reasonable for my friend to tell us that

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he has also followed that principle, namely, of giving the elected members a greater voice in shaping the affairs of the Delhi University. Now, Sir, let us see how this principle will affect the recognition and withdrawal of recognition of the colleges. In introducing this particular clause in the Bill, he has not told us why the old procedure of recognition of a college by Statute or legislation has to be given up. What was the difficulty? How did it fail? Why did it fail? Why do you think that this would be a better method than that? As a matter of fact, we see that you are trying to eliminate popular control. It would then be at the sweet will and pleasure of the Government, the Government officials, and the persons who would be nominated or appointed by Government to recognise a college or withdraw their recognition. Indeed, I would not have minded if you stated: "So far as the recognition of the college is concerned, it may depend on the Executive Council." As a matter of fact, it would be a hard case, because the Executive Council is not likely to confer recognition on any college. But the withdrawal of the recognition stands on a different footing. You see you may have your own reasons. It may be that you may be able to specify none. May be, that you may be able to say, 'Well, we are not in a position' or to be frank, it may be for political reasons you may withdraw that recognition without specifically mentioning it. That is the danger which I see in this Bill. The power of the withdrawal of recognition of colleges to a body where the elected element is in a minority is a dangerous thing.

Mr. J. D. Tyson: I may point out that the elected element in a Council would be in a vast majority, and not in a minority.

Mr. Govind V. Deshmukh: Well, I have just scanned these provisions. You refer to No. 8 in the First Schedule, which refers to section 18(2). I have counted

the number of members and I find that there are only nine elected members under the heading 'Other members'. Now the *ex-officio* members, the appointed members, and all these members would be greatly influenced, if not led by the nose. They would be very greatly influenced by what the will of the Vice-Chancellor is. I do not think that they would be able to shake off the influence. May be it may not be a direct influence. It may be an indirect influence, may be moral pressure, may be anything else but direct pressure, but I do not think that they will be able to resist the atmosphere within which they will be, and the vote for the popular cause: and these are dangerous times. The voice of the people is asserted in one way and the voice of the Government in another way. It is essential for the representatives of the people to be on their guard to see that in no institution popular control is so regulated or eliminated that the public will suffer.

Sir, so far as the nomination of women is concerned, it does not really matter very much to me whether all the four are nominated.

Mr. Lalchand Navalrai: You are for their rights.

Mr. Govind V. Deshmukh: I am for their rights, but I think the ladies have a steady influence over discussions that go on in any assembly. Well, I am not quite at one with my friend, Mr. Lalchand Navalrai, who says the modern woman plays bridge, smokes, dances and jumps. They are given to serious thinking as well. They are given to serious thinking as much.

Mr. Lalchand Navalrai: Not so much, I said.

Mr. Govind V. Deshmukh: So far as that particular class is concerned, I am not against it.

Then this course of three years. I do not know whether it is a fact, but it seems to me that it may be quite possible that the standard of a graduate coming out of the Delhi University could not be just as high and efficient as a graduate of any other university where a longer period is devoted for the student to get through his college course. Neither have I heard if they are going to reduce the period nor that there is going to be any intensive training by which I mean, the student has to put in every day more hours of work and the Professors more hours of work also. Even if that were possible, it would not be possible for the student to grasp and digest what is taught to him. Even on that basis, it appears to me that a three-year course would rather not be in the interest of the student who joins this college. So on that ground also, I would like to have more details.

It was said by the Secretary that they are wanting to carry out those particular lines on which they have struck. They want to carry on education on the lines they have in view. We have not heard a word about those lines, but merely hear that the Government had come to the conclusion that education should be carried on on those particular lines. We did not have any information. It would have been more reasonable for my friend, if no information was given in the Bill, or when there was no public opinion, to have given more information in his speech with which he introduced the motion. Therefore, we are groping in the dark. Whatever little information we can gather by reading this Bill, leads us to the conclusion that it is a most reactionary measure. Therefore, it is very necessary that this Bill should be circulated for public opinion.

Sir, I think I have given in short the reasons which are cogent and strong enough to support the motion for circulating this Bill for public opinion.

Dr. P. N. Banerjee: Sir, we want to hear the Government before we say anything.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, it was not my intention to intervene in this debate, because I felt that such help as I may give in connection with this measure could be better given during the course of the Select Committee. But having listened to the discussion which has taken place, I am feeling a little afraid that in a mass of technical issues a very important educational principle may be overlooked. I have been for many years what is called an educationist, but I have only been or had the honour to be

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for a few hours a politician, and, therefore, I hope, I shall be forgiven both for my inexperience as a speaker and also for confining myself to the educational aspect of this measure.

It has been suggested by the Honourable the Mover of the amendment that this measure is at once revolutionary and reactionary—particularly, I gathered, because it would, he feared, or perhaps hoped, it would have the effect of making Delhi University different from most other Indian universities. I am old enough to know that because a thing is new it is not necessarily good; on the other hand it may not be a valid argument against this measure that it aims at creating in Delhi a University which is in certain ways different from the other universities of this country. It has been further suggested that we are guilty of trying to rush through at this late period of the Session a measure which has not received the consideration of, and possibly would not receive the approbation of, instructed educational opinion in this country. I hope, Sir, in that connection I shall be forgiven if I am for a minute or two historical and even egotistical.

When I came out to this country nearly five years ago, I attended in the early months of my service, two important educational meetings; the first was a meeting of the Central Advisory Board of Education on which all Provincial Governments, the Inter-University Board, this House, the Council of State and other bodies and persons who may reasonably be supposed to be instructed in education are all represented. If my memory is correct—and I can verify it from the papers—everybody there agreed as to the need for a reconstruction of the educational system in this country which would involve a three-years university course. A month later I attended a meeting of the Conference of Indian Universities at Bombay. Precisely the same resolution was passed, with a most interesting addendum, that the three years course should not be introduced until and unless it was practicable so to reconstruct the high school system that the change-over from a two years intermediate and a two years degree course to a three years degree course would not lead to any lowering of standards. On my return to headquarters, conceiving it to be my duty to endeavour to offer useful advice to Government as to possibilities of improving the educational system in this country, and believing from my previous experience that an ounce of practice is worth a ton of precept, I thought it desirable that we should begin with such funds as Government were able to place at our disposal, to make the so-called Centrally Administered Areas up to the limits of our powers, models on educational lines for other provinces and authorities to imitate. It is fair to admit—and I have always had this slightly on my conscience—that any builder should begin from the foundations. In Delhi, however, we decided to rebuild the house from the roof, for what I hope are good and satisfactory reasons. I found that my then Honourable Member attached great importance to this reconstruction of the educational system, and particularly in regard to the university end. We both felt that whereas other universities in other areas had shrunk from accepting desirable reconstruction because they regarded the task of reorganising their high school in such a way as would avoid any fall in educational standards as an almost impossible one, it was practicable, given good will and the necessary money, to carry out, side by side with the reorganisation of the university, the reorganisation of the high school system in Delhi. Thereby we hoped, so far from involving any reduction of standards by a three years course, to maintain from the beginning the existing standard, and ultimately to aim at raising the standard by absorbing in the high school system the whole of the intermediate work, where I am sure anybody who is familiar with schools, would say it ought to be.

That was implicit in the conception of the original Act by which the Delhi University was founded; and we agreed that the time had probably come, given Government's increased interest in education and given, as the Honourable Mover of the motion has said, by a concatenation of fortunate circumstances a man who was able, and had the knowledge and the interest and the influence to carry through such a scheme—for taking this reorganisation in hand. As far as I know, is the genesis of the three years course in Delhi.

and I want to emphasise that so far as I am personally concerned, I believe—and my belief is supported, if Members will accept my word for it, by educational opinion in universities elsewhere—that this is a valuable method of raising university standards, and, what I regard as equally important, raising high school standards as well. That involves of course, as it has been said, at the moment the transference of the first year of the intermediate course to the high schools; but if such conditions are laid down as have been laid down already in the case of Delhi, that schools recognised for the 11th class, that corresponds to the 1st year intermediate, shall have to add to their staff teachers with the requisite qualifications, I am confident that in the course of time that will lead to an improvement in the whole standard of high school education which will be well worth while even though the university part of the scheme proved no better than the existing arrangements. I want just to emphasise the fact that educationally this is not a revolutionary nor a reactionary proposal which we are bringing forward. We are implementing a reconstruction scheme which has already received pretty substantial support from what I should call instructed educational opinion.

Now, in connection with the scheme, I am afraid, I must again take a certain amount of responsibility for an aspect of this measure which is admittedly controversial and which has been referred to by all speakers today; that is the proposal that the Act should be amended to permit, when necessary, of the appointment of a paid Vice-Chancellor. I can confirm the fact that this question was discussed at least four years ago, when the question of proceeding with this reorganisation first came up, but for reasons which I have already referred to, that is, the presence in our midst of the present Vice-Chancellor—it was thought unnecessary to trouble this House with the necessary legislation at that time. But if any Member will take the trouble—I have no doubt some have—to read the Delhi reorganisation scheme in its fulness, to read the ordinances and other arrangements which are necessary to carry it into operation he will appreciate that a scheme of this kind cannot be implemented except by somebody with a very wide educational background, and what is still more important, the necessary time to give to what I do not think anybody will deny is a whole-time job. Now, although I must plead guilty to having been a bureaucrat for a good many years, I have learnt in that time to be as nervous of bureaucracy as most people. So far from this proposal, being a bureaucratic one, it seems to me that it would probably save the university from a much worse alternative, that is that I myself should be continually poking my nose into their affairs to see if they are carrying out the scheme which has received the approval of Government. But it is not merely a question of the scheme having received the approval of Government. Members do not perhaps realise that, in spite of the war, Government have been able to find a very substantial sum of money for carrying out the scheme. Towards its cost the Government will have put down by next year Rs. 8 lakhs of non-recurring expenditure—I admit that is only a part of what would be required to complete the whole scheme. They have also increased their grant to the University and to the colleges, in each case, by 150 per cent. The colleges are now receiving Rs. 2½ lakhs or will be within the next financial year, and the University are receiving an approximately similar amount; and that, I believe,—I am speaking subject to correction—represents a much larger proportional contribution by Government towards the total cost of a University than can be found elsewhere in this country. For that reason it was important—I think everybody who looks at the administration of education from a practical point of view will admit this—it was important to provide that in case it is not possible to find in Delhi a gentleman with the energy and the leisure which would enable him to carry to a successful fruition what I regard as an educational experiment of the highest value not only to Delhi but to this country as a whole—we ought to be in a position to search the whole of India in order to find a proper person, and what is more, to offer such salary as would attract him. I think the amendment which has come before you now is one which we might have had to bring forward some time ago but for the fortunate circumstances which I have already referred to twice.

[Mr. J. P. Sargent.]

It has also been suggested that this is a measure which, as a whole, has not received the consideration either of other Universities and responsible educational authorities elsewhere or, of the various bodies concerned with the administration of the Delhi University itself. I happen to be a member of practically all the bodies of the Delhi University in my official capacity, and I know there are other members present now; I think they will agree that during the course of two or three years during which we have been discussing in the Academic and Executive Councils the carrying out of the reorganisation scheme, attention has been called very frequently to the need of revising both the Act and the Statutes, which obviously in the beginning contemplated rather a different kind of university, in order to bring them into line with the requirements of the new scheme. I would like to emphasise this, that the Court of the Delhi University itself, at its meeting in July last, in a very full House, received without objection, or perhaps I should say did not reject, the necessary ordinances for carrying out the three years scheme. Subsequent to that, Government imposed certain conditions in regard to their grants to colleges. Those again have been recently accepted and this appeared to be the appropriate opportunity of carrying out such necessary revisions of the Acts and Statutes as would bring them into line with the new conditions.

I have very little more to say. I have explained my attitude towards the question of a paid Vice-Chancellor. It appears to me purely a matter of educational efficiency, a power which will be exercised only if the demands of educational efficiency should call for it. I think there is one other matter I might refer to. There appears to be some little misapprehension about the Recognition Committee. Members seem to feel uncomfortable lest power is being taken away and concentrated in the hands of two or three people, who like myself are officials. But actually the intention of the amendment is quite otherwise than that. The facts are as follows. The teachers of the colleges have complained quite justly for a long time that they were not getting sufficient representation in the ranks of university teachers. It is intended that under the new conditions far more teachers, in fact, a great majority of college teachers will in future be recognised as teachers of the university. That I think is a move which everybody would endorse as being an act of justice to the college teachers and a means of bringing the colleges and the university into closer and more harmonious relationship. The question then arises of finding a reasonably expeditious way of dealing with the number of applications which will come up. It is quite clear that if it is a question of recognising college teachers as teachers of the university, you will have to put all the colleges or none on the Recognition Committee. It was cogently argued in the report drawn up by the Enquiry Committee which was considering in 1927 what may yet become a possibility in Delhi,—the taking over of the organisation of teaching by the university—that it would be desirable to have a small body which whatever else it might be suspected of, would not be suspected of bias towards any particular college in the allocation of recognition as university teachers. That part of the measure arises purely from the desire to provide an impartial and expeditious method for dealing with the increased number of recognitions which are coming along.

I hesitate to take more time of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not curtail his speech. There is no time limit to speeches on Bills.

Mr. J. P. Sargent: It has been suggested that I should add one word in justification of the three years course itself. It is quite clear I think that in general experience a young man should be of a reasonably mature age when he enters the gates of the university. It is desirable, quite apart from academic grounds, having got into the university he should remain there long enough to acquire a feeling of close association and loyalty to that institution. It is also desirable that he should be there long enough to attain what, I am afraid, a number of our students in Indian universities do not attain, and that is a close personal relationship with his instructors, whether they be lecturers or tutors. From the moral

point of view there is a great deal to be said for providing that the university course should not last less than three years. From the point of view of the amount of learning, again, it has been the common experience that to cover a co-ordinated and comprehensive course of study, and particularly to facilitate an honours course and higher courses of study after graduation it is desirable that universities should be able to concentrate their attention on the man, as I say, of maturer age and maturing mind and not to be worried with what you frequently see, boys who would be better looked after and better taught if they were in high schools, subject to the safeguard which I have mentioned. It is tempting as an educationist to deliver an educational lecture, but I can assure my Honourable friends that if they would be good enough to read accounts of the discussions in the two university conferences to which I have referred and the discussions of the Inter-University Board and of the Central Advisory Board of Education, they will find that the case for the reorganisation of the later stages of education into a higher secondary school course of three years followed by a university course of three years, is interesting, instructive and I think utterly convincing.

I must apologise for I ought to have been more brief. I do not think there are any more main points to be dealt with. I am sure the Honourable Mover of this motion will deal with the detailed points much better than I can. I do however wish to emphasise, whether the method in which we are doing it is right or wrong, this is really a very desirable educational experiment which we are trying to carry out in the Delhi University, and I do hope that people won't be deterred from giving all their sympathy and support simply because in certain respects the amendments now being suggested to the original Act may make the Delhi University seem different from the other universities in this country.

Maulvi Syed Murtaza Sahib Bahadur (South Madras: Muhammadan): On a point of information, Sir. Are we to understand that instead of a four years course in the college department it is to be reduced to three years, and that one year is to be added to the high school or secondary course?

Mr. J. P. Sargent: Yes.

Nawabzada Muhammad Liaquat Ali Khan: Sir, the motion that has been moved by the Education Secretary is for reference of this Bill to a Select Committee. Since then, my Honourable friend, Mr. Lalchand Navalrai, has moved his motion that the Bill be circulated for eliciting public opinion by the 1st July, 1948. The Mover of the Bill was apologetic for not having been able to supply the Members of this House with the copies of this Bill earlier than the 28th March and he himself felt that perhaps the time allowed for the consideration of this measure may be regarded as insufficient but he consoled us by stating that the Government, out of mercy for the Members of the House—and we must be thankful for small mercies—had, instead of rushing through and we must be thankful for small mercies—had, instead of rushing through this measure this Session consented to refer it to a Select Committee. I would like to know from the Honourable the Mover of this Bill why is it that this Bill took so long in preparation. The Honourable Educational Commissioner has just told us that as far back as July, 1942, this three years scheme of university education was agreed to by the Court of the Delhi University. Then what was there that took the Government nearly 8 months to prepare a Bill and they could not place it in the hands of Members and before the country at large before the 28th of March. That shows, Mr. President, that when the Government with all their machinery have taken 8 months in preparing a Bill it could not possibly be so simple as the Honourable the Mover tried to make it out to be.

As regards the three years course, my Honourable friend Mr. Sargent has given us some historical background of this question. It is a matter where there is very strong opinion that the reorganisation of the University education on the lines suggested by the Delhi University will improve the educational standard of the students who are to undergo training in that university. On that point, I am prepared to try the experiment, because it must be the desire of every one of us that if anything can be done to improve the educational standard we should certainly try and make an experiment. But if that was

[Nawabzada Muhammad Liaquat Ali Khan.]

by the show of hands. Then Mr. Lalchand Navalrai claimed a secret ballot and his resolution was carried by an overwhelming majority by the same gentlemen who were present in that meeting. This is proof positive that we must safeguard against such things happening. You will really, by placing all these powers in the hands of a single individual, be tempting him to act as a dictator and I strongly object to this provision of the Bill.

I am just stating before this Honourable House certain main features and main principles of this Bill. There is a proposal regarding the recognition of the teachers of the various colleges. My Honourable friend, Mr. Sargent, said and I think the Honourable the Education Secretary also said that this Committee which is provided in this Bill was agreed to by the various colleges at a Conference. I think it would be better, Mr. President, if I did not go into that and if I did not say anything in detail about it. It is perfectly true what Mr. Sargent has said that it was one of the conditions that were laid down by the Government for giving grants and the colleges have accepted that condition. But not freely neither willingly. Most of those conditions that are laid down, if we were to get free consent of colleges without hanging this threat over their head that if they would not accept they would not get Government grant, may be that one college might accept, but all the other colleges will refuse. It is under duress, and any consent under duress should not be stated as an argument in support of any proposal that you may put forward before this House. All that I feel about this Bill is that this Bill will convert the Delhi University into a play thing in the hands of one single individual whoever he may be. The way in which you have suggested the constitution of the Executive Council, appointment of Vice-Chancellor and the powers of the Executive Council all go to show that later on if we are unfortunate in having a man who is not worried very much by scrupulousness or anything of the kind he could play havoc with all the institutions that are attached to this University. I want that these colleges should be free to develop themselves in accordance with the instructions of the University and that they should be allowed to have a free hand.

Now, another power has been given to the Vice-Chancellor that in matters of discipline he can exercise his powers as he may consider proper. Before this his powers were curtailed by statutes, ordinances or rules. It is said in the present Delhi University Act that the Vice-Chancellor will exercise powers of discipline in accordance with the statutes and ordinances and such other rules as there may be. Now, these few words are to be taken away. It means that the Vice-Chancellor is given the fullest discretion to do as he pleases. Sir, all these objections that I have placed before this Honourable House are against this Bill. The motion that has been moved by my Honourable friend, Mr. Lalchand Navalrai, is a very modest one: and the fact that so far not one Honourable Member of this House has stood up to support the motion which has been moved by the Honourable the Education Secretary shows the opposition that is felt by every section of this House against the provisions of this Bill. I would suggest to the Government to reconsider their position, and not to take advantage of the depleted condition of this House. Whatever they want to do should be done in a fair manner and not in an indecent haste. Sir, I support the motion that has been moved by my Honourable friend, Mr. Lalchand Navalrai.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural). Sir, I stand to support the motion for circulation. In the Statement of Objects and Reasons it is said that the object of the Bill is to amend the Delhi University Act, 1922, to provide for the introduction of three years degree course, which is an essential feature of a scheme for the development of the University prepared by the present Vice-Chancellor, Sir Maurice Gwyer. Sir, this question of three years degree course has practically been accepted and it might be accepted as suggested by previous speakers. But I find in the second paragraph it is proposed to make a provision for the appointment of a whole-time paid Vice-Chancellor. Sir, I do not know how the neces-

THE DELHI UNIVERSITY (AMENDMENT) BILL

sity of a whole-time paid Vice-Chancellor arose and how it has been decided, and nothing has been said in this respect by the Honourable Member who moved the motion for reference to Select Committee. We have got universities all over India working for about a century and only three of them have got a paid Vice-Chancellors. Apart from that the whole Bill is meant to create a control on the Educational system which will be carried on under the Delhi University. Sir, control of education by Government through universities is absolutely undesirable. Sir, I am not at all enamoured of the system of education and I have not seen any charm in the system of education which we have got, still we cannot do away with it, it is unavoidable but it must be controlled by ourselves. There may be many defects in the management of colleges, there may be grievances of professors against the management, but, Sir, on that account we should not be party to a Bill which will take away all powers from the people with a view to control education. I personally have no objection to three years degree course. I fully approve that there should be an additional class after the matriculation classes. I have no quarrel over this question of three years degree course. But I thoroughly disagree with the clause of the Bill of which the whole object has been to create a complete control over the educational system if it is to be given to

5 P. M.

Delhi.
Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will continue his speech tomorrow.

STATEMENT RE THE STANDING COMMITTEE FOR THE FOOD DEPARTMENT

The Honourable Sir Sultan Ahmed (Leader of the House): With reference, Sir, to the short notice question asked yesterday by the Honourable Dr. Banerjee we have been given to understand that the constitution of a Standing Advisory Committee for the Food Department would be generally welcomed. It would clearly be impossible to get a committee constituted in the course of the current Session by an election following the adoption of the usual motion and in the circumstances it has been suggested that, pending the election of a separate Committee for the Food Department, the Committee already constituted for the Commerce Department should serve also as a Committee for the Food Department. Government are glad to adopt this suggestion which I understand, will be generally acceptable.

Some Honourable Members: Yes. Yes.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I only wish to say that this Committee will always be kept in touch with the department and that the grievances of the consumers will be properly heard.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 1st April, 1943.

LEGISLATIVE ASSEMBLY

Thursday, 1st April, 1943.

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 QUESTION AND ANSWER.

(a) ORAL ANSWER.

BOMBAY, BARODA AND CENTRAL INDIA RAILWAY EMPLOYEES ELECTED AS MEMBERS OF THE AJMER MUNICIPALITY.

461. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Railway Member be pleased to state if it is a fact that several Government servants employed at Ajmer on the Bombay, Baroda and Central India Railway are elected members of the Municipality there? If so, how many?

(b) Did Government give them permission? If so, who gave the permission?

(c) If this permission was granted, was it in the interest of the Government generally or in the interest of some particular department? If it is the interest of some particular department that they are to serve on the Municipality as elected members, what is that department?

(d) Is it a fact that the Bombay, Baroda and Central India Railway has got contracts from the Ajmer Municipality regarding custom duty tax, Pilgrimage tax and water tax?

(e) Is there any other province, particularly an autonomous province, where a Government servant has been permitted to contest an election to the Municipality? If so, in which province, and in which district?

(f) Do Government propose to order that this practice should be stopped in Ajmer?

The Honourable Sir Edward Benthall: (a) Yes, six.

(b) The Railway Administration and the local Government gave them the permission.

(c) The permission was granted in the public interest as the Railway population amounts to a third of the population of Ajmer.

(d) As is common at many places, the Railway collects the Visitors (Pilgrim) tax on behalf of the Municipality and is paid five per cent. of the collection as charges for the service rendered. The Railway pays the Municipality for water supplied to it on actual consumption; if the Railway supplies the Municipality with water during times of scarcity, it receives payment at the same rate. The octroi taxes are collected direct by the Municipality.

(e) I have no information.

(f) No.

SHORT NOTICE QUESTIONS AND ANSWERS.

RAILWAY INCIDENT INVOLVING MR. TUSHAR KANTI GHOSH, EDITOR OF THE "AMRIT BAZAR PATRIKA."

Mr. K. O. Neogy: Is the Honourable Member for Railways and War Transport aware of an incident which took place in the I Up Delhi Mail at Allahabad and Fatehpur Railway Stations on the East Indian Railway, on the morning of the 24th March last, and in which Mr. Tushar Kanti Ghosh, Editor of the *Amrita Bazar Patrika* was involved?

The Honourable Sir Edward Benthall: Mr. Tushkar Kanti Ghosh reported an incident to me personally and I am investigating the case.

Mr. K. O. Neogy: Has the Honourable Member seen the letter which he has addressed to the Secretary of the War Transport Department in this connection?

The Honourable Sir Edward Benthall: I have.

Mr. K. O. Neogy: Is the Honourable Member in a position to give us the main circumstances of this incident?

The Honourable Sir Edward Benthall: I said that I am investigating the case. I am still investigating. I have not got all the details.

[Nawabzada Muhammad Liaqat Ali Khan.]
the only reason, then instead of coming forward before this House with a Bill consisting of 36 clauses, the Government could have come forward with an amending Bill, to amend clause 36—I think it is clause 36—of the Delhi University Act. That would have been sufficient to give the Government and the Delhi University the power to introduce and experiment upon the three years' degree course.

Then, Sir, my Honourable friend, Mr. Sargent, while discussing the question of the appointment of a paid Vice-Chancellor stated that it had been under the consideration of the Government for some time and but for the fact that the present Vice-Chancellor was able to give more of his time and was qualified to push through this three years' course, the Government would have come earlier before this Honourable House for providing for a paid Vice-Chancellor. That, I am afraid, is no argument against the circulation motion that has been put forward by my Honourable friend, Mr. Navalrai, because the present Vice-Chancellor is there for two years and the circulation motion is only for circulation till July, 1943. So, that also is not an argument which is against the circulation motion.

The Honourable the Mover of this Bill stated that the statutes could be amended by the Court of the University but it was considered advisable for reasons best known to the Government that this could be done more speedily in a Legislative Assembly. I was under the impression, Mr. President, that the passing of a Bill or legislation was more difficult and more cumbersome process than passing statutes by the Court of a University. One cannot help feeling—is it because a large section of the non-official Members of this House are absent that the Government feel that they can push through any legislation with the votes that they have at their beck and call? If that is so, then it is, to put it very mildly, very deplorable, if not indecent. As far as the amendment of the Act was concerned, the Government could not go anywhere but to come to this House but for the amendments of the statutes which can be done and have always been done by the Court, to come to this House over the head of the Court, is a proposition which it is very difficult for the Honourable Members of this House to understand. The Honourable the Mover of this Bill told us that neither the Executive Council nor the Court of the Delhi University was given an opportunity of considering this measure. This again, if I might say so, is an example of indecent haste in coming up with a measure of such great importance, as I will show to this Honourable House in a minute, without getting the consent or even the approval or even the opinion of the Court and the Executive Council of the University, which bodies are most closely connected with this matter.

I do not object to the appointment of a paid Vice-Chancellor if it is considered necessary but I do object to the method which has been provided in this Bill for such an appointment. It has been left to the Chancellor to appoint a paid Vice-Chancellor for such time as he considers proper and on such salary and allowances as he may think suitable. This, Sir, is a very retrograde step. No university in India has a provision of this kind and I very much doubt if my Honourable friend, Mr. Sargent, can give me the name of any university in the world where a provision of this kind exists, where a Vice-Chancellor is appointed without the approval, without the expression of opinion, without the recommendation of either the Executive Council or the Court which are ultimately the bodies responsible for administering the University. This, to my mind, is a very objectionable feature. Do not let people get the idea that by this method it is the intention of the Government to provide suitable and comfortable berths for some of their people. There are other universities where there are paid Vice-Chancellors. Why cannot you adopt the method which prevails in those other universities? Why must it be different from those other universities? To that, no reply has been given by either the Honourable the Mover or the Educational Commissioner. Then, the Vice-Chancellor is to be entrusted with very wide powers. In fact, the powers that will be enjoyed by

the Vice-Chancellor either implicitly or explicitly will turn him into a sort of a dictator. The method of his appointment, the composition of the Executive Council, the powers that are to be transferred to this Executive Council,—all these taken together will make the Delhi University as a toy in the hands of the Vice-Chancellor.

Now, it might be suggested why should not the Government, because they give such large sums of money to this University, convert this University into a department of their own as it will be nothing else under this Bill than one of the departments of the Government of India? My objection to that is that if the Delhi University is run as an appendix of the Education Department, then we, the Members of this House, will be precluded from discussing any matter connected with the University because of the fact that it is an autonomous body. Had it not been for that, I would have welcomed the University to be converted into a Government Department because in that case we on the floor of this House would have had probably better opportunities than those poor members in the Court have for showing up the irregularities and the inefficient manner in which sometimes the affairs of the University are managed. My objection to this system is that the Government want to convert the University into a department of their own without giving the Members of this House the right of discussing the affairs of the University. The whole scheme has been prepared and is based on this conception of the Government that the University must be run by such people as they think fit to run that University and in such manner as the Government may like. I strongly object to this procedure. The Executive Council has been given very wide powers not only regarding the recognition of the colleges but the disaffiliation of the colleges. And it is stated in the Statement of Objects and Reasons that these powers are enjoyed by at least the executive bodies of two other universities, the Madras University and the Nagpur University. I am afraid I cannot congratulate the Government on suppression of these facts. These powers are not enjoyed by the executive bodies of these two universities in the manner in which they are provided in this Bill. Every action of the Executive Council or the Syndicate, as they are called, of these two universities is subject to revision by the Court and, therefore, this wide power is not enjoyed. I contend Mr. President, by the Executive Councils of these two universities. The Government should, in fairness to the Members of this House, have stated more elaborately and more fully the position as it exists in these two other universities.

Sir, there are at present six colleges that are affiliated to the Delhi University. These colleges have been built up by the endeavours, by the financial help and by the sacrifices of the citizens of Delhi and others, and now what the Government propose to do is to inject slow poison into these colleges. You do not allow them a free hand. The Vice-Chancellor, if he is displeased because the governing body of a certain college does not consider the principal to be suitable, can come down on that college and say: Mr. so-and-so, if you do not have him or if you do something contrary to my wishes, I will disaffiliate you. I think that is a very obnoxious principle underlying this Bill, that you are really making the Vice-Chancellor all-in-all and the Executive Council supreme. And when I say that the Vice-Chancellor will be all-in-all, I would like you to consider the constitution of the Executive Committee. There are to be 4 nominated members; there are to be 2 officials, *ex-officio*; there are to be 2 professors and if they value their job they will have to keep the Vice-Chancellor *khush*; there are to be certain principals from the various colleges and if they value their jobs, they will have to keep the Vice-Chancellor pleased. Then, there are others who dare not say anything against what the Vice-Chancellor chooses to put forward. And these are not imaginary things. It has happened actually. My Honourable friend, Mr. Lalchand Navalrai, gave an instance of what happened in a meeting of the Court of the Delhi University. He moved a certain resolution which the Vice-Chancellor did not approve of. The votes were taken and Mr. Lalchand Navalrai's resolution was defeated.

Mr. Ananga Mohan Dam: Is it a fact that shortly after Mr. Ghosh occupied the berth, another European in khaki entered the compartment, put in his luggage and immediately left for the restaurant car?

The Honourable Sir Edward Benthall: I think the Honourable Member . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to resume his seat after he has asked his question.

The Honourable Sir Edward Benthall: I think the Honourable Member is quoting in part from the letter which Mr. Ghosh gave to me. I am investigating the whole of it and I am not in a position to answer details until I have concluded the investigation.

RULES REGARDING RESERVATION OF ACCOMMODATION IN MAIL TRAINS FOR THE DEFENCE DEPARTMENT.

Mr. K. C. Neogy: Will the Honourable Member for Railways be pleased to state the general rules regarding the reservation of accommodation in Mail trains for the Defence Department, indicating particularly—

(a) if such reservation means that civilians have no access to any berth in the compartment so reserved even if it may be vacant;

(b) whether military officers can utilize such reservations and at the same time be entitled to travel in ordinary (non-reserved) compartments also; and

(c) whether military officers are entitled to utilize such reservations for the benefit of their women folk?

The Honourable Sir Edward Benthall: (a) Yes. In certain trains compartments are reserved for the exclusive use of the War Department.

(b) The previous orders which stated that military passengers in excess of the number for which accommodation has been reserved would be booked in train service, have now been amplified to make it clear that unless and until reserved accommodation has been filled to capacity Defence Services personnel may not be permitted to take up accommodation in other carriages.

(c) Yes, if the accommodation is not required for defence service personnel.

Mr. K. C. Neogy: May I know whether for day journeys civilians are not entitled to any accommodation in such reserved compartments, if there be the usual seating accommodation available?

The Honourable Sir Edward Benthall: That is the case. The compartments are reserved for the exclusive use of the War Department. That is the arrangement that has been made.

Mr. K. C. Neogy: Are there any specific orders on the subject?

The Honourable Sir Edward Benthall: Yes, Sir, and it is those which we are amplifying in order to make it clear that Defence Service personnel should travel first of all in those reserved compartments and not occupy the compartments which would otherwise be available to the general public.

Mr. K. C. Neogy: Would the railway administration take care to see that there is ample accommodation left in such trains for civilian passengers in spite of such reservation?

The Honourable Sir Edward Benthall: That is the object of the revised orders.

Mr. K. C. Neogy: Will the revised orders be given due publicity?

The Honourable Sir Edward Benthall: Certainly. Instructions will be given both to the War Department officers and to the railway staff.

Mr. K. C. Neogy: And to the public also I take it?

The Honourable Sir Edward Benthall: I will give consideration to that proposal.

Mr. Lalchand Navalrai: May I know if these conductors who board these trains interfere in these matters and remove these difficulties? Or do they only walk about on the platform?

The Honourable Sir Edward Benthall: I do not quite understand which conductors the Honourable Member means.

Mr. Lalchand Navalrai: There are conductors on the train—I mean Conductor Guards—and it is their business to see that if there is any dispute they should go and see that things are put right. At present they do not interfere.

When there is a military officer they go far away. Instructions should be given to them to be more careful. Will the Honourable Member do that?

The Honourable Sir Edward Benthall: I understand that railway personnel were consulted in the particular case which is under discussion.

Maulvi Syed Murtuza Sahib Bahadur: May I know if the Railway Board has given instructions to railways that military personnel should be preferred to civilians? Even when they get their seats registered a day or two earlier those registered seats are given in preference to non-civilians?

The Honourable Sir Edward Benthall: Not that I am aware of.

Mr. Ananga Mohan Dam: Why are the womenfolk of the Military allowed to occupy these berths?

The Honourable Sir Edward Benthall: That is in accordance with the arrangements made with the War Department.

Mr. Ananga Mohan Dam: But what is the reason?

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the motion that the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): When I was speaking on this Bill I said that I had no quarrel with the three years course for the degree. Sir, financial conditions do not allow all to join colleges for degrees. The present Matric curriculum does not befit a student for any useful business or clerical service. Therefore, if a higher curriculum is added to the Matriculation curriculum, I believe there will be a good grounding for a young man to begin his life if he cannot afford to join the degree classes. This, I believe, is a better arrangement than what is going on now. But there are objections to this three years' course on other grounds. The other universities would not like it or do not approve of it. A healthy measure, if it is healthy, will require some time to justify itself; an unhealthy measure will die—it will not stand the test of time. The theory of exclusiveness may be tenable for a few years only; for the first few years it may not be quite appreciated and approved by other universities; but if it has proved its usefulness, I think other universities will accept it. We are generally conservative; we are averse to innovations, and any change creates doubts, suspicions and misgivings in us. At the start difficulties and inconveniences will follow. In time they will vanish and I am confident that this three years' course will prove to be beneficial in the long run; but changes of a very topsy turvy character have to be introduced in secondary schools and this innovation will only be justified if these secondary schools are improved greatly, for which money has to be found. Ample funds will be required to change the whole aspect of secondary education; and if that money be granted by Government I am sure this will prove beneficial and useful. Government and the people should co-operate in this matter and if the people are found to be a bit hesitating the Government should come forward with the funds. Our country is practically a sub-continent; our population is vast and of a varied character; and only 2 or 3 per cent. of our population is getting education; and only 10 per cent. has become literate, so to say. We think that free and compulsory primary education was more needed than our college education for the present . . .

Mr. President (The Honourable Sir Abdur Rahim): How does that arise on the present Bill?

Mr. Amarendra Nath Chattopadhyaya: This University Bill is going to create a new standard of education . . .

Mr. President (The Honourable Sir Abdur Rahim): But not primary education: it has nothing to do with that; the Honourable Member had better confine himself to the Bill as it is and the principle underlying it.

Mr. Amarendra Nath Chattopadhyaya: In discussing this Bill . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss the question of primary education; it is not in the picture at all.

Mr. Amarendra Nath Chattopadhyaya: We are being given a system of education by Sir Maurice Gwyer which is on the model of the education given in the United Kingdom and naturally it must be on that line; but the difficulty lies in this, that we have been habituated to one sort of education for about a century and therefore this innovation requires further analysis and further examination, and therefore this motion for circulation has been supported for giving people more time to consider the matter.

I must also say that practically the Bill is introduced at the fag end of the Session. This also has led us to suspect whether there is some purpose behind it; and that purpose, if we are justified in saying it, is the intention for complete control over education in Delhi. Sir, we know, some cases of mismanagement of colleges in Delhi. We have been told that in some of the colleges, those who are in charge of managing the colleges have given notices of discharge to principals and teachers who have been working here for 17 and 21 years; and every one of them is well placed in the university as readers—readers of repute; and all of them unfortunately belong to Bengal. These gentlemen had been connected with these colleges from the very inception; they have reared up these colleges; they have given training to hundreds of young men who are now fit for being teachers no doubt; and it is an irony of fate that these very teachers are now asked to go out of their employment, not for any good reason, not for their unfitness or over-age, and not for any tangible difficulty in their teaching or their inability to teach; but for reasons best known to the managing bodies. Dr. Dutt has a reputation of being one of the best teachers; he was the principal of the Ramjas College. He has been degraded and made only a teacher; and the Honourable the Commerce Member, Mr. Sarker, . . .

Mr. President (The Honourable Sir Abdur Rahim): Has that any bearing on this Bill?

Mr. Amarendra Nath Chattopadhyaya: Yes; this is a Bill for control, Mr. Sarker intervenéd and let the management keep him as a teacher in English and the vice-principal has been made a principal. This shameful conduct of the management requires intervention and control of the university by Government, although it pains me to say that control of university by Government is necessary at any time, I do not at all approve of such control; but such provocation by the management creates that difficulty and makes me also feel that some control is needed. I would ask the management of these colleges to be more liberal in their views, and they should also pay special attention to the security of service. If teachers and professors are not secure in their service, the colleges will go to rack and ruin. The amendment to section 22 of Act VIII of 1922 is to this effect: "shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University". These additions and alterations have become necessary for bringing the managing bodies of colleges into line with the university so that education may be conducted on right lines. The method of constitution of the Court and of the Executive Council seems to be such that it is an attempt to take away all control from the management and vest it in the university authorities, to which I object. The constitution of the Court shows that practically there will be a standing majority of Government, so also in the executive council. We are on the eve of a very substantial change in our political status. I believe that as a result of the war India will be free to frame her own constitution, and in accordance with that the whole system of Government will be completely changed and education will play a very important factor in that change. Therefore, if the idea was only to prevent insecurity of service or any wrong action on the part of the management and at the same time to have the innovation of three years' course, the Government might have brought forward a simpler Bill with a smaller number of innovations and clauses and got it passed as early as possible. This Bill, on the other hand, has been brought on the last day of the present Session.

and as such it cannot be discussed thoroughly, nor can the Government finish this Bill without going into a Select Committee, nor can the public approve of the Select Committee unless they get satisfaction by going into the whole Bill. I therefore support the motion for circulation. As we cannot enter into the details of the systems of education in connection with this Bill I support the circulation of the Bill. The Government should not hustle through this Bill, they should give time for us to consider, and in the next Session we can come and discuss matters and then think of sending the Bill to a Select Committee. Sir, with these words I support the circulation motion.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, a most extraordinary procedure has been adopted with reference to this Bill. In the first place, this Bill did not figure on the list of business which was circulated to us at the beginning of this Session. This Bill did not figure even on the list which was originally given for the transaction of business during this week.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): May I intervene to say that I understand that the Bill did figure on the previous notice that was sent to the Honourable Members of business likely to be brought by Government during the Session?

Dr. P. N. Banerjea: Where? I am perfectly sure that this Bill did not figure on the first list of business that was placed before us in the beginning of the Session, nor did it figure on the list which was given to us last week for the transaction of business during this week. It was only later on that a list of supplementary business was placed before us.

Mr. J. D. Tyson: A circular is sent out to Honourable Members before the Session begins and in that mention was made, I understand, of this Bill as likely to be brought up.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Was the Bill supplied to Members before the 23rd March?

Dr. P. N. Banerjea: Not that I remember. I am afraid my Honourable friend, the Secretary of the Education Department . . .

Mr. J. D. Tyson: It was mentioned in Circular No. 6 issued by the Secretary of the Legislative Assembly on the 30th January last to Members of the Legislative Assembly—new Bills to be introduced No. 7.—Bill to amend the Delhi University Act, 1922—"Motion to be made, after introduction", "to consider and pass"—"purport of Bill",—"to provide for three years' degree course and certain other matters".

Dr. P. N. Banerjea: When was that circulated?

Mr. J. D. Tyson: On the 30th January, 1948, to all Members of the Legislative Assembly.

Dr. P. N. Banerjea: I do not remember having received that copy; it must have gone astray. (Interruption.) That is one point. Then there is another extraordinariness with regard to the procedure. The Honourable Member in charge of Education is not the sponsor of this Bill. He did not even honour us by his presence yesterday; we are glad to see him here to-day and I hope he will take part in the discussion on this Bill.

The Honourable Sir Jogendra Singh (Member for Education, Health and Lands): The Honourable Member knows that I cannot sponsor a Bill in this House.

Dr. P. N. Banerjea: The Honourable Member in charge of Education can speak, and take part in the debate in this House.

The Honourable Sir Jogendra Singh: I shall certainly do so.

Dr. P. N. Banerjea: In the third place, this Bill which is supposed to introduce a model constitution for the Delhi University was not circulated to other universities inviting their opinions. It was not even placed before the Delhi University whose constitution is being sought to be changed. If this is not an extraordinary procedure, I do not know what the term extraordinary procedure means.

Nawabzada Muhammad Liaquat Ali Khan: But this is an extraordinary Government!

Dr. P. N. Banerjea: My Honourable friend, the Deputy Leader of the Muslim League Party, points out that the Government is an extraordinary Government; therefore, there is full justification for the introduction of extraordinary measures. I leave it at that.

Now coming to the Bill itself, I find from the Statement of Objects and Reasons that there are three principal features in it. The first is the introduction of a three-year course. The second is the appointment of a whole-time Vice-Chancellor, and the third is the composition and powers of the Executive Council. There are some more important features in the Bill with which I will deal later. But for the present I will confine myself to these three principal features. I will deal with them *seriatim*.

In the first place, when it is desired that a three-year course which is great innovation is sought to be introduced we should have adequate information about it. But that has not been supplied. All the papers relating to this scheme are not before us. Now, Sir, the Honourable Secretary to the Education Department gave us some hints about it and my Honourable friend, Mr Sargent, the Educational Adviser, with the Government of India said that it has been considered at a meeting of the Advisory Council of Education and an Educational Conference. Mr. Sargent told us further that at the Bombay Educational Conference this scheme was accepted only on the condition that there would be no lowering of the standard of university education. Now, that is the crux of the whole problem. The whole question is whether this three-year course will result in a lowering of the standard of university education or not. On that question, I am afraid opinions differ to some extent. Some of us think that the lowering of the standard may be prevented by raising the standard of secondary education. In my opinion, this is not feasible. It is not feasible at the present moment to raise the standard of secondary education so as to include a part of the university work in the curriculum of the schools. We know what the position of the schools is in India. Speaking for Bengal, I say that there are 1,500 schools under the control of the Calcutta University and you can easily imagine what an enormous amount of expenditure will be needed to improve the standard of education in these 1,500 schools. We all know that the resources of the Provincial Governments are very limited and they have so many other functions to perform. Their attention is confined to so many urgent problems that it is difficult for me to understand how the Provincial Governments will be able to find the money for improving secondary education to a very substantial extent. It will not do merely to add one year to the course of studies in the schools. You will have to provide teachers for the schools who will be of the same calibre as the teachers in the universities. I do not know whether teachers of the type who teach subjects in the universities will be easily attracted to the schools, but even if the attraction comes, it will cost a very large sum of money.

Then, again, there is another question. In the Calcutta University, we have introduced the vernacular medium for instruction in the schools, and I believe in some of the other provinces the same system has been introduced or is going to be introduced. If that be so, it will be difficult for a student who has been accustomed to the prosecution of his studies through the medium of the vernacular schools to suddenly change to the English medium at the university stage. Three years' time would not be enough in order to qualify such a student for acquiring proficiency in the English language as well as mastering the subjects taught in the university.

Even if it be practicable for a small university like Delhi to give effect to a three-year course, it will not be desirable from the point of view of equivalence. At the present moment the migration of students from one university to another is permitted on the basis of equivalence of the courses of studies in the different universities. Now, as soon as a three-year course is given effect to, a student who has passed the Intermediate of the Delhi University, will be regarded as

a student who has attained an interior standard, because he put in only one year at the university stage. Such a student may not be admitted to the universities of Calcutta, Madras, Bombay, Nagpur, Allahabad and Benares. So, there will be a practical difficulty. We know that Delhi being the capital of India draws to this centre a large number of persons from the other provinces and when the guardians of the students retire on pension or are transferred to the other provinces, they will find great difficulty in getting their wards admitted into the colleges and universities of the other provinces.

These are practical difficulties which must be kept in view before the scheme is carried out. Coming to the second point, namely, the appointment of a whole-time salaried Vice-Chancellor, I may be permitted to say that this matter was discussed almost in every university, and in the cases of most of the universities of India this proposal was rejected. In Calcutta, it was several times suggested that there should be a whole-time salaried Vice-Chancellor, but the view was taken—and this was the view of a very large section of educationists—that that would not be a desirable innovation. The Calcutta University has had the good fortune of enlisting the honorary services of great men from time to time. Men like Sir Gurudas Banerjea, Sir Asutosh Mukerjee and Sir Nilratan Sarker have given of their best to the work of the Calcutta University, and these men enjoyed the complete confidence of the public and their prestige was high in every quarter. Now, if a salaried whole-time Vice-Chancellor is appointed, it is feared that the prestige of such a Vice-Chancellor will suffer and he will not enjoy the confidence of the general public of the country. He will be regarded as a servant of the University and as such he will not be able to rise to that high position which is necessary for holding a balance between the different sections of the educated community in the province. Sir, things are not different in Delhi. We find that Sir Maurice Gwyer, a man of outstanding ability, has given of his best to the Delhi University. I have had the pleasure of knowing him fairly closely during the last few years, and I know what enthusiasm he possesses for the work of the University and what his devotion is to such work. And I have no doubt that when Sir Maurice Gwyer retires, other men will be found in the capital of India who will be able to rise superior to narrow prejudices, who will be able to hold high the standard of education, and who will give of their best to the work of the University. Therefore, I do not think that it is desirable to have a whole-time salaried Vice-Chancellor for the Delhi University. But apart from the question of the appointment of a whole-time Vice-Chancellor, what is there in the provisions of this Bill? I find that the salary of this whole-time Vice-Chancellor is to be fixed not in the statutes or the regulations but will be determined by the Chancellor himself, and the period of service will also depend upon the sweet-will of the Chancellor. Now, if that is to be so, what sort of a Vice-Chancellor are we likely to have, a Vice-Chancellor who will depend not only for the amount of his salary on the Chancellor (or the Government) but whose tenure of service will depend on the sweet-will of the Chancellor? Are we likely to have an independent person as a Vice-Chancellor? Is it not rather likely that the Vice-Chancellor will be entirely subservient to Government?

Nawabzada Muhammad Liaquat Ali Khan: That is what they want.

Dr. P. N. Banerjea: My Honourable friend says that is what they want. Perhaps that is their intention, but our view is that that is not what we want. We want that the Vice-Chancellor of a University should be an independent person who will be able to hold the balance even between all classes and all communities, who will be able to impart a moral status to the university and who will be regarded as a sort of impartial arbitrator by all persons connected with the University. But the test which I have laid down can never be fulfilled by a person who will be appointed under the provisions of this Bill. Sir, it may happen that there may be ambitious aspirants among the teachers of the University who will fawn upon the Government and who will sell their independence in order to get this job. The Vice-Chancellor's dignified office will become something like a lucrative job, and those persons who will be disappointed will become hostile to the authorities of the University.

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Therefore, appointment and disappointment will combine to vitiate the atmosphere of the University.

Sir, it has been pointed out that in some of the Universities there is a provision for the appointment of a whole-time Vice-Chancellor. I know there is a provision in a few of the Universities, but in the majority of the Universities there is provision only for honorary Vice-Chancellors. Even in those Universities where there are provisions for the appointment of whole-time salaried Vice-Chancellors the tenure of office is fixed. This is determined by the statutes and regulations, and the salary also is determined by the rules, regulations and statutes of those Universities. These things are not left to the discretion of a single individual. Therefore, it appears to me that the appointment of a whole-time Vice-Chancellor will be most undesirable.

Now, coming to the powers of this Vice-Chancellor, I find that a most extraordinary provision is going to be introduced. In all the other Universities, we find that with the Vice-Chancellor is associated the executive body of the University in the discharge of his duties with regard to the maintenance of discipline. In the Calcutta University nothing can be done by the Vice-Chancellor except with the concurrence of the Syndicate, and I believe that is the case in most of the other Universities. Whenever the Vice-Chancellor has to take any action he takes it in consultation with the executive body and, if necessary, with other bodies of the University. But, here, we find that it is proposed not only to make the Vice-Chancellor independent of the other bodies of the University, but he is given power to act without reference to the statutes, regulations and ordinances. Now, what is the necessity for vesting such autocratic powers in the Vice-Chancellor? No satisfactory exposition has as yet been given by the two Members of the Government who spoke yesterday on this question. I should, therefore, like to have information as to the necessity for this extraordinary provision.

Sir, I come next to the second important feature of this Bill and that is the composition and powers of the Executive Council. The Executive Council of the Delhi University, it appears to me, consists of certain *ex-officio* and nominated members and also of representatives of different bodies in the University. I find that the *ex-officio* element on the executive council is larger than is to be found in most of the other Universities. In the Calcutta University the Syndicate has only one *ex-officio* member, namely, the Director of Public Instructions; and there are no nominated members on the Syndicate of the Calcutta University. Even at the present moment there are some nominated members on the Executive Council of the Delhi University. What is sought to be done now? It is sought to increase the nominated element on the executive council. Thus, it is considered desirable by the authorities to bring the executive council under the greater control of the Government. I consider this to be very undesirable.

As regards the powers of the executive council I find that extended powers are to be given to this body and two very important functions, namely, that of affiliation and withdrawal of affiliation are to be vested in this body. I am acquainted with the affairs of the Calcutta University having been closely connected with it for a very long time; and I know that in the Calcutta University the powers of affiliation and disaffiliation are vested in the Senate and not in the executive body, namely, the Syndicate. That is also the case in most of the other Universities. It is pointed out in the notes on clauses or in the Statement of Objects and Reasons—I forgot in which it is—that in the Nagpur University and the Madras University the powers of affiliation and disaffiliation have been given to the executive body.

Mr. J. D. Tyson: In the case of the Madras University powers of recognition and not of withdrawal are vested in the executive body.

Dr. P. N. Banerjee: Powers of recognition, all right. Not of affiliation. But this is only a half-truth. This is a partial mis-statement. Well, what we find is that the executive bodies of the Nagpur and Madras Universities are

under the control of the Court and the Senate, and these bodies can supervise the actions of the executive council. Therefore, I am sorry to find that the Government have indulged in half-truths and mis-statements. Now, Sir, what will be the effect of entrusting this power to the executive council? The Court, which is a body consisting of a large number of impartial men who come from outside, will be deprived of a very important power, and this power will be exercised by a close body consisting of teachers who are to be under the thumb of the Government to a much greater extent than they are at present. This is most undesirable from my point of view.

There is another matter which is not mentioned in the Statement of Objects and Reasons appended to the Bill,—but which is very very important—namely, the constitution of the Selection Committee,—a committee which recognises the teachers of the University. Now, a very strange constitution is proposed for this Selection Committee. This committee will consist of a few persons—four persons—consisting of the Vice-Chancellor, the Educational Adviser to the Government, one representative of the Academic Council and one person nominated by the Government. It will be an entirely official-ridden body. Can this body look to the interests of the teachers to the extent that it ought to? I am afraid, this body will not enjoy the confidence either of the teachers or of the general public. This provision of the Bill is entirely unsatisfactory.

Sir, there is another matter which is not included in the Statement of Objects and Reasons and to which I wish to refer for a moment, namely, the amendment of statutes. Under the Act of 1922 the University has a right to amend statutes. But certain amendments to the statutes have been embodied in the Bill which is before us today. What is the necessity for embodying so many statutes in this Bill? It is said in the Explanatory Notes that it is easy to have these amended by the Legislature. How it is easy, I fail to understand. The time of this House is very valuable and we have to consider so many other important things. I think it would have been very much easier for the Court of the Delhi University to consider carefully and in detail these statutes. My Honourable friend Nawabzada Muhammad Liaquat Ali Khan suggested yesterday that these statutes were placed before us because the Govern-

12 Noon. ment knew that in a depleted House it would be quite easy to have them passed without any difficulty. That is where the easiness of the procedure comes. If that view be correct, then the action of the Government deserves the strongest censure.

It is clear from what I have said that there is no justification for having brought forward this measure in a hasty manner before this Assembly,—a measure which is so important and which is fraught with so many possibilities for evil. From the point of view of the Government this device may be good, but from the point of view of the public it will be regarded as most unwelcome. It is difficult to find out the reason which has prompted the Government to bring forward this measure before us. It has been suggested by an Honourable friend of mine, Mr. Amarendra Nath Chattopadhyaya, that there has been considerable mismanagement on the part of the authorities of some of the colleges. These complaints have also reached my ears, and I have no doubt that these complaints are true in respect at least of the management of one of the colleges. In that college, no properly constituted governing body functions at the present moment; there is no security of tenure for the teachers, there is no system of graded salary, the treatment of the teachers is far from satisfactory, and the teachers' salaries are often in arrears for three months at a time. Now, if that is the evil which is sought to be remedied by this Bill, I think the Government had not been very properly advised. If the Government had brought before us a temporary measure to deal with a temporary difficulty, we might have considered such a measure on its merits. We might have been prepared to help the Government in getting over their difficulty. But what the Government has done is to seek to place on the Statute-book a permanent measure of a retrograde and reactionary character. We cannot agree to this. Sir, I know that evils are very often associated with

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the functioning of democratic governments. We all know that at one time Tammany Hall and gangster methods were associated with elections in the U. S. A., but was anything done to curtail freedom in that country. No; the result was that all these evil aspects were overcome; and today U. S. A. stands out as the greatest democracy in the world. In India also, I admit, there are many undesirable features associated with self-governing institutions, but that is no reason why we should destroy these institutions. The remedy for the evils associated with freedom is not curtailment, but the expansion, of freedom. Sir, we have been told again and again that the Government desire to establish self-Government in this country. But if they be sincere, the Government should not take away the autonomy of self-governing institutions which exists at the present moment.

Sir, I am perfectly sure that there is no justification for this Bill, and I have no option but to vote for the circulation of the Bill so that opinions may be invited and in order that a proper measure, if necessary, may be placed before the House.

The Honourable Sir Jogendra Singh: Sir, may I claim the indulgence of the House and explain that Government have no other purpose but to promote the cause of education and to place the University in a position to govern itself. I believe my Honourable friend Nawabzada Muhammad Liaquat Ali Khan spoke with no great enthusiasm as to the working of democratic system and I trust that he will in any case support me in helping to organise the University on a basis on which it can most efficiently perform its arduous duties.

Nawabzada Muhammad Liaquat Ali Khan: Has the Honourable Member become a convert to my view?

The Honourable Sir Jogendra Singh: That is an entirely different matter.

Nawabzada Muhammad Liaquat Ali Khan: Those who do not believe, have no right to preach.

The Honourable Sir Jogendra Singh: The Bill aims at strengthening the University, to provide for efficient direction to make a model University in the metropolis of Delhi which might serve as a model to the Provinces. The University therefore must aim at setting up a standard which other Provinces may follow. The question has been raised regarding three years course at the Delhi University. The question is, whether the prevailing system in other universities equips our students to make the best of their lives after the training they receive and whether it is not advisable that at the most critical stage of education they may be in a position to decide whether to pursue the course of higher education or to train themselves in vocations for which their mental and physical qualities fit them.

The Bill aims at adding four members to the executive council of the University, two are to be elected and two are to be representatives of women who rock the cradle and mould the mind. I am sure no Honourable Member of this House is going to deny representation to women. The proposed change would add to the efficient working of the University. The question is not of following any system but to do what would give strength to the University. I do not for a moment believe that at the present moment the organisation of the University cannot be made more efficient. We ought to take all possible measures to increase efficiency I am sure Nawabzada Muhammad Liaquat Ali Khan will agree with me that there is nothing repugnant in the way which we have adopted in providing for administration of the University.

Secondly, the Bill proposes to invest the executive council with the power of granting or taking away recognition of colleges. This is undoubtedly a very important departure, but in all democratic institutions it is the executive that is invested with executive action and in this case also the executive council of the University, which is a fairly large representative body, will have the power of making very important and urgent decisions.

Sardar Sant Singh (West Punjab: Sikh): May I ask the Honourable Member, if he permits me to interrupt him, which is going to be the sovereign body under this institution—the Court or the Executive Council?

Nawabzada Muhammad Liaquat Ali Khan: Neither.

The Honourable Sir Jogendra Singh: I do not think the University is departing from the system prevailing in other Universities to any large extent. The power is divided between the Court and the Executive Council. Take any democratic institution; there is the legislature, but its power is exercised by the Executive.

Dr. P. N. Banerjee: Without any control?

The Honourable Sir Jogendra Singh: How can you say that?

Sardar Sant Singh: Which is the sovereign body? (Interruption.)

The Honourable Sir Jogendra Singh: University is the sovereign body.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sovereign body! Does the University, according to you, mean the Vice-Chancellor.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): The Chancellor through the Vice-Chancellor.

The Honourable Sir Jogendra Singh: I do not think that is a correct interpretation. The sovereign body is the University with its Executive Council and its Court.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): In the matter of policy, Court; in the matter of action, Executive Council.

The Honourable Sir Jogendra Singh: Investing the executive council with the power of granting or taking away recognition to the colleges, is an important departure, but I think, the executive council will not reach decisions which are repugnant to the Court.

Dr. P. N. Banerjee: But that is not provided here.

The Honourable Sir Jogendra Singh: As for the whole-time Vice-Chancellor, Delhi, I hope, will provide public-spirited educationists who would be found to continue the good work which Sir Maurice Gwyer has so wholeheartedly performed. I can assure the House that as long as selfless, devoted and qualified workers can be found, the question of appointing a whole-time salaried Vice-Chancellor will not arise.

Nawabzada Muhammad Liaquat Ali Khan: Salaried Vice-Chancellors are not selfless?

The Honourable Sir Jogendra Singh: Lastly the constitution of the Selection Committee is a point which was agreed to by all the colleges.

Dr. P. N. Banerjee: Under duress.

The Honourable Sir Jogendra Singh: Not under duress. I think Nawabzada Liaquat Ali will be in a position to say whether it was under duress.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Under persuasion.

Syed Ghulam Bhik Nairang: Nawabzada has merely called a spade a spade.

The Honourable Sir Jogendra Singh: I have only one more word to add because the House is not in a mood to listen.

Dr. P. N. Banerjee: There is no case to be defended.

The Honourable Sir Jogendra Singh: The matter has been considered since 1934 onwards and the search-light of public opinion has been all the time on it. Most of the reforms that this Bill embodies have been accepted by those who met. Government has not sought that the Bill should be immediately passed. We have agreed to refer it to the Select Committee, and the Select Committee will consider the proposal in all its aspects.

Dr. P. N. Banerjee: But you ask us to accept the principle of the Bill.

The Honourable Sir Jogendra Singh: I cannot see what purpose it would serve to circulate the Bill for the purpose of opinion—opinion which has already been consulted, opinion that has agreed to certain principles of the Bill, opinion which has been focussed in all the meetings of the University, and I can only say:

*"Hazrat-i-Nasih qar den dida-o-dil tarsh-i-rah.
Koe mujh ko yih to samjhaao ki samjhaenge kyun."*

Nawabzada Muhammad Liaquat Ali Khan: Pehi to ham ko bhi shikayat hai.

Dr. Sir Zia Uddin Ahmad: The present Bill differs substantially from the other amending Bills: It does not seek to amend one or two clauses. It is not a Bill for certain purposes, but it changes the entire constitution by providing

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would be followed by a two year course for B.A. degree. But that was only a temporary arrangement, and it is not to be adhered to for all the time.

Now the question is whether the time was not come when we should go back to the recommendations of the Commission and in this particular case the one thing which I would very much like to consider is the question of finance.

Dr. P. N. Banerjee: Also the quality of teaching.

Dr. Sir Zia Uddin Ahmad: The first thing is about finance, because it is essential to know whether it would be possible for these high schools which are now in existence to add one more class and give the boys the quality of instruction which is comparable to university education. Of course, simply by adding one more teacher you cannot add one more class. We should appoint a teacher of a certain calibre who may be able to impart the education which is not being imparted in the colleges, and who may be able to take up this class. So if we are to add a teacher, he should be added at the top, and not only a teacher of general utility but specialist teachers in the subjects included in the course of instruction, and that involved a good deal of expenditure. I am not aware whether the finances in this particular case have been worked out. I would like to know what will be the effect on the finances of the transfer of one class from the university to the high school, and what will be the difference between the present expenditure and the expenditure that will have to be met if the transfer is made.

Mr. J. D. Tyson: If I may set my Honourable friend at rest at once, these particular points—very vital points—have been worked out and funds have been provided.

Dr. Sir Zia Uddin Ahmad: I am glad it has been worked out; in which case I consider a memorandum ought to have been presented to this House giving all these details. It is very desirable that people who are not familiar with the detailed working of the University and the secondary schools should be in possession of this information before they are asked to accept this recommendation.

Another thing in favour of change is the report of Abbott and Wood. Messrs. Abbott and Wood really considered this question and they made practically the same recommendations which are embodied in this Bill. Their arguments also should have been included in the memorandum which should have been circulated to Members here.

This matter was also considered by the Central Advisory Education Board, perhaps not directly, but in connection with the proposal about the multiplicity of examinations. This committee also came to the conclusion that we are having too many examinations, and these examinations ought to be simplified; there should be one examination at the end of the high school career and one at the end of the University career, and we drop intermediary examinations; this particular report is a very important document; those who were members of that Board know something about it; but the Members of this House and especially the country at large and those who are interested in education ought also to know something about the decision of the Central Advisory Board and Education. Some kind of memorandum on this particular point ought to be prepared; if it is not prepared now, it may be done later, so that we carry the public opinion with us. It is not sufficient that we decide these things by majority; in whatever we decide we should have the conviction that the public is with us and we are doing it in the best interests of education.

The second point which I want to discuss is the nature of the University. The Delhi University will not be a small university in a small out of the way place like Cambridge or Oxford. It is a university at the seat of the capital of India; and we get people here not only from the Delhi province but from all parts of India, who come to serve in the Government of India secretariat and for various other purposes. Therefore we have really to provide for the education of this particular class of people who come from various provinces. A person is appointed or posted here in the Government of India secretariat and he brings his family from Bengal or Bombay or some other province, and in that case he

would like to know what would happen to his sons and daughters who were studying in schools or colleges in their own provinces. Supposing a boy has passed the high school examination, corresponding to the matriculation and wishes to get into college, and finds himself confronted with this new secondary examination, what would happen to him? Will he be able to join the Delhi University or will he be kept out? It is therefore very desirable that we should have some kind of transitional arrangement by means of which these students who come from other provinces may be able to join the university here; and this should be reciprocal; students may leave this university at the end of their first year and after passing that first year which is equivalent to the intermediate examination, will they be able to join the third year course in other universities when they go back to their own provinces? Some reciprocal arrangements will have to be made with the other universities in India about this. This could have been solved had there been a kind of conference not only of the Delhi University authorities, but a conference of educational authorities representing the different universities. There should be a mutual arrangement between the different universities during the transition period when students pass from one university to another. If a three year course for the B.A. degree is accepted by all universities in India, and one examination at the end of the school course, corresponding to class 11; then the difficulties will be removed. But if you begin with one university and other universities keep their old nomenclature and old standard, then the difficulty will arise in the migration of students from one place to another. I am personally convinced that this three year course is a good one, but I dare not introduce it in Aligarh, for this simple reason, that I get students from all the universities of India and I do not know how to provide for this: also students after receiving a course of instruction for one or two years go back to their various universities and what will happen to them? This problem ought really to have been tackled before we take up this three year course only in one university, leaving out the 17 remaining universities to follow the old system. What will happen when there is a migration of boys from one university to another? The authorities should look into this matter very carefully.

I have therefore two suggestions to make about this three year course, in order that we may be able to carry the public opinion with us. We should have a very well argued memorandum circulated among the educationalists in this country, mentioning the whole history of this movement and the reasons for bringing forward this motion. Secondly, during the interim period, if we adopt this measure, how are we going to meet this problem of the migration of students from one place to another? A third matter, which is also important, and which probably does not appear in the Bill, but may have been put in the ordinances, is this: there are certain professional colleges which require students to have passed the intermediate examinations before they can be admitted. Here in this university we will have no intermediate examination and what will happen to such students who wish to join those professional colleges? We will have to make arrangements that such students as may have passed a certain examination at the end of their new first year should be eligible to join those colleges; otherwise

Dr. P. N. Banerjee: Medical, engineering and other colleges.

Dr. Sir Zia Uddin Ahmad: Yes; this arrangement should be made and we should be in a position to judge whether this can or cannot be done; we must have some reasons to believe this can be done and then only we will be satisfied with this Bill.

Dr. P. N. Banerjee: These things have to be looked into.

Dr. Sir Zia Uddin Ahmad: I think we must in this matter carry the convictions of the people also. I am convinced myself, but I am sure that I cannot convince even my friend, Dr. Banerjee and my other friends here unless all these facts are before me and I am in a position to reply to all the criticisms that may be raised if we have a three year course.

The Honourable the Secretary for Education has told us that he has worked out figures for the Delhi Province but this is not enough; we should have the

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new set of statutes, and it introduces certain questions of principles, and it is for this reason that I would like to say a few words which may serve as a background of the arguments which I will use about this particular Bill.

We know that the Despatch of 1854 is the Magna Charta of our educational system in this country. Ever since this modern system of education was introduced, our system was examined very thoroughly only by one Commission in 1880—i.e., the Hunter Commission—and since then no Commission ever met which really reviewed the entire system of education in this country. Even the Hunter Commission discussed the primary and the secondary education, but they overlooked entirely the higher education and, especially, the relation of higher and secondary education. Now those recommendations have become obsolete and it is very desirable to review the recommendations made about 60 years ago by the Hunter Commission. The subject came up for review by the University Commission of Lord Curzon in 1904, but, I think, it was only an eye-wash. They only removed certain difficulties which had cropped up in the working of the Universities and especially, in the inter-University relations. The other Commission which reviewed the subject of higher education very closely was the Calcutta University Commission, but they were also handicapped in two respects: In the first place, their attention was confined to one University and not to the problem of education as a whole throughout the country; and, in the second place, they did not discuss and go through thoroughly the system of secondary education and the connection of the secondary education to higher education. Therefore, I charge the Government today that in spite of what they have done as regards labour, in spite of what they have done as regards taxation, they have not done justice to the education of this country in not appointing a single body which may have reviewed the whole system of education from A to Z—from primary education to University education. The only thing that is in existence is a review, which is absolutely out-of-date, by a Subcommittee of the Simon Commission, of which the Honourable the Leader of the House was one of the members. It only reviewed the position which then existed, but it made no recommendations as to future programme. Therefore, I say, we are very much handicapped as far as education is concerned because this has not attracted the attention of the Government of India, who are responsible for education. Even in the case of post-war reconstruction, they have been discussing a good deal about taxation, they have been discussing a good deal about industry, but I have not heard a single word from any member of the Government of India as to what would be the post-war reconstruction in respect of education. May I remind the Honourable Member in charge of Education that the most important Bill which England ever brought forward was devised during the Great War?—I mean the Fisher's Bill which really laid the foundation of modern system of education in the United Kingdom. I think in the present war we ought to go into this question, and this is the time when we ought to consider very thoroughly what would be our educational policy after the war. Therefore, I hope my friend will take up this matter seriously. This is one aspect of the problem which we are considering today. Let us work from now onwards as to what would be the policy of education in India, not only in the case of higher education, but higher education with reference to secondary education, technical education with reference to general education, primary education with reference to secondary education and vocational education with reference to compulsory and free education. These are the problems calling for the attention of the Government of India, and I wish they find time to go into these questions, and I am sure that my friend in charge of Education will go into the matter and initiate something which will be handed over to generations as a landmark of progress in education.

In educational matters we cannot decide issues by show of hands as we do in the case of other Bills. We must carry with us the conviction of the country. I knew of a Professor who decided questions on education by votes. Even the question of grammar was decided by show of hands. Whether a word was masculine or feminine, was decided by show of hands. So we have specimens

of teachers who have attempted to introduce democracy and decided questions on grammar by votes. But this way of doing such things is not shared by other educationists, and they are convinced that in matters of education we ought not to decide by a simple majority, because if we decide by a simple majority, we ought to realise that 92 per cent. of the majority in this country cannot read or write. Therefore, it is not the number which commends itself; it is the intelligentsia which counts in settling all these problems. This is a thing in which we differ from other Bills. We cannot even decide or bring forward superficial arguments, such as those by which my friend Mr. Pillay was affected in Tea Expansion Bill. Here we have to decide by solid arguments, which should be logical and convincing to every thinking person.

I take up now the problems referred to in this Bill. Firstly, the question of the three-year course. Individually, I am in favour of the three year course, and I will give you my arguments in its favour, but the manner in which it has been put before us, and the way in which we are asked to give our vote, is not very fair. This important issue is put before us in the form of an amendment to section 36 of the Act, and that is proposed in section 12 of the Bill. Now any outsider who will read section 2 of this Bill will never understand what they are aiming at. I challenge anybody to say whether they are contemplating a change to the three-year course if he reads clause 12 of this Bill, that, after the words "for the time being in force" the words "or the Higher Secondary Examination of the Board of Higher Secondary Education for the Delhi Province" shall be inserted; for the word "thereto" the words "to either such examination" shall be substituted, and after the words "Such further qualifications" the words "if any" shall be inserted. By reading a thing of this kind did we ever contemplate that we were revising the whole fabric of our educational system, both secondary and university. I think it would have been fair to the House, and certainly very necessary to convince the public outside if a memorandum had been prepared in connection with this issue and laid before the public, so that all would have known the reasons for the introduction of the three year course for the B.A. degree.

I said I was in favour of this change, but I should like the public to know why I am in favour of it. This question was discussed very thoroughly by the Calcutta University Commission which were in favour of the three-year course, and their recommendations are really embodied on page 257, Vol. IV of the Calcutta University Commission's report, which reads:

"When this change has been effected—a process which may take years—the most desirable arrangement, and that which would be most in accord with the practice of other universities, would be that he should now spend three years in reading for the degree of B.A. or B.Sc.: that he should normally spend the whole of this period under the same direction; and that, for the majority of ordinary students, this should constitute the whole university course. It seems to be the experience of most universities that a generous and well-balanced scheme of training in the arts or the sciences cannot well be fitted into a shorter period than three years:"

Dr. P. N. Banerjee: Was this three-year course to be after the Intermediate? At the present moment they say after the secondary stage.

Dr. Sir Zia Uddin Ahmad: This was the opinion of the committee but on account of certain difficulties, they provided for interim period a new suggestion. There was unanimity on the point that the total period of instruction required for B.A. degree should not be increased and that the time spent in education at the time the Calcutta University wrote their report should not be increased by one year, and that a student should be able to take his B.A. degree after the same period of instruction. If we had a three year course instead of four, the only alternative was that we should transfer the first year from the University to the High School. That was really the way in which it was suggested but it was discovered that the majority of those schools could not possibly take up the first year course. I myself calculated the finances of this transfer of the one year's course from the University to the High Schools and I found that the cost was so great that at the moment this could not be taken up. Therefore an intermediary method was evolved, i.e., the Intermediate College to teach the first two classes of the University, known as the first and second year classes. This

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figures for the whole of India, because if it is a good scheme, then there must be uniformity and it must be done all over India simultaneously if possible; otherwise this thing will be unpopular. In the long run it will not be successful if we work out this three year course only in Delhi and leave other universities in the present position. Because we have got the financial resources of the Government of India we are in a different position; but look at the poor universities like ours or the poor provincial universities . . .

Sardar Sant Singh: But he is not a printer of the notes—he is not that person.

Dr. P. N. Banerjee: And the authorities of the schools also have to be consulted?

Dr. Sir Zia Uddin Ahmad: So that this thing has to be considered not only with reference to this one particular province of Delhi; it should be worked out for the whole of India; it is one of the most important problems in educational matters, if we are to work it out and force it as a uniform policy for the whole of India. If it is good for you, it should be good for all. If you are so selfish that you adopt a thing which is good for you and leave the other universities to their own fate, I do not believe in such selfishness of the Government of India. Whatever you think is good, you must also convince the other universities that it is good for them so that they may follow your good example. If you leave others to their own fate because they cannot afford the expense that it will involve, it is not fair at all, and you are not giving a lead which you as Government of India should do in education. I leave this particular aspect of the topic by saying this, that this is a matter which requires careful study not only with reference to the Delhi Province, but with reference to all the other universities and education of India as a whole—we should study, not only the financial aspect, but also the relationship of secondary education with higher education. It cannot be done either by the vote of this House, nor can it be done even by votes in Select Committee. It is a very big problem and requires careful study by a Commission. I would have suggested a Royal Commission to consider the entire problem of education—along with this the post war reconstruction, in education. I suppose the Education Department may have been considering the matter in their mind, but the public does not know about it, and this is the time when the public ought to know what the Government are contemplating, how they are going to have reconstruction of education.

I now come to the second question, namely, the appointment of Vice-Chancellor. I have studied the question and I am familiar with the difficulties which at least in other universities including one I had to face myself. There is one point which I do not understand. It is possible to provide a period for the appointment of the Vice-Chancellor, and the same Vice-Chancellor could be appointed twice, thrice or four times. But to frame the Act in a manner that he could only be removed by an act of God, is rather unfair. I think it is desirable that some definite period ought to be provided and repeated re-appointment may be possible.

As regards manner of appointment, I can give you two contradictory examples; one is the Aligarh University and the other is the Delhi University as proposed in the Bill. In the Aligarh University any member of the Court can get up at the meeting of the Court and propose the name of any one as Vice-Chancellor and the question will be decided by vote then and there, though there is a safeguard. Any person can propose the name and if he is a good canvasser he will get votes. But in the Delhi University the whole thing will depend upon the Viceroy, the Chancellor. In one case you have got the vote of the majority, in the other, the opinion of a single person. I think both are dangerous—that is, to decide simply by a vote of a big body or by the opinion of a single individual. Therefore it is desirable that the names of all possible candidates should be scrutinised by some responsible body. It was suggested in connection with some universities that there ought to be a committee of

reference. This committee of reference should really examine all possible candidates and suggest three or four names either for election or for selection. This method did not materialise in any university; but the Dacca University has done better than any other university—you, Sir, are familiar with the working of that university. The Executive Council proposes names. They scrutinise all possible candidates and suggest names to the Chancellor for selection, so that their names are scrutinised first by a body of persons and they recommend certain names. That procedure has only one defect. The executive council proposes their own member for selection. It should not be left entirely either to the vote of a majority, or to the opinion of a single individual, without carefully considering the merits of all possible candidates who may be in the field. There are defects in both courses. If it is left to the majority vote the elected Vice-Chancellor is in a very difficult position. He is the subject of abuse from the minority in the shape of pamphlets, leaflets and all other possible things.

Sardar Sant Singh: All from personal experience.

Dr. Sir Zia Uddin Ahmad: If he is selected by one individual, then he will be subjected to abuse from the elected members who will form part of the Academic Council and the Court. In the case of the Vice-Chancellor, I would suggest some authoritative body or thinking body should review all possible candidates and make recommendations to the appointing authority. This is a thing which I would very much like to have and that is wanting in this Bill.

The third point which to my mind is a very important one, is this. When we frame a constitution we should have some idea in our mind of what we are going to do, because law is made according to facts. Facts are not changed to suit the law. The fundamental principle is that you cannot make legislation first and then expect facts to change according to law. But we must take the facts into consideration and make law to suit the facts. Here we should consider what the facts are, and after looking into those facts we must see what is the best thing that we can do. I carefully considered at one time the removal of all the colleges in Calcutta from their present location to one Manktola area, but it was found to be impracticable for a big town like Calcutta. The same applies to shifting colleges to the old Government House in Delhi. It has got many advantages I quite agree, because it will create an academic atmosphere, it will create an *esprit de corps*, and it will be good for the general tone of the university. But at the same time we should remember that Delhi is not a small town. It is the capital of India, it is a scattered city with a large population and an increasing population. You cannot expect person who are sending in New Delhi to send their children to live in hostels in old Delhi, which is very expensive, and parents would not like to put them there, the boys would be more comfortably looked after in their own homes. There will be a large number of parents residing in New Delhi who would like to have their children educated in the university of Delhi. Should they send their children daily from New Delhi to Old Delhi to receive their educations, even for games and tutorial guidance?

Dr. P. N. Banerjee: And spend large sums of money on conveyance?

Dr. Sir Zia Uddin Ahmad: We ought to have provided in the statutes about the manner in which we intend to meet the requirements of people in New Delhi. This can be done in two ways. This is a problem which I have been considering in connection with the Aligarh University—the question of day scholars residing two miles away from the university. One method would be to create a kind of non-collegiate college in Delhi like the Fitz William Hall in Cambridge. It is a non-collegiate college where students reside in their own homes, but for social purposes, games and so on, they become members of the Fitz William Hall which may be located in New Delhi. The second way is to provide conveyance, and I do not know whether in these days of shortage of petrol it could be possible to do so. The cost of transport in these days will be very great to take the boys twice over. This problem ought to have been considered very carefully and it ought to have been examined more thoroughly, and it ought to have come in the statutes and not be left to

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ordinances, because it is a question of principle and the matter cannot be left over to ordinances. There ought to have been some mention in the statutes about residence and education of the sons of parents residing in New Delhi.

The next point which I consider to be the weakest point in the whole Bill is this. It relates to the question of recognition of these colleges. I considered this question very closely some years ago. Unless the University has got sufficient funds at its disposal which it can give to weak colleges, this system of recognition will not work. If you tell a college "You must have so many teachers, so many rooms and spend so much money" and the college says that they are not in position to spend the money, then you must be able to provide funds. If you do that, then your recognition will have some meaning and it will be useful. But if you have got no funds and tell them 'Go on, collect funds. If you do not collect funds, we will disaffiliate you' and the college says they have no money, then what will happen is that the college will cease to exist. You will only be killing the college. The college will be closed. Suppose you say that to the Arabic College and the college closes, what would happen to the boys? The boys of the college will have to seek admission elsewhere. It is all very well for you to say that you refuse to recognise this particular college but it is not fair to the students, for whose education you have the fullest responsibility. Unless you provide for the education of the boys who will be turned out by your action, your action will be very unfair to the general progress of education. Unless you place large sums at the disposal of the university, provide them with funds in order to improve the staff, improve the building, the equipment and the laboratories, of the recognised colleges, it will not be possible for you to enforce it. Simply to say that if you don't get the money from somewhere, we will close the college is not fair. The members of the governing body or the managing committee will not be affected. They sit in their homes but the persons who will be affected will be the students. (An Honourable Member: "And also the teachers"). I do not care for the teachers so much. I care for the students first. In case the students are distributed among the remaining colleges, it will be difficult for them to be admitted there and even then the question of additional staff in these colleges will arise. You cannot distribute one thousand students from one college which will be closed by your action among the other colleges without increasing the staff of the other colleges. This system of the recognition of colleges will work very unsatisfactorily. I think unless you place very large funds at the disposal of the University, the provision for the recognition of colleges will prove either very dangerous, or very ineffective. We must consider the whole position very seriously and we must see that we all co-operate together for the improvement of education. We want to utilise the resources that we have got most economically. That is the thing which we must bear in mind. If you only pass orders and do not give the funds, you may rest assured that there will be motions of adjournment here, there will be all sorts of questions and resolutions brought forward. You will be bombarded with telegrams and letters which the Honourable Member may not have even the time to read. That sort of thing will not do. Whatever scheme is proposed, we must see to it that it is workable and it is in the best interests of the University.

The next thing in which this Bill is exceedingly weak is the creation of constant friction between the teachers and the members of the Governing Body or the Managing Committee of these colleges. If the Bill as it stands now becomes law, then it will be a potential source of misunderstandings and quarrels between teachers on one side and members of the managing committee on the other. The teachers will always be supported by the Vice-Chancellor and the Executive Council. The members of the managing committee will be supported by the public. There will be constant friction between the University teachers and the teachers of the college and the Vice-Chancellor on one side and the members of the Governing Body of that particular college and the public behind them on the other side. That reminds me of what actually happened in the Calcutta University. At one time the Government of India was responsible for the

Calcutta University and the Government of Bengal was responsible for the maintenance of colleges, specially Presidency College. There was rivalry between the Presidency College and the University. The Government of India supported and financed the University in order to fight the Presidency College. The Government of Bengal supported the Presidency College and they financed it, in order to compete with the University. One was financed by the Government of Bengal and the other was financed by the Government of India and there was a regular unhealthy competition between the University and the Presidency College and I hope my Honourable friend will remember the years 1912, 1913 and 1914 when this state of affairs was going on in the University of Calcutta. Therefore it is really a point which ought carefully to be considered. I am afraid if this Bill remains as it is, it will be a fruitful source of trouble between the teachers on one side and the members of the Governing Body on the other. I have plenty of experience of that kind of thing as a teacher and as a member of the Governing body. This is a thing which we ought to avoid as far as possible. One method of avoiding this trouble is the method adopted by the colleges in Cambridge. They are endowed institutions. You make the teachers the trustees of the endowment. So, the teachers administer the endowed property and the public is not interested. They do whatever they please. If they mismanage it, the Government of the day will step in and do the needful. The members of the Governing Body must convince the donors, that is those who give the money, that it is doing useful work and that it is in the interest of the community. Then they will be able to collect funds. Those who give the donations would always like to ask whether the funds you have got are economically spent. Unless the Honorary Secretary and the members of the Managing Committee convince the public that the funds are being most economically spent, they will not be able to collect funds and they will be in great difficulty. My friend would know that in the Punjab there is constant friction between teachers on one side and the members of the Governing Body on the other. I am not aware of any institution in India where such friction does not exist. It did exist in some universities at some time. It is a constant factor in other universities. What is the solution for this state of things. One suggestion is that you should follow the practice in Cambridge where the teachers are the trustees but here in India the practice is different. Institutions are not maintained by any endowment but they are maintained by constant collection of funds by the members of the Managing Committee. Where will you draw the line of demarcation as to what the teachers should do and what the managing committee should do. The source of friction will be there. The teachers will receive the support of the Vice-Chancellor and the Governing Body will receive the support of the public and there will be constant trouble. So, you have to draw a line of demarcation and the line of demarcation should be that as far as the financial side is concerned it should be left in the hands of the Governing Body and as far as the Academic side is concerned it should be left with the teachers. This is a very practical division and it has been adopted in some of the Midland Universities in the United Kingdom. I suppose my friend the Educational Commissioner would probably know that in the constitution of the Midland Universities they have got a complete separation. All academic matters are managed by teachers. The financial side is managed by the Teacher Council. No teacher, not even the Vice-Chancellor, is a member of the Executive Council. The Vice-Chancellor simply goes there and puts the matter before them but the matter is decided by the vote of a body of persons none of whom is a teacher in the University. This is one method of division of work. I do not know what would be the most convenient system but this is a point which we have to guard against and we ought not to make a law in which we provide a potential source of friction between the members of the Governing Body and the teachers.

Now, the other point is about the question of the recognition of the teachers. We have got in every institution very good teachers who are very keen in their work and we have also got teachers who do not take sufficient interest in their work and are not inclined to do any work and it is very difficult to judge the

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efficiency of their work. In an office you can find out whether a particular clerk is or is not working properly, but in an educational institution it is very difficult to do that. You can certainly find out whether a teacher is present in the class or not but what he is teaching in his classes—whether he is wasting the time of his pupils or whether he is giving them proper instruction—you cannot discover and especially in these autonomous universities where the teachers themselves are the examiners. In the old days when we had external examining bodies, we could judge of their work by the examination results. But that is not the case now because these very teachers are the examiners also and it is very difficult to say what they are doing. In this case we have also to consider the difficulties which the teachers have. No doubt we should be very careful to see that they have a security of tenure and this is provided in the Bill and I entirely support this provision. Teachers as a class like peace of mind and they prefer to be left alone and do their work. But there is the other side also to be considered. They say that their position is secure because they have got their salaries and it matters very little whether they do their work or not. This is a particular habit of mind and it has been considered by the various universities in Europe and they have got a very good solution of it. For example in the Continental universities the fee paid by the students is given to the teachers as a kind of extra remuneration. So, if a teacher does not do good work, he gets very few students and his income is reduced proportionately. If a teacher is doing good work, he gets large classes and more income. So, it is an incentive for the teachers to do their work thoroughly in order to attract students and thus augment their income. But if there is a fixed income and nothing is added to it, then there is a tendency on the part of some teachers—and I think such teachers are to be found everywhere—not to do any work and their work cannot be judged. If the Governing Body of any college fixes upon a particular teacher some blame and says that he is not doing any useful work, I am sure the whole body of the teachers and the whole of the university organisation will support the teacher who has been indolent and the Governing Body will have to withdraw their objection and will be satisfied with what they get from this particular teacher.

Now, the other point that requires careful consideration is about the powers of the Academic and Executive Councils. I have great apprehension that there will be a friction between these two bodies. Their division of work is not so good as it is in some of the other universities which have been created under the legislation passed after 1920 and based on the report of the Calcutta University Commission. And here there is a great deal of confusion between the powers of the Executive Council and the Academic Council. They have given the powers to the Executive Council over the examiners and I do not know whether it is advisable to do so. Therefore, this matter should be considered very carefully and avoid causes of friction between these two bodies. If this division is not fairly marked, I apprehend there may be some friction between these two bodies.

Now, as regards the Selection Committee. The chief function of the Selection Committee is to select the best men and they cannot select the best men unless there are experts of that particular subject on that Committee. Supposing you are selecting a teacher of zoology or chemistry. Unless there are some experts of that particular subject on that Selection Committee, I do not know what would be the value of the selection. You may have three officials but none of them may be an expert on the subject required. Therefore, it is very desirable that the constitution of the Selection Committee should also be modified in order to include some experts of the subject for which a teacher is going to be selected.

The next thing I would like to mention is that I would like to remove all the sections about scholarships and endowments from the statutes. They ought to go to the ordinances. In order to visualise the statutes, we must consider the ordinances as a whole because, after all, the important thing is the teaching and

instruction and we should always consider what are the things which may enable us to determine the value of the teaching and administration of the university.

Before I sit down, I would like to appeal to the Government of India that when they are embarking to reform this important University,

Dr. P. N. Banerjee: Reform or deform!

Dr. Sir Zia Uddin Ahmad: By whatever name you may call it because to a mathematician a negative number is as good as the positive number. If you are going to reform this university, then you must be prepared to spend money because without spending money it is impossible to reform it. If you chalk out a line of action and money is not forthcoming to meet the requirements, the change instead of being useful may be harmful. Therefore, we should be sure that money will be forthcoming to meet the necessary reforms which are now brought forward here. One other thing should not be forgotten. There are two other Universities also under the direct care of the Central Government and their claims may not be overlooked. I think it would be unfair to treat one university as a beloved child and leave the others in back ground. There should be some fair proportion between the grants to these universities. The other two Universities may like to adopt the new programme of Delhi University. There is a great need of medical college and the Government of India is not maintaining any medical college. Delhi being the capital of the Government of India there ought to be a medical college in this University. I think, the universities which are directly under the Government of India should have the privilege of sending their candidates to this Medical College. At present, a University like the Aligarh University, is handicapped. This being a University under the Government of India it gets students from all the provinces. Whenever we send a student from Bengal to the Lucknow University for admission to the Medical College he is told 'well, you do not belong to this province, therefore, you cannot get admission to the Medical College'. On the other hand, when we send a Bengali student to the University of Calcutta for admission to the medical college, the authorities there tell the student "as you have not passed the examination from the Calcutta University, you are not entitled to admission to the Medical College, and you have got no claims". Under these circumstances these poor students are very much handicapped in getting admission to any Medical College. If there be a Medical College in Delhi, the students who pass their examinations from such Universities as are directly under the control of the Government of India, they will not find it difficult to get admission to that college. Therefore, I think, it is very desirable to consider very carefully all the details of this particular Bill and act in a manner that may lead to the improvement in the affairs of the Delhi University which should be a model for other Universities. The success in three years course for the B.A. degree and the new synthesis between the University and its associated colleges and between the University and new High Schools will revolutionise the educational programme in India.

Sardar Sant Singh: Sir, in intervening in this debate I want to assure the Honourable the Secretary for the Department of Education, Health and Lands that I am not a stranger to the system of education. I have been trained as a teacher and possess a permanent certificate of the highest class of teachers of my time. I have served in the educational institutions for four years of my early life and then gave it up for Law. For a very long time I have been connected with the Degree College of Lyallpur being on its Governing Body. So, when I speak on educational subjects I should not be taken as a lay man or a stranger to educational system. I very much appreciate every thing connected with education. I am one who after coming out of the Training College was to have the experience of the working of the executive line in the system of education. That was when an Indian Inspector of Schools was presiding over a Conference of the Teachers which was held to explore avenues for reforms in the educational system. I discovered when I rose to plead the cause of vernacular as the medium of instruction that the audience took it as if

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I was talking sedition. Today that reform has come. The more the reforms come in the educational system of the country the more welcome they are. We are promised that amongst other post-war reconstruction programme education is to be one of the topics to be taken up. May I ask my Honourable friend to wait till the system of educational scheme in this country is over-hauled? The Delhi University will be one of them. My Honourable friend, Dr. Sir Zia Uddin, has given us an interesting history of his own experiences as well as those gained by him through reading various reports and also the steps taken for the reforms of educational system. Sir, we are still very backward in the matter of several aspects of educational system and one of them is the system of examinations. But that is not before us. What I see in this Bill is only one good thing and that is the introduction of three years course. That is all right. I agree with the Government in their attempt to introduce this three years course in the University of Delhi. But there are administrative difficulties and also difficulties in the way of students as has been pointed out very elaborately by my Honourable friend, Dr. Sir Zia Uddin Ahmad.

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.

Sardar Sant Singh: Mr. Deputy President, when we adjourned for lunch, I was submitting to the House that the educational system as it prevails today in British India requires complete overhauling. It has been repeatedly pointed out that the education imparted by the Universities in India do not fit the educated classes for any vocation of life. Therefore, without going in details into the question we are entitled to demand that after the war, when the reconstruction of many other Departments of life will take place, the educational system will be one of the questions that will be considered by the country and will, I hope, be completely overhauled. Then, I pointed out Mr. Deputy President, that the method of examination that prevails in the Indian Universities today, does not conform to the system prevailing in the advanced Universities of Great Britain or in any other country like America. But these are bigger questions as I submitted before. For the present, we are concerned with the zeal of the Executive Government to reform the Delhi University. The Executive Government forgets that today this Government is not a responsible Government. This Government owes allegiance not to this country, not to the people of this country but to the British Parliament and hence they are not here to take up any reform in the interest of India, but that they will do so in the interest of their own people at home. Therefore, before they come forward with any proposal of reform, they should be prepared to meet the one great argument of the Opposition and that is that their proposal for reform will be taken with distrust. No doubt the Honourable Member in charge of the Department is an Indian and he belongs to my community and, therefore, ordinarily I should consider that I owe some allegiance to him. He is one of my constituents, he has elected me and he has helped me in my election to the House. He is not here to listen to my speech, but, Sir, I owe a greater duty to my country than to my constituency. I look upon the question from the broader point of view and I will submit, Sir, that the present Bill is a retrograde measure. I have tried my utmost to be sympathetic towards this measure. I have studied this measure with a desire to help the progress of this Bill in this House, I have tried to bring myself to that mental condition in which I should be helpful in getting this measure through in this Session. But unfortunately the provisions are of such a retrograde character that in spite of my best intentions to the contrary, I cannot support this measure conscientiously. I have said and I repeat again that the adoption of three years course in colleges is a step in advance, but in my opinion this step in advance can only be taken by a centrally situated University as the Delhi University is, simultaneously with other Universities. My Honourable friend, Dr. Sir Zia Uddin Ahmad, has pointed out various difficulties which the

students of this University will have to meet if the system is changed in this University alone and not simultaneously changed in other Universities. Therefore, though a good measure yet it is put forward in such a manner that we cannot but oppose that portion even, situated as we are in respect of educational matters, when we look to the problem from an all India point of view.

The next point which I was trying to make and which I ask the Honourable Member to explain was the educational part of the Bill. There is a political aspect of the Bill too, and that political aspect is the transference of real power from the court to the executive council of the university. Will the Honourable Member in charge of Education, Health and Lands try to convince the House that it is aimed at providing an autonomous University? I asked him to explain where does the sovereignty in the University lie, which will be the sovereign body, the court or the executive council. The House has seen that the Government could not give any reply to the question. To say that the sovereignty lies in the University is no reply at all. The reply is analogous to saying that the sovereignty lies in the people of India, but the Government of India is a subordinate branch of Parliament. May I ask him in what sense it is an autonomous body? I wonder whether the Honourable Member who is piloting this Bill in the House has studied the previous history of this Bill. This Act was passed in 1922 by this Assembly, the First Assembly. When it was first introduced, the Statement of Objects and Reasons, embodied in the Bill, stated:

"The provisions of the Bill generally follow those contained in the Dacca University Act, though in certain points the provisions of the Lucknow University Act have been preferred. Among the divergencies from the Dacca University Act which are deserving of mention are the following; the proportion of members of the court nominated by the Chancellor has been reduced in comparison with the number of members elected by the registered graduates, Secondly at least two of the Members elected by the court as their representatives on the executive council are to be members of the court elected by registered graduates."

Here are two points which I want to make by reading out two points in the Statement of Objects and Reasons of the Bill of 1922: that the effort of those who brought this Bill before the House in the first instance was to strengthen the court and to make it an independent body. The Bill went to the Select Committee and I find that in the Select Committee the sovereignty of the court as laid down in the Bill was not considered sufficient. In one Minute of Dissent written by Dr. Sir Devaprasad Sarvadhikary, I find a passage which says:

"The Court which is the sovereign body in the University with the Viceroy as Chancellor ought to have much larger and more real powers."

Mr. J. D. Tyson: This is a Minute of Dissent; it was a minority view.

Sardar Sant Singh: Not of minority. This was assumed. This Minute of Dissent does not touch this point. It assumes that this Bill gave sovereignty to the Court, but the Minute of Dissent says "We are not satisfied with the powers that are given to the Court". They wanted much more powers, and the Minute of Dissent is a demand for more powers to be vested in the Court. It says:

"It occupies the position of the Senate and both the Executive Council and the Academic Council, doing executive work in separate spheres, ought to be subordinate and answerable to the Court."

That is the principle laid down by our predecessors in this House. May I ask the Honourable Member whether this Bill, which he and the Expert educationist attached to the Government of India have called a measure of reform, is a measure of reform at all? Does it give more power to the Court? Does it maintain the sovereignty of the Court over the Executive Council? The reply to both these questions will be in the negative. What is sought here is this; That the executive council should be responsible to nobody but to the Vice-Chancellor. Well, then, what is the court there for? Just like this Legislative Assembly to pass Resolutions recommending to the Governor General in Council to take this step and to take that step. I should have expected that their reformist zeal, which they have shown, should have made the Delhi University an autonomous body. They should have come forward with such a proposal: "Look here, the Vice-Chancellor at present is nominated by the Chancellor, but

[Sardar Sant Singh.]

he no longer will be nominated by the Chancellor; he will in future be nominated by the Government of India." Are you prepared to make this change? Will you accept the proposal that the Vice-Chancellor instead of being nominated by the Chancellor who acts in his own discretion as the Governor General should be nominated by the Government of India? We are prepared to accept this because we know that this Government of India will not remain for ever and the time will come when we will have a National Government at the Centre and the Vice-Chancellor will then be nominated by the Government of India. Are you prepared to accept this?

Mr. J. D. Tyson: I would not mind.

Sardar Sant Singh: Then I expect you to bring this amendment forward, or accept the amendment when it is tabled by me that the Vice-Chancellor should be nominated by the Government of India.

Then, Sir, I would not mind the Vice-Chancellor to be a whole-time paid servant, provided he submits to some sort of regulation or the statute made by this House or made by the Court of the University. But, in this respect, the Honourable Member has come forward for the deletion of the word "in accordance with this Act, the Statutes and the Ordinances". This will give him a free hand.

Mr. J. D. Tyson: In what connection?

Sardar Sant Singh: In any connection. May I ask him whether the same provision exists in other University Acts? If it exists, what are the special reasons why the Vice-Chancellor of the Delhi University should not act in accordance with the statutes and ordinances and the Act itself as passed by the court? How can you call this a reform?

Then, Sir, during the course of the debate, it was alleged that the executive council is a democratic body. Let us compare it with the executive councils existing in other Universities.

Mr. J. D. Tyson: I did not say that it was a democratic body. It was Mr. Lalchand Navarai who said it was a democratic body.

Sardar Sant Singh: What do you say? You don't want this to be a democratic body?

Mr. J. D. Tyson: I do not know what it means in the case of an educational body.

Sardar Sant Singh: You do not know, what it means? Members of the I.C.S. do not know; they don't care to know, and they would not like to know if they can help it. You want bureaucratic rule. We don't. That is our quarrel with you. We want the University to be an autonomous body, and is not an autonomous body a democratic body?

Mr. J. D. Tyson: Does my Honourable friend want the under-graduates to elect the executive council? That would seem to be somewhat democratic.

Sardar Sant Singh: I do not want under-graduates to elect the executive council. The element in the executive council should consist of a majority of elected members.—I would rather say elected independent members.

Mr. J. D. Tyson: By whom?

Sardar Sant Singh: Under the University Act, and in the same way as it is done by other Universities in India.

You want to give power to the Vice-Chancellor to affiliate and disaffiliate colleges. If I understand it right, and I hope my Honourable friend will correct me if I am not, this power is not given to the Vice-Chancellor under any of the University Acts. But you want this power of disaffiliation for the Vice-Chancellor of the Delhi University.

Mr. J. D. Tyson: It is not the Vice-Chancellor; it is the executive council.

Sardar Sant Singh: The executive council consists of the nominees and the persons under the thumb of the Vice-Chancellor, and the Vice-Chancellor having the power of affiliating or disaffiliating colleges by the consent of the executive council of his own choice. What does this mean? You cannot deceive anybody. It is a smoke-screen; we can look through it. The position is this:

Government wants the executive council according to their wishes, and then the executive council formed according to the wishes of the Vice-Chancellor, and the executive council and the Vice-Chancellor having power of affiliation and disaffiliation. And who are elected members? After all, there are certain conditions under which they are elected to the executive council. We are familiar with these words: "You shall do this or your college will be disaffiliated". Which principal is going to resist that? The instance given by Mr. Lalchand Navarai of the fate of a resolution when voted in open and the fate of the same resolution by the same body when it was voted in a secret ballot should be an eye-opener. How can you expect the elected Members of this House to give their consent to a Bill which is of such a retrograde nature?

Sir, I was just trying to compare the number of Government officials, nominees of the Chancellor and members elected by the Court or the Senate to the Executive Council of other Universities with the University of Delhi.

Name of University.	Government Officials.	Nominated by the Chancellor.	Elected by the Senate or the Court.
Agra	1	6 Including 2 Representatives of affiliated Colleges in Rajputana, C. I. and Gwalior.	13 including Principals with not less than 3 or 4 Graduate Members.
Aligarh	Nil	Nil	20
Allahabad	Nil	3	6
Annamalai	1	2	3
Benares	Nil	Nil	15

Bombay University :		1
Government Official		Nil
Nominated by the Chancellor		9
Elected		
Calcutta University :		1
Government Official		Nil
Nominated by the Chancellor		4
Elected by the Senate or the Court		11
Elected by Faculties		
Dacca University :		1
Government Official		2
Nominated by the Chancellor (including 2 teachers)		6
Elected by the Senate (one member to be co-opted)		
Delhi University :		2
Government Officials		4
Nominated by the Chancellor (as proposed in this Bill)		5
Elected		
Lucknow University :		2
Government Officials		4
Nominated by the Chancellor		7
Elected by the Senate or the Court		
Madras University :		1
Government Official		3
Nominated by the Chancellor		8
Elected by the Senate or the Court (six by the Academic Council including three teachers)		
Nagpur University :		Nil
Government Official		3
Nominated by the Chancellor		5
Elected by the Senate or the Court		
The Punjab University :		1
Government Official		Nil
Nominated by the Chancellor		15
Elected by the Faculties and not the Senate		

These are the Councils of the other universities. If you wish to take the Delhi University as a model, you are setting up a very bad model before India. The other universities will certainly express themselves against such a model. What a curious model! The world is progressing, but the capital town of India, Delhi, wanting an university that will be going backward! By this model you are giving executive power in the hands of their own nominees who will be always under their thumb, it is really a cheek to call this a reformed University.

Nawabzada Muhammad Liaquat Ali Khan: Just as the Government is a reformed Government!

Sardar Sant Singh: Yes, just as the present Government is a reformed Government! Sir, this measure is a retrograde measure. It has been brought into this House without proper consideration being paid to it, without a study being made of the previous history of this measure, and without a thought what effect it will have on, and how it will be met by, the Opposition here. I know the persons belonging to the Education Department. I am very sorry that Dr. Sir Zia Uddin Ahmad is not here. The educationists in India believe more in theory than in the practical side of life. They are more carried away by theoretical considerations than by practical considerations of what real life is. That is why I left the Education Department and came over to law, because we live only in theory, in our imagination, that this will be good. But when an educationist, like the Expert Adviser with the Government of India, comes in touch with the politicians, he has forgotten his theories and he has fallen an easy victim, credulous as every educationist is, to the charms of the politician. I am sorry that he stood up and praised this measure and called it a reform. I have great respect for the educationist, and I would still ask him—because if the politician's conscience is dulled, the educationist's conscience remains bright, he still looks to the higher and nobler sides of life—to reconsider this question and not to fall an easy prey to a politician. This Bill is not an educational reform. This Bill is no real reform at all: it is a retrograde measure. It will do more harm to the subject to which you are probably more attached than to the politics of this country. Leave politics alone for the politicians of the day, but if you have a real interest in the education of this country, then please come out with a measure which is a real measure of reform and not this retrograde measure.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I had a great mind to speak before some of us, who know better, spoke on the subject, particularly, Dr. Sir Zia Uddin Ahmad, who has very great experience in these University matters. But he has already spoken and I shall have no opportunity of hearing him speak in answer to any of my queries. As to the whole discussion itself, I find there is nothing said in favour of circulation. One may oppose the Bill, and it is being generally opposed, because the entire Delhi University scheme is not a good scheme. There are so many defects in it and my friend, Dr. Sir Zia Uddin Ahmad, who is not here, pointed out several defects in the scheme of the University itself. They are not particularly relevant to the amending Bill before us. If the Delhi University is bad, then it may be that we throw out this Bill and have a Commission or something like that to enquire and report. But when this particular measure is to be considered, we should narrow ourselves down to the particular points raised. I find in the discussion that there are five points that have been raised. Five changes have been sought to be introduced in this Bill. The first is the three-year degree course: the second is giving of the power of recognition and withdrawal of recognition of colleges to the Executive Council: the third is two women to be nominated and two professors to be elected to the Executive Council: the fourth is the new selection Committee to appoint and recognise teachers of the University: the fifth is the Vice-Chancellor to be nominated, if necessary, by the Chancellor, and made a whole-time man and paid for the purpose.

Let us deal with these points one by one. First, the three-year course. Nobody has spoken against the merits of the measure as such. There may be difficulties, adjustments may have to be made and money may have to be spent, but these are questions not exactly germane here. In my opinion a university is an autonomous and statutory body. Those that are in charge of it have settled upon some plan of expanding the degree course to three-years and adding one year to secondary education. For this purpose they simply want some consequential amendments in the Act. Here no power is taken away if there was any power. It appears to me like that. It is a simple question whether we shall give them the facility for a measure they are going to adopt. I understand they have already adopted the measure. Boys in high

schools are already preparing for the 11th class; and these little consequential measures are necessary. If we were to oppose the entire scheme of the Delhi University, that is a different question; but I think that is not exactly relevant here. Here the scope is very narrow. As to the merits, whether one year will go to the secondary education, whether the intermediate examination will remain there or not, whether the degree course will be three years—they have been discussed ably by some of our friends who know the subject well. If the Delhi University is going to promulgate this measure of three-years' degree course, as for money and the adjustment, they will either gradually advance by experience or, may be, they have already provided for such contingencies, though they have not said so. It may again be an experiment. But it is a very good measure and in a model university like Delhi, let it at least be experimented upon; that may be their idea. So much for the first point.

The second point is to give the power of recognition and withdrawal of recognition to the Executive Council. This is said to be a retrograde measure. I do not think the provision was not there already. If it is retrograde it was there already. The framers of that Act and the people who passed the Act in 1922 may be to blame. That is how it appears to me. Who are we on this occasion to get into all those big subjects? Here the provision in the Act itself is this—section 28:

"Subject to the provisions of the Act, the statutes may provide for all or any of the following matters, namely:

(g) the recognition and management of colleges and halls not maintained by the university and the withdrawal of such recognition."

Thus it has been provided for that the court, in its statutes, will definitely direct. The making of the statutes is the work of the court. The court is the authority. There is no doubt. But in 1936 by some wrong reading of the law, as it appears, this provision was interpreted to mean that on every occasion a college will have to be recognised or some recognition will have to be withdrawn—on every such occasion the court will be required to pass a statute and at once go to execute it, just as it was when the Finance Bill passes the salt duty here, all of us would proceed for the collection of salt duty at once. Nowhere perhaps, in no university such executive functions are left to any other body except the executive body. No power has been taken away. The court will legislate; even in the new amendment the conditions will be laid down strictly and in detail by the court and then the function of the executive body is to execute. I do not know how it becomes more retrograde than what is provided already in the Act itself.

Nawabzada Muhammad Liaquat Ali Khan: Because you have neither read the Act nor the amending Bill nor the statutes of the University.

Pandit Nilakantha Das: I have studied in my humble way. But I am sorry I have never been recently either a member of the court—I was long long ago—nor have I been a candidate for any executive committee or vice-chancellorship or anything—I am very sorry.

Nawabzada Muhammad Liaquat Ali Khan: Therefore, you should have studied all these.

Pandit Nilakantha Das: But whatever I have studied I place before you for consideration. It appears to me like that. It is a very simple question; and even then in considering this subject you can say that on every occasion the court will go and do it. Section 22 (i) says:

"The Executive Council shall exercise all other powers of the University not otherwise provided for by this Act or the statutes."

Under this sub-section whatever is provided for by the court, the executive council will have to execute.

The third point is, two women to be nominated and two professors elected to the Executive Council. There may be very serious objection for nomination of two women; but it is quite open to us to provide for some machinery for election: it is not very difficult, for nomination is not a very good thing apparently to many in these days. It should be avoided, if possible. As to two professors, perhaps there will be no objection from any side. They will be elected by the professors of the university, and my friend, Dr. Sir Zia Uddin

[Pandit Nilkantha Das.]

Ahmad, who was talking of experts knows that in the central university of Delhi there are already men of the type of Dr. Sir Santi Swarup Bhatnagar. Such people should be allowed to be elected into the Executive Council and I think some machinery should be devised for the two women to be elected as well.

I may say in this connection that already there are all the principals of all the colleges in the Executive Council: They are there *ex-officio*. In my opinion, if possible, even in this Bill, out of six, some two or three may be elected from among them and as to the rest the vacancies may be filled up by eminent educationists or even experts by other means of representation.

As to the fourth point, I agree with my Honourable friend, Dr. Sir Zia Uddin Ahmad, that the Selection Committee should include experts, but it cannot be an expert committee out and out. There are already one official, one elected by the Academic Council, and the nominee of the Governor General. But there should be a provision whereby these three or four persons may be permitted to co-opt one more expert on each occasion for the purpose of the subject under consideration. Supposing they are going to appoint a geologist, and if they have no geologist among themselves, they should be empowered to co-opt one expert, who will be suitable for the particular purpose.

Then the fifth point is regarding Vice-Chancellor to be nominated, if necessary, by the Chancellor and made whole-time and paid for the purpose. If the Vice-Chancellor becomes whole-time, he should be paid. This practically goes without saying. But this provision appears to be an alternative provision, for the old provision is there. Here a proviso is sought to be added:

"Provided that, if the Chancellor is of opinion, and so informs the Executive Council, that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the appointment shall be made by the Chancellor after such consultation with the Executive Council as he thinks fit, and in that case the Vice-Chancellor shall hold office for such period as the Chancellor may fix, and shall be paid such salary as the Chancellor may determine."

Dr. P. N. Banerjee: Excellent!

Pandit Nilkantha Das: I cannot call this or that excellent, but it is practically the same as already provided in the Act. If you overhaul the entire Act and reform the University that is a different matter altogether. I am not discussing that. Look at the existing provision:

"The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes."

Dr. P. N. Banerjee: The two are the same?

Pandit Nilkantha Das: If necessary, this alternative provision will be effective. May be, some necessity has perhaps arisen. Government is perhaps providing money and they are going to reorganise the whole thing, to develop the university so that a new Act, an amending Act, an overhauling Act may be possible very soon. It is for a certain purpose that the alternative is being provided. In the old Act there is the recommendation of the Executive Council for the appointment of the Vice-Chancellor. No Court comes here, no Legislature of the university. The Executive Council shall recommend. I am very sorry and grieved to tell the House that in the Delhi University—Delhi is a very small place, it cannot be compared with Calcutta or Madras or any other like place,—for Vice-Chancellorship, for anything, even for a teacher to be recognised as a university teacher, there is interested canvassing. Such canvassing in these matters, my friends will agree with me, must be condemned. It should be discouraged. Again, sometimes it so happens that for recommending a man for Vice-Chancellorship, the Executive Council sits and adjourns itself *sine die*. Sometimes such an adjournment is carried as to make it quite inconvenient for the Vice-Chancellor to be recommended for selection. Probably it is to avoid that that the Bill provides that the Executive Council will be consulted, but the manner of consultation may not exactly be a vote in the house, for in that case the whole thing may be postponed or otherwise frustrated. So, in a small place like Delhi, only perhaps to avoid the disadvantages of bad canvassing, this has been

provided. I do not exactly know, but it appears that it has been provided for a particular purpose,—if it is considered necessary for a certain purpose; otherwise the old provision is there. For the present, however, the question does not arise, as Sir Maurice Gwyer is there, and so long as he is there as Vice-Chancellor this provision will not apply at all, I understand.

So, these are the only grounds which are the basis of certain very ordinary amendments with limited scope and application in this amending Bill. I am quite at one with those that think on the lines of Dr. Sir Zia Uddin Ahmad that there are many defects in the Delhi University organisation which require reform and modification; but that bigger issue is not involved here. The Delhi University is not an ideal thing, nor is it going to be quite an ideal thing on account of this Bill. Nobody perhaps says that. So, within these narrow limits a basis for this amending Bill can be well looked at in this manner.

Maulana Zafar Ali Khan: In criticising this Bill, speaker after speaker on this side of the House has proved to the hilt that democratic control over the affairs of the University is conspicuous by its absence and that those responsible for its absence are the very gentlemen who are never weary of assuring us that they are out to kill Hitlerism, liquidate all the principles that have been propounded by Adolf Hitler and support everything that is democratic. I am afraid Hitlerism is advancing by the backdoor and coming to the University. There was very little left for me to add to the discussion in this House after the brilliant speeches made by Nawabzada Liaquat Ali Khan, Dr. Sir Zia Uddin Ahmad, (our Honourable and Gallant friend, because he is a Lt. Colonel now) Sardar Sant Singh and Dr. Banerjee—the last but not the least. There is one point which is left for me and that is to tell this House that this Bill is a very clever move to lay the foundation for turning the other universities into what you call the model university of Delhi and depriving us of what little liberty is left to us in the other universities. Beware of it. You say, and Mr. Amery was telling us only yesterday in the House of Commons, that the deadlock in this country is to be removed by ourselves, by formulating some principle acceptable to the peoples of India. They have always told us that after this war is over, the right of framing our own constitution will be conceded to us. We are not going to judge them by their words which relate to the future but by their present actions. Let alone constitution making. In this small matter of the universities, you deprive us of what little liberty has been left to us in the other universities. There are rules, regulations and statutes and they act according to them. In this reformed university, as you call it, in this model university as you call it, there are no rules, no regulations, no statutes and no supreme governing body like the Court but only the Vice-Chancellor who is all in all and who is Hitler personified. In other universities the period for which a Vice-Chancellor is appointed is two years and sometimes three years.

In their case Vice-Chancellors who are paid, the salary is Rs. 2,000 plus Rs. 200 on account of house rent. They are appointed for a fixed period but here in this case the Vice-Chancellor is appointed for an indefinite period and, to use the words used by my Honourable friend, Dr. Sir Zia Uddin Ahmad, he can only be removed by an act of God. Both the affiliation and the disaffiliation of colleges and what little rights and privileges are enjoyed by the universities are taken away from us altogether. These universities would like to guard their rights very jealously, because a right which is not jealously guarded is trampled under foot and as I have already pointed out this model university of Delhi is a very clever and cunning move on the part of imperialism to deprive the other universities of what rights and privileges they enjoy. Model university indeed! Model of what? Model of everything that is retrograde, model of everything that is backward, of everything that is autocratic and imperialistic. We are determined to do away with imperialism and to do away with everything that savours of absolutism. After the war is over, you will have to fight another war in India, with the intelligentsia of this country and then, mind you, we will lay it down as a fixed principle that the medium of instruction is not going to be English but it is going to be Hindustani and every speaker

[Maulana Zafar Ali Khan.]

on those benches, like my Honourable friend, Mr. Tyson, Sir Reginald Maxwell, and Sir Jeremy Raisman will have to learn Hindustani and they will have to talk in Hindustani in this House. A very modest demand was made in this House that such a controversial measure like this should be circulated for the purpose of eliciting opinion thereon but you give it a wide berth. This is another clever move, because you know that the opinions of the Allahabad, Punjab and other Universities will be more liberal and they would not favour your autocratic decrees which you want to ram down their unwilling throats. Finally, as my Honourable friend, Sir Jogendra Singh, who appreciates good poetry is here, I will recite a couplet:

*"Ya rub wuh na samjhay hain na samjhen gay meri bat
Day aur dil un ko jo na day mujh ko zabun aur."*

With these words, I support the motion for circulation.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I do not call myself an expert in education, although I have been a member of the Court of the Delhi University, I am a member of the Court of the Aligarh University and I have also been a member of an Arabic University in Lucknow. Still I would call myself a lay man and not an expert. We are all practically old men and we find that many of us have been connected with educational institutions in our respective places. We have heard two experts, one is the Vice-Chancellor of a University and the other is the Commissioner of Education, besides others who have been connected with some educational institutions. I would say that the criticism which we have heard today from our learned friend, Dr. Sir Zia Uddin Ahmad, is far more instructive than the one heard from the Commissioner of Education. Sir Zia Uddin has had experience as a student, as a professor not only in India but also in English universities. He has been appointed member of many Government of India commissions and committees and he knows more and his opinions and criticisms are in our eyes more valuable than the opinions and criticisms of others whether they be on the Government Benches or in other parts of the House. So, we have to balance between the two opinions and so far as the non-official members are concerned, the balance of opinion is in favour of Dr. Sir Zia Uddin Ahmad. There has been detailed criticism of every aspect of this Bill. To me it appears that this is not a pattern for Indian education but it is a political Bill that has been brought before this House, when the House is depleted absolutely of all those who could give expert and independent opinion on this Bill.

Sir, the clause which concerns the three years course is a sort of a cloak to pass such a long Bill; in fact, as was pointed out by our Deputy Leader, that could have been put in one clause and in one small sentence. What we find here is that under the cloak of that clause this omnibus Bill is going to be passed which is going to throttle the present educational system of India which has been established for ages in this country. It is not only this but it is said that the Delhi University will be a model for the whole of India. This, I submit, is awfully ominous for us and we should take great care in passing this Bill. This pattern will not only kill the University education, will not only kill the colleges under the University but it will revolutionise the educational system of India. From the system of election, a system which Great Britain has taught Indians, we are now coming to that of selection and nomination, a step which from any civilised point of view cannot in any way be justified in this House. To ask the Members of this House who have been elected by the country to consider a system which is absolutely retrograde is a thing which will not be acceptable to this House.

Now, what is this pattern? The pattern is that there is one man and it will be one man's show. That one man can recognise a teacher or he may not recognise a teacher. It is just like the principle of recognition about the medical licentiates. So, this recognition of teachers will lead to that step which was taken in the case of medical licentiates. In the same manner the University professors and University teachers will be either recognised or not

recognised. We do not want that our countrymen should be brought to that position to which the medical licentiates of India have been brought under the Medical Councils Act. The grant-in-aid so far used to be given only on the merits of the colleges and the other educational institutions. If the colleges were considered to be good colleges, they were given a grant-in-aid, but under this pattern of the Delhi University the grant-in-aid will depend only on the whim of one man. He can dismiss, disaffiliate, discharge, fine or do whatever he likes. And so this whim of one man is not to be tolerated by elected Members in this House in any way. It has been shown by our friend, Dr. Sir Zia Uddin Ahmad, that this Bill may be called by the Government as a Bill to reform the educational system of India but it will create a battle-field between teachers and professors, between teachers and the Executive Council, between teachers and the students and, therefore, it cannot be called a good policy for this country to follow at this moment. It is also said why the Chancellors and Courts of other Universities were not consulted when this Delhi University Bill was being framed. It is a very forceful objection. Why on such an important occasion when this Bill is to be placed under circumstances which are very very unfavourable to this House and when it is asked to go to the Select Committee, the opinions of other Universities were not taken. On small matters, you circulate the Bill. So, why not public opinion is sought on this Bill when the whole educational system practically under the cloak of a small clause is being framed and this House is being asked to approve of it? To say that you will have a paid Vice-Chancellor in this university and to make it a rule, is something very repugnant inasmuch as we know what a paid servant is. Who can in this House deny that a paid servant is absolutely different from an unpaid servant. He will be absolutely under the thumb of one man whoever he may be. Today we may have His Excellency the Viceroy; tomorrow we will have someone else. These things are to be considered by this House, especially by this side of the House, which are very repugnant to the present democratic ideas which are prevailing in this country. The most important consideration, to my mind, about this Bill is that it is creating a servile mentality not only in the minds of the servants of the University but also in the minds of the students of the University. We are not here today to accept a Bill which may create a servile mentality in the heads of our future generations. We do not want that our children should learn that servile mentality in a University where they find there is no independence of any sort, and where everything under the cloak of a small clause is going to be pushed through. Everything will be done by selection and nomination and they will all be under the thumb of one man. This is undoubtedly creating a sort of servile mentality in the student community and we cannot spoil the future generations of India by such thoughts. We consider that it is criminal for us to allow such things to go down to posterity. This pattern of University will produce bodies who will be nothing short of slaves in this country.

We know that our Universities were following the English system. As, for instance for the Aligarh University, the late Sir Syed used to say that he would like to have the Aligarh University like the Universities of Oxford and Cambridge. But will this Delhi University under the present Bill be a replica of the London or Oxford or Cambridge University? Are the rules and regulations of those Universities similar to what we are going to have in this University? Therefore, I say that we Indians have that ideal in our heads and, therefore, we want to establish our Universities on the model of Oxford and Cambridge Universities. But the Delhi University will spoil not only the mentality of the students and that of the teachers and professors but it will also spoil the character of the students. I know that there has been monkeying, as it was said, monkeying in our economics; monkeying in our money system; monkeying in this and that, but now we find that our educational system is also being monkeyed and we cannot look at it with complacency. It is a very serious matter and I appeal even to the nominated Members of this House to re-consider what will be the position of their children and of

[Mr. Muhammad Azhar Ali.]

the children of those who are employed in the Government of India. They ought to reconsider their position because they have to educate their children in the Delhi University while in the service of the Government of India. They ought to look at it, and every Member of this House whether Indian or European, if he wants to have his children educated in the Delhi University he should consider this Bill very very seriously and let it not be passed like an ordinary matter simply because he is a servant or a nominated Member. Sir, education is the life and soul of every country and of every nation. If we have to receive the education as it is proposed to be in the Delhi University, which has got to be a patron university, I submit, Sir, that we have got very grave doubts as to whether it will serve any useful purpose. It may be said that our suspicions and susceptibilities are not correct. But here this Bill which is going to the Select Committee, we feel it our duty to explain to the House its provisions and show how our suspicions have been aroused by the evils that are lurking in this Bill. It is on this account that I wanted to draw the attention of every one in this House because when we have to consider a Bill which is going to the Select Committee we have got to consider the opinions which we express on the floor of this House.

Mr. J. D. Tyson: Sir, the criticism of the Bill before the House has tended to concentrate on one or two features and I propose to address myself to those in my reply.

Sir, on the main feature of the Bill, that is the three years degree course, opinion, I notice, was divided, but I welcome the statement of the Deputy Leader of the Muslim League Party that he thought that it was worth a trial and I welcome the valuable and a very helpful support which has been received on that point from my Honourable and Gallant friend, Dr. Sir Zia Uddin Ahmad. He, if I may say so, made an exceedingly valuable contribution to the debate. Others have also supported the three years degree course. My Honourable friend, the Educational Adviser, whose maiden speech will, I am sure, have made the House wish to listen to more from him, has dealt with the educational aspect of that reform and I do not propose to take up the time of the House by further discussion of a matter which, as my Honourable friend, Nawabzada Liaquat Ali Khan, has said, was accepted by the Court, except just to refer to two practical matters raised by Dr. Sir Zia Uddin Ahmad this morning, about arranging for reciprocity between the Delhi University, working under the three years degree system, and other Universities. The position there is that Delhi for its part is arranging to take in students transferring from other Universities and it will—when it has set its own house in order—take up with other universities arrangements by which students from this university will be taken by them. The question of reciprocity is a very important one, quite obviously. Another matter that is under consideration and some progress, I believe, has been made with it is the matter of recognition of the Delhi intermediate examination in other places. But there again the question can be taken up effectively with other universities only when the scheme is working here.

Coming next to another target of criticism, I will deal first with the proposals of the Bill affecting the Vice-Chancellorship. I gather that with perhaps about three exceptions there is no objection in the House in principle to the proposal to make provision to have a whole-time and, therefore, a paid Vice-Chancellor. I think I mentioned yesterday, but in case I did not, I will say now that I find that eight out of the other 14 universities in India have such a provision. I do not say that they all pay their Vice-Chancellors at the present moment, but they have such a provision. Criticism has tended to focus on the provisions regarding the appointment. We have proposed selection by the Chancellor after such consultation with the executive council as he thinks fit. We deliberately chose that wording to show that we intended a different procedure or intended to allow of a different procedure from the procedure applying at present to the choice of an un-paid Vice-Chancellor.

Our idea was that the Chancellor should have a freer hand than by convention he has under the existing system under which he accepts,—at any rate, hitherto he has accepted,—the recommendation of the executive council. We wish, for example, that if he thought fit, he could perhaps initiate setting in motion the machinery necessary in order to obtain the best possible man available in India. As to deciding whether a paid Vice-Chancellor was necessary or not, we deliberately chose again the Chancellor as an arbiter. As I said yesterday on this matter of selection, we might have followed the Calcutta Act—as a matter of fact we did not follow the Calcutta Act—but we might have followed it and said that "Government" would decide or "Government" would choose. We followed, instead, our own Act and those of the Punjab and Bombay. Now, Sir, there is, in this case, a distinction with a difference. I wonder if Honourable Members realise the extent to which the existing Delhi Act entrusts just such powers of arbiter or umpire to the Chancellor. Under the existing Act the Chancellor has certain very definite powers. I do not say that the following list is exhaustive but I find that under section 9 of the existing Act the Chancellor can have an inspection made, by any agency he chooses, of the University, its buildings, laboratories, equipment, and of any institutions associated with the University, and also of the examinations, teaching and other work conducted or done by the University and have any matter connected with the University inquired into, may express his views to the university on the results of such inspection or inquiry, and is entitled to have a report on the action taken. Under section 10 he appoints the Pro-Chancellor. Under section 13 he may similarly appoint a Rector. Now, there is nothing in the Act to show what the Rector should do. I believe the position is that if by any chance a Vice-Chancellor died in office we would probably have to ask the Chancellor to appoint a Rector until another Vice-Chancellor was appointed, and I think the Rector would have to perform all the duties of the Vice-Chancellor. In the Act no specific powers have been given to the Rector. On reflection, I think my example is badly chosen. There might be a deadlock if a Vice-Chancellor died in office, as the Rector can be given powers by the Chancellor, but only in consultation with the Vice-Chancellor. Perhaps it would be difficult, therefore, if Vice-Chancellor died in office. The fact remains, however, that the Chancellor may appoint a Rector. There is nothing in the Act to show what the Rector can do, I think. The Chancellor must consult the Vice-Chancellor about the Rector's powers and duties, when appointed. Then again, under section 18, he appoints persons to the Court. In actual practice he is appointing 15, but I think the number is unlimited. Under section 45, he appoints the umpire of a Tribunal of Arbitration. Under statute 17, he makes appointments and accords recognition in cases of dispute between the Committee of Selection and the Executive Council. Under statute 17-A, he is the final appellate authority for a teacher from whom recognition has been withdrawn. I submit that the Act already recognises, in the Chancellor, a guide, philosopher and friend for the University quite apart from his position as the Governor General.

Dr. P. N. Banerjee: Therefore you want to vest him with larger powers? Is that the argument?

Mr. J. D. Tyson: Yes, for the reason that I gave yesterday, that we insist from the Central Government side in seeing a certain educational experiment, generally acceptable to the University, put through and because the Central Government is putting up a very large part of the money, not only for the University, not only for the Colleges, but for the schools necessary to carry that experiment out.

Dr. P. N. Banerjee: Is it not a fact that the Universities of Oxford and Cambridge are given very large financial assistance by the State and is there any interference in the constitution of that body in the election of the Chancellor or the Vice-Chancellor?

Mr. J. D. Tyson: I am not aware at the present moment whether they receive any assistance from the Government of the United Kingdom. But this I can assert without fear of contradiction that when the Government of the

[Mr. J. D. Tyson.]

United Kingdom agreed to give grants to these two universities after the last war they did so on certain very definite terms which the Universities had to accept. The only one that springs to my mind, there were many others.

Dr. P. N. Banerjee: Any interference with the constitution of the body?

Mr. J. D. Tyson: With the colleges, even more perhaps than the University. The Government certainly said that in future no head of a college should be allowed to continue in office beyond a certain age. There had hitherto been no such rule at Oxford or Cambridge and the heads of colleges stayed on indefinitely till they became like mummies. For all new incumbents it was certainly laid down (and the colleges had to accept it) that there should be an upper age limit.

Nawabzada Muhammad Liaquat Ali Khan: Here you want to provide for mummies.

An Honourable Member: Is this progress?

Mr. J. D. Tyson: It is definitely progress. We have not excluded consultation with the University in this matter. I think—it is a legal point—that there would have to be consultation, but we leave it to the Chancellor in this case to decide what manner of consultation there shall be.

On another point, affecting the Vice-Chancellor, exception has been taken to the Chancellor being given power to fix the term of office and the pay of a whole-time Vice-Chancellor. I admit, and I give this to my Honourable friends opposite, I admit the wording is very wide. The present term of an unpaid Vice-Chancellor is two years. I do definitely feel that if we want to get the best man, supposing there is to be a paid Vice-Chancellor of the University, and we want to get the services of the best available man, we would probably have to offer longer than a two years tenure. As a matter of fact, I think I am correct in saying that even at present no Vice-Chancellor has served less than four years. I had myself envisaged, when I saw this Bill at an earlier stage, that a term of three or four years was necessary. I certainly would not object, in the Select Committee,—indeed I go further and say that I think it would be very proper in the Select Committee to put a ceiling on the pay and to put a limit to the term. I would only say this,—that there is no idea in any case that the Vice-Chancellor should be put in and told that his pay will depend upon how he performs his duties, and his tenure likewise. One Honourable Member seems to think that would be possible under the Bill. I do not think it would be possible; nor would you get the kind of man you want on such terms. I have taken note, however, of the criticisms. I feel there is much weight in them. I would certainly be prepared to consider, as I say, putting a ceiling on the pay in the Act itself. It could anyhow be done in the statute; but I would be prepared, as we are amending the Act, to consider that in the Select Committee and to consider limiting the term.

Exception again has been taken (and this, I confess, I am surprised to find coming from quite a number of Members) exception has been taken to our proposal about the Vice-Chancellor's powers of discipline. We are not proposing to give the Vice-Chancellor any powers of discipline, as I understand it, that he does not already enjoy under the Act. We merely want to eliminate from our Act words which do not make any sense. The present position, in section 12(5), is that it is the Vice-Chancellor "who shall be responsible for the discipline of the University in accordance with this Act, statutes and ordinances".

Dr. P. N. Banerjee: These words you want to remove.

Mr. J. D. Tyson: I do not know whether my Honourable friend is making the speech or myself. We propose to take out the words "in accordance with the Act, statutes, and ordinances".

Dr. P. N. Banerjee: You justify that.

Mr. J. D. Tyson: I am certainly going to justify that. That does not mean that the Vice-Chancellor can act contrary to the Act in matters of discipline. The fact is that looking through the Acts, statutes and ordinances, I have been

unable to discover almost anything laid down about the discipline of the students. It is not there, that is the whole truth. As these words stand, it might be argued, in fact it was even suggested in one case if my memory is correct, that the Vice-Chancellor could not rusticate an undergraduate for a serious misdemeanour, because there is nothing in the Act, statutes or ordinances which permits him, say, for drunkenness or for absence, to rusticate an undergraduate. Sir, it is impossible for a University to catalogue all the possible misdemeanours of undergraduates, nor would it be a very edifying list, I venture to say, if they could do so. They could at most make general rules. Take the case of a school; a master in a school cannot expel a boy if the rules of the school are that expulsion shall only be done by the headmaster or by the governing body of the school.

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

That is exactly the case here. The Vice-Chancellor is at present saddled with a meaningless phrase "shall be responsible for the discipline of the University in accordance with the Act, Statute and Ordinances". The Act, Statutes and Ordinances give him no help whatsoever. We propose to eliminate these words. If the Acts, Statutes or Ordinances say that he shall not interfere in this kind of case or that kind, or that he shall not inflict such and such a punishment, he will be bound by it, but not because of these words appearing in section 12 but because he is always bound by the Act, Statutes and Ordinances whether the words appear in the Act or not. I submit there is absolutely nothing in that point about altering section 12. I suggest that is only what somebody referred to as drawing a red herring round and round the House.

One other point about the Vice-Chancellorship: I should like to reassure my Honourable friend, Maulvi Muhammad Abdul Ghani, who seems to apprehend that we have a paid Vice-Chancellor, if I may say so, up our sleeve. I would like to assure him that we have absolutely nobody in mind. If the Bill goes

4 P.M. through, of course, it would be for the Chancellor to decide whether a paid Vice-Chancellor is necessary, and, if so, how he is to be got, but I should think the obvious course would be advertisement.

Having dealt with the Vice-Chancellor, I come now, Sir, to the position of the Executive Council. This, I would like to remind the House, is, by section 21 "the Executive Body of the University", and that has a considerable bearing, as my Honourable friend, Mr. Nilakantha Das, has pointed out, on certain proposals that we have made affecting the Executive Council and the Court. Now, Sir, what is the present composition of this Executive Council and what would it look like if this Bill goes through? In the present composition, there are two *ex-officio* University members—the Vice-Chancellor and the Registrar—there are two Government officials who are *ex-officio*—the Educational Adviser and the Superintendent of Education Delhi (I am dealing first with all the people to whom the stigma of officialdom or anything like that seems to be attached), and there are two Chancellor's nominees. (Incidentally, I would only say that those connected with the University will appreciate the extent to which the two present nominees are amenable to either the Vice-Chancellor, or the Government's Whip). However, that makes 6. Now, Sir, let us come to another group who are not elected but are also not nominated and who are certainly not under the influence of Government. There are at present six Principals of Colleges. I cannot say, really I do not know, how they have become Principals of Colleges. Probably by selection by the College Governing Bodies, but these Governing Bodies have nothing to do with Government. Then there is the third group—the elected group—starting with the three Deans of Faculties. It is quite true that as the Deans of Faculties sit on the Executive Council as Deans of Faculties, you might call them *ex-officio*, but how do they become the Deans of Faculties? Not by Government nomination but by election by the Faculties. Let us now look a little further on. There are five members elected by the Court—the Court that we were told was a democratic body. There are two more elected by the Academic Council. So, Sir, out of the present strength of the Executive Council, the Vice-Chancellor and the Registrar are University Officials.

Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member give us composition of the Court?

Mr. J. D. Tyson: I can, if they wish to have it. The Court is a body of 187 people.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read out all the names.

Mr. J. D. Tyson: I thank you, Sir, but I think I can shorten it. There are the following *ex-officio* members:

The Chancellor.

The Pro-Chancellor.

The Vice-Chancellor.

Treasurer.

Registrar.

Seven Principals of Colleges.

One Professor.—(At the time there was only one professor).

Nine Readers.

Ten *ex-officio* members who include the Chief Commissioner of Delhi, the D. G., I. M. S., the Educational Adviser, and also the Chairman of the Punjab Chamber of Commerce, Chairman of the Delhi Municipality and the Delhi District Board,

rather, if I may say so, a miscellaneous group.

Then there is provision for life Members, but there do not seem to be any.

Twenty-five Graduates of the University, persons elected by the registered Graduates of the University.

Ten persons elected by the teachers.

Eight persons elected by Association, or other bodies approved by the Chancellor on the recommendation of the Court.

Six persons elected by the elected Members of the Council of State and the Legislative Assembly from among their members.

Fifteen persons appointed by the Chancellor and representatives of the Governing Bodies of the Colleges elected or nominated by those Bodies. It comes to about 187 all told.

Dr. P. N. Banerjee: This is a more democratic body than the Executive Council.

Mr. J. D. Tyson: I was just analysing the figures of the Executive Council. In the present Executive Council, there are 10 elected members, and there are seven Principals, and there are apparently, seven persons who are *ex-officio* or Government officials—and that was what I meant when I said that the Government officials or nominated members were in a small minority. It is true that some Universities have no nominated members at all on their Executive Council, but I find that no less than eight Universities have, and I also find that if we add these two more Chancellor's nominees that this Bill proposes, the Executive Council of Delhi will have 15 per cent. nominated members. That is the same as three have out of those eight Universities that have nominated members—15 per cent., and the other five have more than 15 per cent. So that what we are attempting to do is not going beyond what has been done in other Universities. The official element works out at 7½ per cent.

That is the Body, an Executive Council composed in that way, to which we propose to give in future the actual decision as to whether a college is to be recognized or recognition is to be withdrawn. And it will have to decide that on the basis of conditions to be laid down by the Court. A reference has been made by my Honourable friend, Mr. Nilakantha Das, to the Statute of 1936 and different views are entertained on that point, but however that may be, the fact is that it is only since 1936 that the Statutes have provided that recognition or withdrawal of recognition shall be by a Statute, i.e., by the Court and, as I have just mentioned, the Court is a body of between 180 and 140 persons. It meets, ordinarily, once a year. If its duties and functions are looked at, they would be found to be, in the main, legislative. The Executive Council, as I have already said, is by the Act the Executive body of the University, and I

submit that if conditions for recognition are laid down by the legislative body of the University, it is appropriate that the application of those conditions to particular cases—a semi-judicial, a semi-administrative act—should be done by the Executive Council, and that is what we propose.

A point has been made as to where the sovereignty in the University rests. That is a very difficult thing to say. The fact is that the Court has one function or one set of functions, the Executive Council has another. I do not think anyone could say where the sovereignty rests at the moment, and I do not think that we are affecting that matter by what we propose.

One point was raised by my friend, Mr. Abdul Ghani. I understood him to say yesterday that he thought one objection to our Bill was that colleges already recognised would have to seek recognition again. (I hope I understood him correctly). That, of course, is a misapprehension. One of the clauses of the Bill actually provides that all colleges recognised at the commencement of the said Act as colleges of the University shall continue to be so recognised when the new Act comes into force.

I come next to the Selection Committee. The present Selection Committee is I think unquestionably an exceedingly unwieldy one—16 or 17 members. Now the counter-proposal that we have made is four members. This counter-proposal has not come out of the bureaucratic head on members. This counter-proposal has not come out of the bureaucratic head on the spur of the moment. We wanted to make a change and we have put forward the recommendation of the Delhi University Enquiry Committee of 1927, which inquired into the whole thing and made this recommendation. In this connection, Sir, the Deputy Leader of the Muslim League Party made what struck me as a very curious point. I had said that this small Selection Committee had been accepted by the University and the colleges in the revised Conditions of Grant, and my Honourable friend said that those conditions were agreed to under duress. Well, Sir, I was not present at the very prolonged discussions at which these terms were agreed to, but I certainly understood (I know my Honourable friend was present: that is why I am surprised at what he said) I certainly understood from the Chairman of that meeting that there was considerable give and take on both sides and that what emerged was definitely a compromise. It is customary in compromises that both sides have to abate something from their original claim, but that it should be suggested that the resulting agreement was extorted under duress, I simply do not understand. In fact, I believe that that meeting finished with expressions from various quarters of appreciation of the spirit of compromise shown by the Chairman and reflected in the result that was achieved.

I think there can be no question that the present Committee of 17 is far too big for the purpose. Objection has been raised to the Committee we propose, that it does not contain any representative of a college. Now, Sir, the difficulty is that there will be six colleges. If we add one we have to add six. We get straight away to something that becomes unwieldy. We have to bear in mind the purposes of this Selection Committee. It is to accord recognition to the purposes of this Selection Committee. It is to accord recognition to teachers as university teachers. I believe that the teachers are keen to receive such recognition and that the colleges themselves are keen that these things should, if I may say so, go round, and not all be secured by one college or one or two. At any rate, it is recognition of teachers as university teachers, and we feel that the university must have an effective voice as regards its own teaching staff. It is supposed to be, as the preamble to the original Act says, a unitary teaching university. As I say, you cannot add one college without adding the other five, that is six, and it gives the colleges a majority for what should be definitely a university matter.

My Honourable friend, Mr. Nilakantha Das has said that there is one flaw in the Committee that we propose, as it seems to him, namely, that it may not provide for an expert in the particular subject for which a teacher is under consideration. Well, Sir, there is provision for that, in my opinion, in the member to be nominated by the Chancellor, if the Academic Council have not provided for it; but we might give a power to the Committee to co-opt an expert if the Selection Committee so wished.

[Mr. J. D. Tyson.]

Now it did seem to me to be suggested yesterday that Government in these proposals were in some way trying, it was not specifically shown how, to eliminate the colleges. The phrase actually used was "trying to kill off the colleges by slow poison". On the contrary I would say that the whole object of Government, since the inauguration of the proposals for a reform scheme—the degree scheme—has been to bring about harmonious co-operation between the colleges and the university and not to allow one party to exercise a dominating influence. The new conditions of grant which were agreed to last July (to which I have been referring), will show that the primary object of Government throughout has been to secure better conditions for the teachers, whether of the university or of the colleges.

I think, Sir, I have dealt,—I am afraid at some length,—with all the major points raised. They are not, as I see it, points on which we could expect to obtain enlightenment by circulation of the Bill, and in fact, Sir, if I may say so, Dr. Banerjea has on this matter handed me an argument on a tray which I propose to make use of. He pointed out that in the provinces to which he and I have the honour to belong, a scheme like this, of a three-year course, could not be entertained by the Calcutta University or the Dacca University for the reason that there are such a multitude of schools that it would be beyond the power of the Provincial Government to raise those schools to the higher standard which is a necessary corollary of this three-year degree course. That Sir, is, I think, a very good point, and that applies equally to Bombay, Bihar, the United Provinces, the Central Provinces, and the whole lot, and it seems to me, therefore, pretty useless for us to consult Governments and universities which are not at present in a position to do what we are in a position to do in Delhi, and are by way of doing. We have here, Sir, in Delhi a limited number of high schools, and we are already giving them the funds necessary to carry out this reform. The principle of a three-year degree course has been accepted by bodies on which Provincial Governments are represented and by bodies on which Provincial Universities are represented. Why need we go further than that? I regret, therefore, Sir, that I cannot accept the motion for circulation. I would be prepared, if Honourable Members opposite consider that it would meet their point, to circulate this Bill, with the necessary material, to Provincial Governments by executive action asking for their opinions and replies which I would place before the Select Committee, if that would meet my Honourable friend's point.

Dr. P. N. Banerjea: And also the University of Delhi.

Mr. J. D. Tyson: Certainly; I do not know whether that will meet their point.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Does the Honourable Member suggest that he will circulate the Bill to the citizens of Delhi and get the opinion of the Delhi public?

Nawabzada Muhammad Liaquat Ali Khan: Will this be circulated like an ordinary Bill is circulated?

Mr. J. D. Tyson: I am afraid that my proposal does not commend itself. In that case all that I need say is that I cannot accept the motion for circulation. But whatever the House does, I undertake, if it accepts the motion for Select Committee, to consult the University of Delhi before we arrange for the Select Committee to meet. But I am afraid I cannot accept the motion for circulation.

Dr. Sir Zia Uddin Ahmad: The Honourable gentleman said that he would circulate by executive action. Then I say, follow the procedure which has been followed on previous Bills: circulate in the usual manner, as has been done in the past.

Mr. J. D. Tyson: No, Sir. If I circulate in the usual manner, it will take a great deal of time and we shall not get things done. That is my offer, Sir.

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

"That the Bill be circulated for eliciting opinion thereon by the 1st July, 1948."

The Assembly divided:

AYES—26.

Abdul Ghani, Maulvi Muhammad.
Azhar Ali, Mr. Muhammad.
Banerjea, Dr. P. N.
Chhattopadhyaya, Mr. Amarendra Nath.
Choudhury, Maulvi Muhammad Hossain.
Dam, Mr. Ananga Mohan.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Griffiths, Mr. P. J.
Ismail Khan, Hajee Chowdhury Muhammad.
Lalchand Navalrai, Mr.

Liaquat Ali Khan, Nawabzada Muhammad.
Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.
Miller, Mr. C. C.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Neogy, Mr. K. C.
Parmanand, Bhai.
Raza Ali, Sir Syed.
Sant Singh, Sardar.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—36.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Bhagchand Soni, Rai Bahadur Seth.
Bozman, Mr. G. S.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Ghiasuddin, Mr. M.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismaiel Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shamsul-Ulema.
Kushal Pal Singh, Raja Bahadur.

Lalljee, Mr. Hooseinbhooy A.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Sargent, Mr. J. P.
Snaban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

The motion was negatived.

Nawabzada Muhammad Liaquat Ali Khan: Sir, before you put the other motion to the vote, I wish to say something. This Bill had been under consideration for the last two days, and practically every non-official Member who spoke on this Bill opposed the motion which you are going to place before the House. Government have shown that they have no regard for the opinion of the non-official Members and thus have forfeited their claim to our assistance.

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

Nawabzada Muhammad Liaquat Ali Khan: What I am going to say is directly connected with the motion which you are going to place before the House. My Party has, therefore, decided to withdraw the names of its representatives from the Select Committee, namely, that of myself and of Dr. Sir Zia Uddin Ahmad. I thought it my duty to place this before the House.

Mr. J. D. Tyson: As that will reduce the number below the customary figure, I should like if you allow it, Sir, to suggest the addition of the names of Pandit Nilakantha Das and Mr. M. Ghiasuddin.

Mr. President (The Honourable Sir Abdur Rahim): I suppose the Government have no objection to the deletion of those two names. (After a pause.) I suppose the House has no objection to the addition of the names of Pandit Nilakantha Das and Mr. M. Ghiasuddin.

Nawabzada Muhammad Liaquat Ali Khan: We object to these names being added at this stage.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can vote against the motion.

The question is:

"That the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee, consisting of the Honourable the Law Member, Pandit Nilakantha Das, Mr. M. Ghiasuddin, Dr. P. N. Banerjea, Sir F. E. James, Shams-ul-Ulema Kamaluddin Ahmad, Mrs. Renuka Ray, Mr. J. P. Sargent and the Mover, that the number of Members

[Mr. President.]

whose presence shall be necessary to constitute a meeting of the Committee shall be five, and that the Committee be authorised to meet at Simla.

The Assembly divided:

AYES—37

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurusath.
Bhagchand Soni, Rai Bahadur Seth.
Bozman, Mr. G. S.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Das, Pandit Nilakantha.
Ghuznavi, Sir Abdul Halim.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Jamael Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. D. S.
Kamaluddin Ahmad, Shamsul-Ulema.

NOES—22

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chhattopadhyaya, Mr. Amarendra Nath.
Choudhury, Maulvi Muhammad Hossain.
Datta, Mr. Akhil Chandra.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ismail Khan, Hajee Chowdhury Muhammad.
The motion was adopted.

Kushal Pal Singh, Raja Bahadur.
Laljee, Mr. Hooseinbhooy A.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Noon, The Honourable Malik Sir Feroz Khan.
Pai, Mr. A. V.
Pillay, Mr. T. S.
Raisman, The Honourable Sir Jeremy.
Sargent, Mr. J. P.
Shaban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Sundaresan, Mr. N.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.

Lalchand Navalrai, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Neogy, Mr. K. C.
Raza Ali, Sir Syed.
Siddique Ali Khan, Nawab.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

It is not my experience really in other Committees but in the Public Accounts Committee I find that Government Members do attend very carefully to all our objections. There is a feeling of give and take, even if our demands may be rather embarrassing to the Government Members. I would also say that sometimes, when we differ from the Government Members, they do seem to support the department. I submit that this should not be the attitude of the Government, when we are examining their own figures. In fact, the Government ought to be more critical than ourselves, because they know the facts and the figures and other things more than we do—that is, the non-official members of the Committee. There are fortunately or unfortunately two Knights who are nominated Members and there is only one Knight from the elected Members and if the Government wants that there should be more critical examination, then I would ask the Government to do away with the nominated Members and put in more elected Members on the Public Accounts Committee, because that would be giving the Government a more critical knowledge of their own accounts. I am prepared to say that we non-official Members of the Public Accounts Committee think it our duty to examine critically and closely; and perhaps the Government Members rely—I do not blame them—more on their own official votes rather than themselves. In the interest of the Government itself, I would ask that the Government may not put in Members who will only raise their hands to support the Government but will critically examine the figures, the facts and the criticism which the members of the public place before the Government. I am not saying this in the interest of this party or that party. I would ask the Government to think twice before they nominate people and I would ask them to nominate such people as are very well versed in the financial accounts and principles. I know that Sir Cowasjee Jehangir is an expert. He knows more of finance and Government can put in more members like him, if the Government wants clever men on the Public Accounts Committee.

I shall refer to a few remarks which will show how critically we examine the figures. The report is in the library of the House and I am sure the Members could refer to the paragraphs and the pages I refer to. On page 8 of the report on the 1940-41 accounts, you find it is mentioned:

"We are pleased to see that in the year under review there has been no unnecessary supplementary grant and that in this respect at least there has been an improvement over the last year and the year before."

From that you can see that unnecessary supplementary grants were put in in previous years and as the result of our critical examination, unnecessary grants were not accepted by the Government. At the same time we said:

"There is firstly the large and growing number of 'Defects in Budgeting' listed in Annexure B, to the Chief Commissioner's Review of the Appropriation Accounts. The items in this list this year number no less than 30 compared to 22 in 1939-40, 22 in 1938-39 and 12 in 1937-38. Most of these are due to 'oversight' or 'misapprehension' or 'Omission'. While we recognise that in so large an organisation as the Railways mistakes may at times be unavoidable we are perturbed at the increase in carelessness that these statistics would appear to imply."

We examined the accounts and wherever we found that there was any error or omission either in the language or in the figures we pointed it out very explicitly and without any reservation. On page 10 we said about the token grants:

"Although no provision was made in the budget for it, the Bengal Doors Railway was purchased by Government during the course of the year."

We objected in the Committee that without referring to the House such items should not be allowed. In the end we said:

"A token demand should be placed before the Assembly for the purpose."

So, you can find that whenever there is a token grant we do not shirk our responsibility and we have been very critical. Then, in paragraph 19 we dealt with distribution of provision for works. We said:

"The correct procedure is of course to provide larger gross sum with a deduction for probable savings in the demand placed before the Legislature."

Whenever there is any occasion where we find that any mistake has been committed and that the rights of the House have not been properly guarded,

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE—contd.

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

"That the Report of the Public Accounts Committee on the Accounts of 1940-41, be taken into consideration."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the last Public Accounts Committee met here in Delhi in August last and at that time the Honourable the Finance Member was not present in India. He was out of India and his Secretary, Mr. Jones, presided over the Committee. Being a member of that Committee, I know—and I have experience of about three or four years now—that whatever objections were raised in the Committee were really attended to by the Government and we got very good opportunity to critically examine the accounts and the evidence that was produced before us.

It was very unfortunate the other day when Sir Cowasjee Jehangir said that the accounts were not being so critically examined by the Public Accounts Committee as to afford wide scope for criticism in the House. I submit that there was some misunderstanding on the part of Sir Cowasjee Jehangir. I am sorry he is not in the House today. He told us that he did not mean any reflection on the members of the Public Accounts Committee but still he said that matters like the financial settlement and other matters which were taken up by the Honourable the Finance Member in England were not well attended to. My submission is that it was not the occasion. The Finance Member had not come back to India from England and therefore; it was absolutely impossible for us to take up those questions and we did not know these things until the matter was placed before this House. It may be that Sir Cowasjee did not intend to reflect on the members of the House but I shall show to the House how religiously and critically

[Mr. Muhammad Azhar Ali.]

we raise an objection and we are glad that the Committee agreed to our views that the demand was to be placed before the Legislature. Of course, sometimes there is a tussel between the Members on the opposition and the Government, but it is always in the spirit of give and take. If there is anything that we point out to the Members, we are glad to say the Government Members do listen patiently to our remarks. We are also glad to find that we get in the Committee key statements which are very helpful to the Committee and I would ask the Government to present such key statements, if they can, before all the Committees that the Government appoints. These key statements along with the Auditor General's note are very helpful to the Committee.

When we came to examine the Posts and Telegraphs Department, we remarked that in time of war it was felt that the commercial aspect of the Department should to some extent be subordinated to the interests of the general tax-payer. We also said:

"The Committee then went through the section on financial irregularities and observed that the number of cases of defalcation or loss of public money during the year under review had decreased as compared with 1939/40 although the amount, involved had shown an increase, the reason being that two cases of highway robbery and of certain Savings Bank frauds had involved large amounts."

It was to our great disappointment that we found that somehow the arrangements in the Postal Department were not found to be so very satisfactory. In the same manner, we went through the accounts of Railways. We did not hesitate to put our remarks and our disapproval of the things which were happening.

Then, we dealt also with Grant No. 12, the Executive Council. We said: "A question was raised as to what exactly the sub-head A.2-Allowances in this grant covered and why accurate budgeting under the head was difficult. It was stated that, as far as the information of the Home Department, went, this head was meant to cover the equipment and voyage allowances of Honourable Members of Council, but there was some doubt as to whether it did not also cover the travelling expenses paid to Honourable Members. The Department promised to look into the matter and give a fuller explanation to the Committee before the end of its present session."

My submission, therefore, is that by these remarks we meant that even if there is some irregularity about the travelling allowances or any kind of allowances given to the Members of the Executive Council, we have not hesitated to point out those defects to the Committee. We were glad to find that they said that if there were any such defects they will be placed before the Committee before the end of the Session and we were satisfied that they were so placed. My submission is that in all matters which came before us, we did not hesitate to express our independent opinion and we are glad to find that our recommendations were attended to very carefully by the Committee.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, my Honourable friend Mr. Muhammad Azhar Ali has just stated that in the year under report no supplementary grant was unnecessary. The three cases in which supplementary grants proved finally unnecessary are mentioned in paragraph 5 of the Auditor General's report. And those cases are in connection with Grant No. 80, Survey of India and Grants Nos. 52 and 63. In these cases the savings of the final grant exceeded the amount of supplementary grant. Therefore, in these three cases the supplementary grant proved unnecessary during the year under report. So, we cannot say, that there were no cases of unnecessary supplementary demands.

The Honourable Sir Jeremy Ralsman (Finance Member): Has the Honourable Member realised that the quotation which Mr. Azhar Ali made related to Railways, Part II? There were no unnecessary supplementary grants in the Railways portion of the accounts, whereas my Honourable friend is talking about the remainder of the civil budget.

Maulvi Muhammad Abdul Ghani: Thank you Sir, I stand corrected. I have just pointed out about the appropriation accounts (civil).

Now, in the year under report 27 supplementary grants were voted by the Assembly amounting to Rs. 3,28,70,000 and the proportion of the supplementary grant in respect of the whole civil voted grants is 20, 25 per cent. as compared to 13.87 per cent. during the year, 1939-40.

In the previous years these supplementary demands

Mr. President (The Honourable Sir Abdur Rahim): I don't think anybody could hear the Honourable Member.

Maulvi Muhammad Abdul Ghani: I have just said that these supplementary demands were unnecessary. Savings under these demands were more than the amount of supplementary demand. Large savings occurred under demand No. 47-Aviation. Its funds used to be voted year after year, but I regret to say, that the Department appears to have taken no steps in utilizing these savings. A comparative table for six years, say 1935-36 to 1940-41 as given on page 191, paragraph 4 of the Audit Report speaks for itself the amount of savings and percentage of that saving is as follows:

In 1935-36 it was 39.55 per cent.

In 1936-37 it was 54.2 per cent.

In 1937-38 it was 43.88 per cent.

In 1938-39 it was 13.78 per cent.

In 1939-40 it was 17.43 per cent.

In 1940-41 it was 37.16 per cent.

In the year under report, although there was gross saving of Rs. 12,08,912 in the voted section, three supplementary demands of Rs. 24,45,000 were presented to and passed by the Assembly. Unnecessary savings under the head working expenses, as explained in paragraphs 6(i), 6(ii) and 6(iii), confirms the inactivity of the Department, as no cut was applied in the 1940-41, as recommended by the Public Accounts Committee, in the year 1939-40. Therefore, in view of such a large saving, in future some limit should be applied to this Department and the committee recommended for imposition of drastic lump sum cut.

As regards the control over budgeting under head Railways I find that in the year 1937-38 there was a saving of 2.25 per cent. In 1938-39 it was 0.13, in 1939-40 it was 2.57 and in 1940-41 it was 15.48. As compared to the result of the last three years the result of 1940-41 shows a marked deterioration.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): On a point of order, Sir, there is no quorum and my friend Maulvi Muhammad Abdul Ghani is going to speak for a long time.

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

Maulvi Muhammad Abdul Ghani: As regards the number of items, it was 12 in 1937-38, and this number rose upto 22 in 1938-39, 22 in 1939-40 and 30 in 1940-41.

MESSAGE FROM THE COUNCIL OF STATE.

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

"The Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill to amend and codify the Hindu Law relating to Intestate Succession be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 18 members, was considered by the Council of State at their meeting held on the 1st April, 1943, and the Resolution was concurred in by the Council.

The following Members of the Council of State have been nominated to serve on that Committee:

(1) The Honourable Pandit H. N. Kunzru. (2) The Honourable Mr. P. N. Saprta. (3) The Honourable Rai Bahadur Sri Narain Mehtha. (4) The Honourable Mr. V. V. Kalikar. (5) The Honourable Mr. S. K. Roy Chowdhury. (6) The Honourable Sir A. P. Patro. (7) The Honourable Sardar Bahadur Sobha Singh. (8) The Honourable Mr. Hossain Imam, and (9) The Honourable Mr. Shavaz A. Lal."

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd April, 1943.

LEGISLATIVE ASSEMBLY

Friday, 2nd April, 1943.

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.

THE DELHI MUNICIPALITY BUDGET.

462. *Nawab Siddique Ali Khan: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Municipality of Delhi has a practically deficit budget this year for the reason that its expenditure under the head Establishment is more than half of the ordinary income of the Committee?

(b) Is it a fact that the general discussion on the budget was not allowed this year only contrary to convention?

Mr. J. D. Tyson: (a) The budget for 1943-44 shows a revenue deficit of 3.38 lakhs but it is not a fact that the expenditure on Establishment is more than half the ordinary income of the Committee.

(b). Yes. The municipal by-laws do not specifically provide for a general discussion of the budget.

Sardar Sant Singh: What is the proportion of the expenditure to the total income of the municipality?

Mr. J. D. Tyson: I am afraid I have not got the figures.

Mr. H. A. Sathar H. Essak Sait: The Honourable Member says in reply to part (a) that it is not a fact. Then what is the fact?

Mr. J. D. Tyson: I said I had not got the figures.

Sardar Sant Singh: May I know if the Honourable Member cared to examine the figures of the proportion of the expenditure to the total income of the municipality?

Mr. J. D. Tyson: No, Sir. I have not got the figures here at all.

Dr. P. N. Banerjee: Will the Honourable Member get the figures and place them on the table?

Mr. J. D. Tyson: If the Honourable Member would let me know what figures he wants, I shall get them.

Sardar Sant Singh: With reference to the answer to part (b) may I know what is the practice in the municipality of Delhi? Is it different from other municipalities where I know the budget discussion is carried on for several hours?

Mr. J. D. Tyson: I do not know what the practice is at all. But the fact is that the municipal by-laws in Delhi do not provide specifically for a general discussion. I believe that the question of amending the by-laws is under consideration.

Sardar Sant Singh: May I know whether the Government propose to advise the municipality on this important question?

Mr. J. D. Tyson: It does not rest with the Central Government in the first instance. It is a matter which rests with the Chief Commissioner.

Sardar Sant Singh: Will the Honourable Member enquire from the Chief Commissioner as to what is in his mind about this budget discussion? This is a very important subject.

Mr. J. D. Tyson: Yes, I will enquire.

Mr. H. A. Sathar H. Essak Sait: With reference to part (a), the Honourable Member told us that it is not a fact that expenditure comes to half the ordinary income of the municipality, he also told us that he had not got the figures. May I know how then did he satisfy himself that the answer that has been prepared for him is correct?

Mr. J. D. Tyson: The Chief Commissioner informed me.

EXPENDITURE FROM THE RESERVE FUND TO MEET DEFICIT BY THE DELHI MUNICIPAL COMMITTEE.

463. *Nawab Siddique Ali Khan: Will the Secretary for Education, Health and Lands please state if it is a fact that after disposing of all its lands worth more than rupees ten lakhs (which were purchased from reserve investments), and after spending this money not in any capital but in day to day expenditure, the Delhi Municipal Committee now proposes to spend its last Reserve Fund to meet its deficit of about rupees four lakhs?

Mr. J. D. Tyson: A statement showing the income of the Delhi Municipal Committee from sale of lands from 1935 and expenditure therefrom is laid on the table.

Statement.	
(1) Gross income from sale of lands from 1935 up to 28th February, 1943 .	33.31 lacs.
Expenditure on acquisition and development .	15.92 "
Net income .	17.39 "
(2) Details of net income—	
(a) Invested in Treasury Bills .	4.00 lacs.
(b) In cash Balance .	6.00 "
(c) Expenditure on emergency measures during 1942-43 .	10.00 "
	7.39 "
(3) Government contribution towards expenditure on emergency measures expected .	5.14 lacs.
Spent from Municipal funds on emergency measures .	2.25 "
	7.39 "
(4) The position for 1943-44 is as follows:—	
Expenditure .	47.19 lacs.
Income .	43.81 "
Revenue deficit .	3.38 "
This is proposed to be met as follows:—	
From sale of investments which are really receipts from sale of lands .	.97 lacs.
From sale of land in 1943-44 .	.28 "
From Joint Water Board income .	.17 "
From Cash Balance .	1.96 "
	3.38 "

PAY OF THE DELHI MUNICIPALITY HEALTH OFFICER.

464. *Nawab Siddique Ali Khan: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the present grade of pay of the Health Officer, Delhi Municipality, is higher than that of any other Municipality in India even including the Karachi Corporation?

(b) Is it a fact that only last month when the Health Officer was made permanent, nearly all the elected members complained about the sanitation of Old Delhi and none spoke in favour of him and in spite of this he was made permanent by a majority of official and nominated members?

(c) Is it a fact that when the question about making him permanent came before the meeting, the President ordered that the meeting should be held *in camera*? If so, why?

Mr. J. D. Tyson: (a) No.

(b) The reply to the first portion is in the affirmative. No record of the speeches made in that connection was maintained, but only 11 out of 34 elected members dissented.

(c) As the resolution was to entail discussion of the fitness of one of the Committee's principal officers for reappointment, the Chairman in his discretion decided that the meeting should be held *in camera*.

Mr. Lachand Navalrai: What is the pay of this Health Officer?

Mr. J. D. Tyson: His present grade of pay is Rs. 750-80-840-40-1,000. He is at present drawing Rs. 880 in that scale.

Sardar Sant Singh: Is it a fact that he is a qualified gentleman?

Mr. J. D. Tyson: I do not know about his qualifications.

Mr. Lachand Navalrai: Since how long has he been there?

Mr. J. D. Tyson: He was appointed as Assistant Medical Officer of Health in 1933.

ESTABLISHMENT OF HIS PARTY IN THE DELHI MUNICIPALITY BY ITS OFFICIAL PRESIDENT.

465. *Nawab Siddique Ali Khan: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that a mandate is issued by the President, Delhi Municipality, to all official and nominated members to be present and to vote with him whenever such questions as the appointments of the Secretary or the Health Officer or the budget are discussed, and that the President who is also the District Magistrate, on all such occasions raises his hand, whether there is a tie or not, before calling others to vote?

(b) Is it a fact that it was decided that no proposals for a fresh scheme or for the creation of new post would be taken into consideration unless a certificate had been obtained from the Secretary that a budget provision for it could be made, that this decision was not acted upon and that a number of new posts were created?

(c) Is it a fact that the official President has established his own party in the Committee, and through this party he carries on work of the Committee as a Government Department, and, therefore, there is no local Self-Government, now-a-days, in Delhi?

Mr. J. D. Tyson: (a) The reply to the first part of the question is in the negative. As regards the second part, under section 29 of the Punjab Municipal Act, 1911, the Chairman of a meeting is entitled to a vote and in addition has a second or casting vote.

(b) The reply to the first part of the question is in the affirmative. The decision referred to by the Honourable Member could not be adhered to on some occasions.

(c) The reply to the first part of the question is in the negative, the other parts do not arise.

NEGLECT OF HINDU AND SIKH MONUMENTS IN THE FRONTIER ARCHAEOLOGICAL CIRCLE.

466. *Sardar Sant Singh (on behalf of Bhai Parma Nand): Will the Education Secretary be pleased to state if it is a fact that since 1941, the Hindu and Sikh monuments in the Frontier Circle of the Archaeological Survey of India are being neglected, and whether any complaints to this effect have been received? If so, who is responsible for this neglect, and what action do Government propose to take on the complaints received?

Mr. J. D. Tyson: Government have no reason to believe that Hindu and Sikh protected monuments in the Frontier Circle have been wilfully neglected. A complaint that certain Hindu monuments in the Kangra District are being neglected was received and the matter is under inquiry. Another complaint that certain monuments associated with the Sikh community had been allowed to fall into disrepair was also received. In the latter connection Government have issued instructions to the Director General of Archaeology in India to ensure that, as far as funds permit, Sikh monuments requiring repair are not neglected.

Sardar Sant Singh: May I ask if it is a fact that the Shiromani Gurdwara Prabandhak Committee, Lahore, have been making these complaints for the last three years and so far the Government did not even show them the courtesy of acknowledging that letter?

Mr. J. D. Tyson: I do not know for how long they have been complaining. But they received a detailed answer to their complaint of the 14th December, 1942.

Sir Muhammad Yamin Khan: May I know if it is the policy of the Government of India to look after only those monuments which have got archaeological value or to protect any and every monument which has been left by any community?

Mr. Lalchand Navalrai: May I know from the Honourable Member what is the free allowance of water given to these orthodox quarters?

The Honourable Dr. B. R. Ambedkar: I would like to have notice of that.

Mr. Lalchand Navalrai: In view of the fact that the Government is not able to give them unfiltered water now, will the Honourable Member consider the question of increasing the free supply of filtered water to 10,000 gallons.

The Honourable Dr. B. R. Ambedkar: I will consider that.

SHORT NOTICE QUESTIONS AND ANSWERS.

MAINTENANCE OF THE DEPENDENTS OF PIR OF PAGARO, ETC.

Nawabzada Muhammad Liaquat Ali Khan: (a) Will the War Secretary be pleased to state what provision has been made for the maintenance of the widows, children and dependants of the late Pir Pagaro who was executed under the sentence of a Martial Law Court in view of the fact that all his property has been confiscated by Government?

(b) What Government propose to do with his property which has been confiscated under the same order?

(c) Are Government aware that the property of the late Pir Pagaro which has been confiscated by Government was not his private property, earned or acquired by him, but was presented to him by his followers and others and was held by him in trust to be used by him for the benefit of the Muslims?

(d) What provisions are being made by Government to carry out the intentions of the donors?

Mr. C. M. Trivedi: (a) This matter is under the consideration of Government.

(b) The question of the disposal of the confiscated property will be considered along with other questions when Martial Law is withdrawn.

(c) Government are not aware that the property referred to by the Honourable Member was not the private property of the late Pir, or that it was held by him in trust to be used for the benefit of the Muslims.

(d) Does not arise.

Maulana Zafar Ali Khan: May I ask when the Martial Law is going to be withdrawn?

Mr. C. M. Trivedi: Martial Law will be withdrawn as soon as the circumstances permit of that action being taken.

Kunwer Hajeer Ismail Ali Khan: In reply to my question the other day, the War Secretary stated that the landed property of Pir Pagaro is not confiscated.

Mr. C. M. Trivedi: When I replied the other day, the trial of the Pir had not been completed. The order of confiscation of immovable property was passed subsequently by the Martial Law Tribunal which tried the Pir.

Nawabzada Muhammad Liaquat Ali Khan: With regard to (a), will the Honourable Secretary be pleased to state that during the time that this matter is under consideration, how are the dependants of the late Pir Pagaro going to live?

Mr. C. M. Trivedi: I understand, Sir, that the two sons of the pir and their mother are being maintained in a manner suitable to their position.

Dr. P. N. Banerjee: At Government expense?

Mr. C. M. Trivedi: Yes, Sir.

Sir Muhammad Yamin Khan: What about his other wives? I understand he left behind four.

Mr. C. M. Trivedi: I shall enquire about that.

DEPUTATION ON BEHALF OF THE COAL INDUSTRY IN BENGAL AND BIHAR.

Mr. K. C. Neogy: Will the Honourable the Labour Member be pleased to state whether he received on the 25th March last a deputation on behalf of the different organisations representing the coal industry in Bengal and Bihar? If so, what was the subject matter of the representation made by the deputation, and what action is proposed to be taken by Government thereon?

The Honourable Dr. B. R. Ambedkar: A deputation of the organisations representing the coal industry in Bengal and Bihar was received on the 25th March as stated by the Honourable Member.

The subject matter was their anxiety concerning future arrangements to replenish their existing rice stocks. The deputation stated that their Associations saw no certain prospects of maintaining their stocks as the Provincial Governments concerned, whilst promising whatever help they could give, did not feel able to guarantee supplies. The Central Government pointed out that they had asked the organizations some time back for a combined distribution scheme which had not been received. The deputation was informed that the Central Government were importing considerable quantities of rice into Bengal and that if it were found the Provincial Governments were not able to help, then assistance would be given by the Central Government. Since then representatives of the organisations have had an interview with a representative of the Food Department in Calcutta, and the food position of coal mining labour has been secured for a further period by the provision of certain supplies by the Central Government.

Mr. K. C. Neogy: The Honourable Member referred to replenishing existing stocks of rice. Is the Honourable Member in a position to state approximately the quantity of rice that may be available now to the different collieries?

The Honourable Dr. B. R. Ambedkar: As I stated in my reply, the food position of the coal-mining labour has been secured for a further period by the provision of certain supplies by the Central Government.

Mr. K. C. Neogy: What I was referring to was the existing rice stocks which the Honourable Member referred to. What is the amount of these existing rice stocks?

The Honourable Dr. B. R. Ambedkar: The position differed in Bengal and Bihar, and if I remember correctly, what was stated by the deputation was that they had stocks for four or five weeks.

SCHEME FOR CHEAP GRAIN SHOPS FOR BENGAL AND BIHAR COLLIERY LABOUR.

Mr. K. C. Neogy: (a) Will the Honourable the Labour Member please state if it is a fact that in a communication to the Governments of Bengal and Bihar, the Labour Department of the Government of India proposed a scheme for the establishment of cheap grain shops in April 1942, for the benefit of the colliery labour? If so, what response did the scheme meet with at the hands of the two Provincial Governments and of the organisations of the coal industry?

(b) Has any effective action been taken by either of the two Provincial Governments as an alternative to the above scheme for ensuring a cheap supply of food grains to colliery labour? If so, on what lines, and when?

(c) What action, if any, has been taken by the organisations of the coal industry or by individual collieries for the supply of cheap food grains to labour, and what help, if any, has been rendered by either of the two Provincial Governments to them in the matter?

The Honourable Dr. B. R. Ambedkar: (a) Yes. The Bihar Government considered that other methods of dealing with the problem were preferable. No reply was received from the Bengal Government.

(b) So far as the Central Government's information goes both the Provincial Governments have through their local officers taken all possible steps to ensure a supply of food grains at cheap rates to colliery labour.

(c) It is not understood what the Honourable Member means by cheap food grains. The principal Employers' Organisations in the coal industry made arrangements to supply food grains at reasonable prices to their labour. The Provincial Governments assisted them in obtaining food grains.

Mr. K. C. Neogy: I am afraid I have not received a reply to the second part, clause (b), of my question, viz., "Has any effective action been taken by either of the two Provincial Governments: if so, on what lines and when?"

The Honourable Dr. B. R. Ambedkar: As I said, they helped them to secure food supplies.

Mr. K. C. Neogy: But exactly in what way?

The Honourable Dr. B. R. Ambedkar: They helped them in getting them.

Mr. K. C. Neogy: But in what way was that help rendered, because we have instances in which there was actual hindrance?

Mr. J. D. Tyson: It is a matter of whether they are of historical or archaeological value.

Mr. Lalchand Navalrai: May I know if this Superintendent has been attending to these works through his subordinates or he has been attending them himself?

Mr. J. D. Tyson: I have no information.

Mr. Lalchand Navalrai: Will the Honourable Member obtain the information and give instructions to the Superintendent that he should attend to them himself?

Mr. J. D. Tyson: I will get the information and I will then give such instructions as are indicated by the result of the inquiry.

Dr. Sir Zia Uddin Ahmad: Has the Honourable Member got before him definite instances where monuments have not been preserved and whether his attention has been drawn thereto, what reply did he give?

Mr. J. D. Tyson: Yes, Sir. I have got definite allegations before me both as regards Kangra district which is a matter still under enquiry and as regards other monuments referred to which are in Lahore.

Sir Muhammad Yamin Khan: Has the Honourable Member got before him the complaint which was made by no less an authority than the Adviser to the Governor of U. P. saying that a monument which was protected in Meerut had been given up altogether and it is lying in ruins?

Mr. J. D. Tyson: I have not myself seen or heard of that.

Sir Muhammad Yamin Khan: I will bring it to the notice of the Honourable Member.

FRONTIER ARCHAEOLOGICAL CIRCLE SUPERINTENDENT'S TRAINING IN EXCAVATION WORKS.

467. ***Sardar Sant Singh** (on behalf of **Bhai Parma Nand**): (a) Will the Educational Secretary please state if the Superintendent, Frontier Circle, Archaeological Survey of India, Lahore, has had any training in archaeological excavations, excepting brief visits to sites of excavations?

(b) Has he ever conducted excavations independently?

Mr. J. D. Tyson: (a) The Superintendent, Frontier Circle, has not undergone any course of training in archaeological excavations.

(b) The Superintendent, Frontier Circle, in his capacity as Superintendent, Frontier Circle, and formerly as Superintendent, Central Circle, was in general charge of excavations carried out at Nalanda, Rajgir and Harappa by the Custodians and Excavation Assistants at those places.

Sardar Sant Singh: May I know what qualifications has the Superintendent got for being put in charge of this Circle?

Mr. J. D. Tyson: I am afraid I have not got any particulars here. He has long service in the department, but I am afraid I have not got any details of his experience.

Sardar Sant Singh: Is it the view of the Honourable Member that long experience in the department makes one an expert in this branch of science?

Mr. J. D. Tyson: No, Sir.

Sardar Sant Singh: Then how is it that employees in the department are given charge of such important works which relate to a particular science?

Mr. J. D. Tyson: He was not conducting these archaeological excavations himself at all. They were going on in his circle and as Superintendent of the Circle he was in general charge of that activity along with others.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member aware that he holds a degree of Doctorate from Cambridge University and the gentleman who is being superseded by him is only a third class M.A.?

Mr. J. D. Tyson: Yes. He holds a Doctorate degree.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member aware that this Superintendent has done excavation work at Mohenjo-Daro under Sir John Marshall?

Mr. J. D. Tyson: May be, Sir. I have not any information.

Dr. Sir Zia Uddin Ahmad: Then, before making up his mind will the Honourable Member please make full enquiries and make himself familiar with the local conditions of the office?

Mr. J. D. Tyson: I do not know what I am expected to make up my mind about in this particular case.

Dr. Sir Zia Uddin Ahmad: I am asking that before coming to any final decision on made-up reports he should make himself familiar with the local conditions of the office.

Mr. J. D. Tyson: No decision is called for under this question, as far as I can see.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether it is a fact that this officer has been publishing reports of excavations in his own name though the work was done by subordinates.

Dr. P. N. Banerjee: Is it a Hindu-Muslim question?

Mr. J. D. Tyson: I do not know.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether it is a fact that his confirmation was postponed for reasons of inefficiency?

Mr. J. D. Tyson: As regards his reports, in his capacity as Superintendent, he submitted the reports to the Director General of Archaeology after scrutinizing and correcting them. That was his part in the reports.

Mr. Lalchand Navalrai: I am asking about his confirmation. Is it a fact, or not, that his confirmation was postponed on account of his inefficiency?

Mr. J. D. Tyson: I have not got the information here. The confirmation of one officer in the department was postponed, but whether this is this one or another I cannot say off hand.

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

PROVISION OF TAPS FOR UNFILTERED WATER IN COMPOUNDS OF ORTHODOX QUARTERS IN NEW DELHI.

468. ***Mr. Muhammad Azhar Ali:** (a) Is the Honourable the Labour Member aware:

(i) that sometime back his predecessor promised to provide taps for unfiltered water in the compounds or courtyards of the orthodox quarters of the ministerial establishment in New Delhi but later on decided to keep the taps already installed outside the quarters open during the summer months which concession was withdrawn during the last summer owing to thefts of the connection-loops;

(ii) that that sort of arrangement was most inconvenient and in many cases the water had to be carried to the quarters from great distances by ladies and children in the sun during the summer months; and

(iii) that there are fairly big compounds in front of the quarters which can be usefully used by the tenants for growing vegetables and other things in accordance with the Government propaganda for growing more food?

(b) Does the Honourable Member propose to consider the desirability of having unfiltered water taps installed in the courtyard of each quarter as in the case of unorthodox quarters? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) (i). Presumably the Honourable Member is referring to the reply given by my predecessor to starred question No. 280 asked by Bhai Parma Nand in this House on the 28th February, 1940. My predecessor did not promise to provide taps for unfiltered water in the compound or courtyards of the orthodox clerks quarters in New Delhi and he stated that he was considering the desirability of doing so. It was decided to keep the hydrants (and not taps) in front of these quarters open during the summer months and to fix some mechanical contrivance on the hydrants, and this arrangement was continued during the last summer season except in cases where the attachment was either damaged or stolen.

(ii) I cannot say that the arrangement was most inconvenient.

(iii) Yes.

(b) No. In view of the financial stringency and non-availability of the material the question of providing unfiltered water taps in the courtyards of these quarters cannot be considered until normal times. I may mention for the information of the Honourable Member that taps have not been provided in the courtyards of the unorthodox clerks quarters and that the mechanical devices similar to the one fixed on the hydrants in front of the orthodox clerks quarters has been provided on the hydrants in the unorthodox quarters.

Dr. Sir Zia Uddin Ahmad: What steps have the colliery owners taken to supply food to their labour?

The Honourable Dr. B. R. Ambedkar: As I said, they maintained stocks and were also helped by the Provincial Governments to maintain them.

Mr. K. C. Neogy: Has the attention of the Honourable Member been drawn to an instance in which certain stocks of rice which certain colliery owners acquired for their collieries were actually commandeered by the Government and a complaint to that effect was made by them to the Provincial Governments and here?

The Honourable Dr. B. R. Ambedkar: I have no such information.

SCHEME FOR REGULATING THE PRICE OF DRUGS.

Mr. E. L. O. Gwilt: With reference to his statement in the House on the 17th of March, 1943, upon the subject of a scheme for regulating the price of drugs, will the Honourable Member representing the Commerce Department be pleased to state:

- how far the scheme has progressed;
- the range of drugs embraced by the scheme;
- the date on which it will come into operation;
- the maximum penalties that should be imposed under Defence of India Rules for those who disobey the control orders;
- the price of quinine sulphate powder and of quinine hydrochloride per lb. prevailing in the local markets of Calcutta, or Delhi, or Madras, or Karachi, or Bombay, on the 1st of March, 1943, and the price of these products before the war; and
- the steps taken immediately to license the sale of quinine, and to prohibit its sale without such a licence?

Mr. T. S. Pillay: (a), (b), (c) and (d). I am sorry that the matter is still under consideration and I am not in a position at present to state the scope of the scheme or the date on which it will come into operation or the penalties that should be imposed for breach of control orders.

(e) Government have no reliable information but it is understood that the trade stocks of quinine in the local markets are small and that such stocks as are available are being sold at the price of Rs. 200 a pound or more. The retail price of quinine before the war was, I understand, about Rs. 45 a pound.

(f) Government quinine is sold by licensed retail dealers. About 145,000 pounds of quinine have been allotted to Provincial Governments for sale to the public since 1st April, 1942, and it is hoped that this will relieve the situation regarding the availability of quinine at reasonable prices. I may add that quinine is freely available at all hospitals. No other step is considered necessary at present.

Sir Muhammad Yamin Khan: May I ask what steps do the Government propose to take to ensure that this quinine which has been given to the Local Governments does not get into the possession of these small dealers, but gets only into the possession of those people who really require it?

Mr. T. S. Pillay: As far as I know, Provincial Governments have got licensed dealers and they keep complete control over their transactions.

Sir Muhammad Yamin Khan: What is the control price?

Mr. T. S. Pillay: I do not know.

Dr. Sir Zia Uddin Ahmad: With regard to (a), (b), (c) and (d), may I know whether the scheme will be ready during the war or after the war?

Mr. T. S. Pillay: The scheme will be ready as soon as possible; certainly before the termination of the war.

Mr. Lalchand Navalrai: May I know from the Honourable Member at what price is the quinine being sold by the Provincial Governments and also at what price is it being sold to the public.

Mr. T. S. Pillay: I have already answered that I have no information on that. If the Honourable Member wants, I shall get the information for him.

Mr. Lalchand Navalrai: Yes, I shall be grateful for the information.

Mr. E. L. O. Gwilt: Did I understand the Honourable Member to say that supplies of quinine were freely available?

Mr. T. S. Pillay: At hospitals.

Mr. E. L. O. Gwilt: At hospitals? But are these hospitals selling quinine?

Mr. T. S. Pillay: No.

Sir F. E. James: What is the position in the Indian States? What steps have been taken to make quinine available in those States and at what price? Is he aware, for example, that it is extremely difficult to get quinine in Travancore where it is being sold in the market at Rs. 300 to Rs. 400 per lb.?

Mr. T. S. Pillay: Certain Indian States are being put in touch with the Provincial Governments. I have no detailed information about all the Indian States.

Mr. E. L. O. Gwilt: May I inform the Honourable Member that my information is that quinine which was being sold at Rs. 28 a lb. is now being sold at Rs. 400 a lb. and in view of the fact that practically all the subsections of my question are still under consideration, may I ask him to accelerate the inquiry into these matters and put into effect a price control as quickly as possible?

Mr. T. S. Pillay: I have already said that the scheme is under active consideration of the Government of India and every step will be taken to accelerate the matter.

Mr. E. L. O. Gwilt: May I also ask whether he will take steps to ascertain whether an organisation has been set up to corner stocks of quinine and what steps he proposes to take to break that organisation?

Mr. T. S. Pillay: I am not aware of that organisation, but we shall make inquiries.

Mr. Lalchand Navalrai: May I ask if the quinine is being adulterated and then sold? Is the Honourable Member aware of it? What steps does he propose to stop this practice?

Mr. T. S. Pillay: I am not aware of it.

Mr. T. T. Krishnamachari: May I ask if the Government will make arrangements with the Provincial Governments for stocks to be made available to the people in rural areas through post offices by asking them to carry small stocks of quinine, a practice that was in vogue in the past?

Mr. T. S. Pillay: I shall pass on that suggestion to the Provincial Governments.

Sir F. E. James: May I ask if his Department is really unaware of the fact of which everybody else is aware, namely, that there has been for some time an organisation in Bombay which has bought up all available stocks of quinine there, has sequestered them in a neighbouring Indian State from where it is being transferred to British India in small lots and sold at exorbitant prices?

Mr. T. S. Pillay: My Department is not aware of that.

Sir F. E. James: Then whose Department should be aware of it? Everybody knows it to be a fact.

(No answer.)

Mr. E. L. O. Gwilt: May I suggest that the Police be asked to inquire into this matter if it is not the business of any other Department to do so?

Mr. T. S. Pillay: I have already answered that we shall make inquiries.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 66 asked by Pandit Lakshmi Kanta Maitra on the 16th September, 1942.

EMPLOYMENT OF NON-INDIAN BURMA EVACUEES IN GOVERNMENT OF INDIA SERVICES.

(a) The number of European, Anglo-Indian and Anglo-Burman Officers of the High

services of the Burma Government employed in the services under the Government of India is as follows:

Community.	Number employed.	Scales of pay.	Conditions of service.
Europeans*	30	Pay according to the terms laid down in the attached summary of the principles regulating the pay of Burma/Malaya Officers appointed in India, or according to rank and appointment in the Armed Forces.	Temporary, or for duration of the War.
Anglo-Indians	3	Ditto	Ditto.
Anglo-Burmans	2	Ditto	Ditto.

(b) No.
(c) The number of non-official European and Anglo-Indian evacuees from Burma employed in the services under the Government of India is as follows:

Community.	Number employed.	Scales of pay.	Conditions of service.
Europeans	192	Pay according to the intrinsic value of the post or pay according to rank and appointment in the Armed Forces.	Temporary, or for duration of the war.
Anglo-Indians	38	Ditto	Ditto.

*Among the civilian officers only one officer is drawing more pay than he was receiving in Burma.

Summary of principles regulating the pay of Burma/Malaya officers appointed in India.

Generally speaking, Burma/Malaya officers appointed in India are treated as if they were first appointees to the various posts and no account is taken of the fact that they have service rights under the Government of Burma or Malaya which it would be necessary to recognise if they had been seconded for service in India in the normal manner by their respective parent Governments. The exceptions to this general rule which have been recognised are:

(1) officers belonging to what were the common Imperial services e.g., I.C.S., I.P., etc. When appointed to posts normally held by officers of such services. Burma officers of these services have been allowed their basic pay plus overseas pay as admissible from time to time under their original conditions of service. They are however treated as first appointees in all other respects (e.g., leave, etc.).

(2) essential personnel who possess qualifications and experience which are in short supply in India and which it is essential to obtain in the interests of the administration. The scale of pay which has been allowed in India in these cases, is the scale to which they would have been entitled had they rendered equivalent service in corresponding posts in the Government of India. The Government of India have also accepted in these cases liability for leave and pension contribution on account of their service in India. In the case of the Malayan officers, however, only pension contribution is payable.

The Government of India have not accepted any other liability in respect of these officers, e.g., maintenance of their Provident Funds and/or gratuity etc. Special pay and allowances admissible in Burma formerly are not allowed, in any case.

Information promised in reply to starred question No. 207, asked by Mr. Muhammad Azhar Ali, on the 2nd March, 1943.

REPRESENTATION AGAINST COMMUNAL RESERVATION BY THE WORKS MANAGER, CARRIAGE AND WAGON SHOP, LUCKNOW.

(a) to (e). Government cannot agree to disclose the details of correspondence between Railway Administrations and their subordinate offices.

(f). No specific posts in specific trades have been reserved for Muslims in view of the difficulty encountered in securing the necessary personnel, but the required reservation for Muslims in the category of Journeymen and Charge-hands as a whole has been maintained. A total of 115 permanent and 161 temporary vacancies were filled during the years 1940-1943, of which 32 and 52 respectively went to Muslims which is more than the 19 per cent. allotted to them.

(g). No.

Information promised in reply to parts (b) to (f) of starred question No. 251, asked by Mr. Amarendra Nath Chattopadhyaya on the 5th March, 1943.

FILLING UP OF VACANCY OF PROGRESS AND PLANNING SUPERINTENDENT, MECHANICAL DEPARTMENT, EAST INDIAN RAILWAY, ALAMBAGH.

(b) and (c). Yes.

(d) Government do not make such selections, but are informed that the Railway followed the procedure laid down by it in the case of the vacancy which arose in the Alambagh Shop in June, 1942.

(e) Yes, but this was a temporary arrangement. As regards the second and third parts, no action is necessary.

(f) No, as no appointment has yet been made. It is, however, possible that the person the Honourable Member has in mind may achieve selection. Transfers between groups are not prohibited and may be made in the interest of the Railway. Government do not intend to take any action as they do not consider any is called for.

Information promised in reply to part (a) of starred question No. 298 and starred question No. 299 asked by Mr. Muhammad Ahsan on the 15th March, 1943.

DISCRIMINATION BETWEEN MUSLIM AND NON-MUSLIM PLATFORM TICKET BOOKING CLERKS IN THE HOWRAH DIVISION.

No. 298.—It is understood from the East Indian Railway that the facts are not as stated by the Honourable Member.

DISCRIMINATION BETWEEN MUSLIM AND NON-MUSLIM PLATFORM TICKET BOOKING CLERKS IN THE HOWRAH DIVISION.

No. 299.—Booking Clerks (Platform Tickets) are inferior servants and their inclusion under the heading "Subordinates" in the Revised Pay Pamphlet, 1934, was wrong. They have to achieve promotion to subordinate posts through Selection Boards constituted for recruitment.

It is true that no Muslim Booking clerks (Platform tickets) have been promoted to subordinate categories during the years 1940 to 1942. The reason was that they were not selected for such promotion by the Selection Boards.

Information promised in reply to unstarred question No. 63 asked by Mr. K. C. Neogy on the 24th March, 1943.

SUPPLY OF WAGONS TO BENGAL AND BIHAR COLLIERIES FOR LOADING COAL.

(a) Total number of mines working in the Bengal and Bihar Coal fields—529.

Number of mines with daily buses of 10 wagons and under—413.

(b) Rakes and half-rakes are allotted according to the loading capacity of the collieries, the urgency of demands from the consumers and the operating capacity of the Railway concerned. In order to conserve wagons, particularly during periods of abnormal shortage as in January and February, 1943, advantage has to be taken of facilities at collieries with bases of above 10 wagons. These collieries have greater loading capacity, produce a superior class of coal, and raise approximately twice the total tonnage of coal raised by the mines with daily bases of 10 wagons and under. There are very few collieries with bases of 10 wagons and under which have sufficient siding accommodation to load a half rake of 26 wagons and of those having accommodation extremely few can load at short notice.

	Total No. allotted for loading coal in the Bengal and Bihar coalfields.	No. allotted to collieries with daily bases of 10 wagons and under.
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	January 1943.	February 1943.	January 1943.	February 1943.
(c) Full rakes	41	31	11	11
Half-rakes	125	141	13	18
(d) Wagons	73,627	70,283	12,900	15,451
(e) Wagons under special allotment	1,525	1,489	373	216
(f) Wagons allotted for loading coal other than for Loco Shipment and Iron and Steel Factories	29,643	23,836	6,915	8,614
(g) Wagons allotted under the Provincial Quota System		4,017		

Information promised in reply to starred question No. 414 asked by Khan Bahadur Shaikh Faal-i-Haq Piracha on the 29th March, 1943.

DISCRIMINATION IN ISSUING RAILWAY PRIORITY CERTIFICATES FOR TRANSPORT OF BONES, ETC.

(a) & (b). The transport of bones, raw or crushed, bone meal for manure, hooves and horns is not closed by goods train, and they may be booked whenever wagons are available, but priority movement can only be arranged under orders of the Controller of Railway Priorities at Delhi or of the Regional Controllers of Railway Priorities concerned. They may also be arranged by Railway administrations on the advice of a Provincial Transport Board. In order to eliminate long and cross hauls and inconvenient movements, and to ensure a reasonable quota of wagon supplies for raw materials, certain zones for the movement of bones, hooves and horns have been prescribed by the Regional Controller of Priorities, Calcutta, in the area under his jurisdiction. A copy of the orders prescribing these zones is laid on the table. These orders lay down that all bones traffic from certain areas shall be booked exclusively to certain mills and that certain wasteful movements shall not be allowed. Within the limits laid down, it is for the mills to make the necessary representations in regard to their requirements along with details of areas and stations from which they wish to draw their raw materials.

(c) I am not aware of any applications for priority having been made, except the following:

(1) An application from Messrs. Haji Mohd. Said Mohd. Sharif of the Bone Mill, Hapur, East Indian Railway, for ralling 1,500 tons of bone meal to Karachi for Colombo and for general priority for bringing bones to their factory dated July 5th, 1942. This application was refused.

(2) An application from Messrs. Burjor Ardeshir & Co., of Bombay on behalf of the above firm dated 15th August, 1942, for the movement of 100 tons of crushed bones and

bone meal from Hapur to Bombay required for shipment to the U.K. on a named steamer. Priority was given.

(3) An application by the above firm for general priority for bones and bone products, dated 13th January, 1943. The firm was informed that applications for the movement of particular consignments requiring urgent despatch for shipment should be referred to the Agent of the British Ministry of Supply at the Port who would take necessary action to arrange for the movement.

(d) No. I am not aware of this feeling or of any deliberate preference to non-Indian firms. The sole consideration has been to rationalise traffic distribution and to keep the volume of traffic down to manageable proportions.

(e) Does not arise.

Re. Bones Traffic to Bally (E. I.), Santragachi (B. N.) and Chingreehatta Bone Mills (B. and A. Railway).

As a tentative measure and pending further investigations which are in progress, the following orders are made in exercise of powers vested in the undersigned under Rule 85-A of the Defence of India Rules.

(i) All bones traffic from stations on the B. N. Railway will be booked exclusively to the Bone Mills at Santragachi. The necessary restriction should be imposed accordingly by the B. N. Railway authorities. No re-booking or diversion of wagons booked to Santragachi will be allowed. A quota of 60 wagons per month is allotted to such traffic. Ten days before the end of each month the Mill should send the Transportation Manager, B. N. Railway a programme of traffic to be moved from each station during the month following and the Transportation Manager, B. N. Railway will issue the necessary instructions to the District Officers concerned as regards wagon supplies.

(ii) All bones traffic from stations on the B. & A. Railway will be booked exclusively to the Chingreehatta Bone Mills, Ultadanga and the necessary restriction should be imposed accordingly by the B. & A. Railway authorities. No re-booking or diversion of wagons will be allowed.

A provisional quota of 30 wagons a month is given for such traffic. The Mill should send the Chief Transportation Manager, B. & A. Railway, a similar programme as provided for in the case of Santragachi.

(iii) All bones traffic from:—

(a) All stations on the Howrah, Asansol and Dinapore Divisions of the E. I. Railway, and connected light Railways.

(b) Stations on the Allahabad Division below Cawnpore (exclusive) and stations on the Lucknow Division, below Unao and Lucknow (both exclusive).

(c) *Via* Mokameh Ghat and *via* Bhagalpur from stations on the B. & N. W. Railway shall be booked exclusively to the Bone Mills at Bally. The necessary restrictions should be imposed accordingly by the E. I. Railway and no re-booking or diversion of wagons allowed. A provisional quota of 90 wagons per month is given in the case of (a) and (b) and 15 per month in the case of (c). The mill should send a similar programme to the Chief Operating Superintendent, E. I. Railway and Traffic Manager, B. & N. W. Railway respectively as provided for in the case of Santragachi.

(iv) Except in respect of any movements allowed by general or special order no movement of bones traffic from—

(a) Stations on the M. & S. M. Railway. (b) G. I. P. Railway and *via*. (c) B., B. & C. I. Railway, and *via*. (d) N. W. Railway and *via*. (e) R. & K. Railway. (f) All stations on the E. I. Railway other than those and except as provided for in para. (iii) (a) and (b) to (a) Stations on the B. N. Railway and *via*, and (b) All stations on the E. I. Railway and *via* (including specifically all stations on the B. N. & B. & A. Railways below Moghalsara), shall be permitted and the necessary restriction should be imposed by the receiving Railways concerned.

(v) The restriction in para. (iv) does not apply to traffic in crushed Bones or Bone-meal consigned by the Bone Mills at Magarwala and Hapur.

C. A. CRAWFORD, Regional Controller of Ry. Priorities.

Re. Horns and Hoofs traffic to Bally (E. I.), Santragachi (B. N.) and Chingreehatta Bone Mills (B. and A. Railway).

In exercise of the powers vested in the undersigned under Rule 85-A of the Defence of India Rules, it is directed that Hoofs and Horns traffic shall be included within the purview of the order dated 17th October, 1942, issued in connection with the movement of Bones traffic to Bally (E. I.) Santragachi (B. N.) and Chingreehatta Bone Mills (B. & A. Railway).

Accordingly wherever the word "Bones" appears in the aforesaid Order it shall be read as "Bones, Hoofs and Horns".

C. A. CRAWFORD, Regional Controller of Ry. Priorities.

Information promised in reply to unstarred question No. 78 asked by Hajee Chowdhury Muhammad Ismail Khan on the 29th March, 1943.

TIME ALLOWED FOR INSPECTION OF STATION ACCOUNTS ON EAST INDIAN RAILWAY.

(a) No such case is traceable at least within the past 12 months.
(b) When Inspectors have complained about the time allowed for a particular station being inefficient and the complaint appeared *prima facie* reasonable, the stations concerned have been inspected in the past by Accounts Officers and the time re-fixed wherever considered necessary.

MOTION FOR ADJOURNMENT.

REFUSAL OF PERMISSION TO THE BOMBAY CONFERENCE DELEGATION FOR INTERVIEWING MAHATMA GANDHI.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjourning the business of the Assembly from Mr. Krishnamachari, who wishes to discuss a definite matter of urgent public importance, namely, the refusal of the Government of India to permit the delegation of the Bombay Conference to interview Mahatma Gandhi.

Was it under the Defence of India Rules that the Government of India refused this permission?

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly Non-Muhammadan Rural): Sir, permission was not sought under any definite rules, but permission has been refused on behalf of the Government of India by the head of the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): Was that permission sought under the Defence of India Rules?

The Honourable Sir Reginald Maxwell (Home Member): May I explain, Sir? The conditions of detention of Mr. Gandhi are determined by the Government of India under the Defence of India Rules.

Mr. President (The Honourable Sir Abdur Rahim): That is what I wanted to know, whether this application of the Bombay Conference was made under those Rules? (To Mr. T. T. Krishnamachari) I hope the Honourable Member has followed what I said. Was the application made under the Defence of India Rules to the Government of India for permission being granted to the Bombay Conference to interview Mr. Gandhi?

Mr. T. T. Krishnamachari: I would like to submit, Sir, that the deputationists did not specify under what rules they wanted the interview.

Mr. President (The Honourable Sir Abdur Rahim): Did they apply to the Government of India?

Mr. T. T. Krishnamachari: They applied to the Viceroy as the head of the Government of India and the reply of the head of the Government of India categorically states that his own obligations and those of the Government of India do not permit this interview being granted.

Mr. President (The Honourable Sir Abdur Rahim): Was it under the Defence of India Rules that the application was made?

Mr. T. T. Krishnamachari: I would like to submit again that no specified statement has been made as to the rules under which the application was made and under what rules it was refused.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable the Home Member might have something to say to throw light on this question.

The Honourable Sir Reginald Maxwell: Sir, the application was presumably made to His Excellency the Viceroy as head of the Government of India and made to His Excellency the Viceroy as head of the policy already laid down by his reply to the deputation merely represented the conditions of detention of these the Government of India in regard to the conditions of detention of these persons, a policy to which they have consistently adhered. There has been no change of policy and the policy has been in existence for a considerable time. The same matter arose on Mr. Joshi's motion at the beginning of this Session. He wanted to move the adjournment of the House on the ground of the previous refusal to allow Mr. Rajagopalachari to interview Mr. Gandhi. He did not move it at that time, but the House had an opportunity of discussing it then, only it was not moved. What I wish to represent is that there has been no change of policy since that time nor have any fresh circumstances arisen which would warrant it and that the matter has often been before this House already.

Mr. President (The Honourable Sir Abdur Rahim): Was the interview sought for political purposes?

The Honourable Sir Reginald Maxwell: It appears so.

Mr. N. M. Joshi (Nominated Non-Official): Sir, may I say one word? The Honourable the Home Member states that there has been no change in the situation. There has been a very great change in the situation. In the first place, after that Mahatma Gandhi's fast came and then he broke his fast.

Mr. President (The Honourable Sir, Abdur Rahim): I do not want a speech from the Honourable Member at this stage.

Mr. N. M. Joshi: I am not making a speech: I am only showing the change in the situation. After that the Government of India published a book containing certain facts about the situation. I, therefore, feel that there is a change in the situation.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I take it that this interview was sought for political purposes in order to do what was considered necessary to resolve what is called the political dead-lock. That question has been under consideration for a long time indeed. It is not a new or urgent matter within the meaning of the Rules. I therefore rule that the motion is out of order.

THE HINDU CODE, PART I (INTESTATE SUCCESSION).

NOMINATION OF MEMBERS TO THE JOINT COMMITTEE.

The Honourable Sir Sultan Ahmed (Law Member): Sir, I beg to move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to amend and codify the Hindu Law relating to intestate succession, namely:

1. Mr. Amarendra Nath Chattopadhyaya; 2. Pandit Nilakantha Das; (3) Mrs. Renuka Ray; 4. Mr. Akhil Chandra Datta; 5. Babu Baijnath Bajoria; 6. Mr. Govind V. Deshmukh; 7. Mr. Lalchand Navalrai; 8. Syed Ghulam Bhik Nairang, and 9. the Mover."

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

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to amend and codify the Hindu Law relating to intestate succession, namely:

1. Mr. Amarendra Nath Chattopadhyaya; 2. Pandit Nilakantha Das; (3) Mrs. Renuka Ray; 4. Mr. Akhil Chandra Datta; 5. Babu Baijnath Bajoria; 6. Mr. Govind V. Deshmukh; 7. Mr. Lalchand Navalrai; 8. Syed Ghulam Bhik Nairang, and 9. the Mover."

The motion was adopted.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): In connection with this, may I put one question? When will this Committee meet and where?

The Honourable Sir Sultan Ahmed: I cannot say anything definitely about it. It depends entirely upon conditions. If accommodation is available we shall try to have the sittings in Simla some time in June. If, however, accommodation is not available there, obviously Members would not like to come to Delhi in June, though, if I am here, I shall be very pleased to welcome them!

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Report of the Public Accounts Committee. Maulvi Muhammad Abdul Ghani will continue his speech. But before he does so, I must ask him to come a little nearer because I cannot follow him, the Reporters cannot follow him, and the Government Benches cannot follow him.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): (After coming to the Front Bench) Sir, the other day I was speaking about railway expenditure. I want to add one point more. The percentage of objectionable expenditure under railways is increasing. In the year 1939-40 it was 33 per cent. and in 1940-41 it rose to 44 per cent.

Mr. T. S. Sankara Aiyar (Financial Commissioner, Railways): May I know what page of the Report the Honourable Member is referring to?

Maulvi Muhammad Abdul Ghani: I quoted the figure from the Railway Appropriation Accounts.

Mr. President (The Honourable Sir Abdur Rahim): Was this matter discussed in the Committee?

Maulvi Muhammad Abdul Ghani: Yes.

Mr. President (The Honourable Sir Abdur Rahim): What page of the Report?

Maulvi Muhammad Abdul Ghani: I am referring to the Railway Appropriation Accounts, page 44.

An Honourable Member: Look at page 8.

Maulvi Muhammad Abdul Ghani: I finished yesterday, page 44. I quoted yesterday items of saving as mentioned in the Proceedings of the Public Accounts Committee, page 8, and in that connection I find that the percentage of objectionable expenditure has risen from 33 per cent. in 1939-40 to 44 per cent. in 1940-41.

Now, I want to make mention of certain facts for the information of the House which were brought forward before the Committee. The Committee made necessary recommendation to the Railway Board and to the authorities concerned. In the year under report the Bengal Doars Railway was purchased out of a saving made by reappropriation, but the Committee observed that the Legislative Assembly was not given an opportunity to discuss this particular item. Therefore, the Public Accounts Committee asked the Railway Board that in future all such matters should be brought before the Legislative Assembly, so that the latter might give their assent or dissent. Another instance is this. When audit was being made in expenditure in the year under report the G. I. P. officials refused to give explanation for high variations in expenditure, and this fact was brought to the notice of the Public Accounts Committee. The Committee asked the Railway Board to see that all the railway administrations, and particularly the G. I. P. Railway should take note,—that they must furnish explanation for such variations.

In connection with the North Western Railway, a company under the name of North West Transport Motor Company was started at Peshawar and registered with a capital of Rs. 5 lakhs. The company floated its share and the railway authorities, namely, the N. W. R. purchased 60 per cent. of the first call of Rs. 72,000, and paid Rs. 43,200 as the first instalment, and out of the second call of Rs. 1,36,000 the North Western Railway purchased shares to the value of Rs. 81,600, altogether Rs. 1,24,800. The question is whether the railway company should make it a policy to purchase shares of a private company, because the railway is a State-managed railway and it should not enter into contract with privately managed companies. It was said that this private company gave a dividend of 20 per cent. for the year ending the 31st May, 1939, but it fell to 6 per cent. in the year ending the 31st May, 1940. I cannot say what the condition of the company is at present, because in these days of scarcity of petrol I think the condition may have become worse. My objection to this is that where an Act was passed for the co-ordination of rail traffic and road traffic—I see that the railway are entering into business with private companies. This company runs 81 stage carriages from Peshawar to Abbottabad and from Peshawar to Rawalpindi. This has nothing to do with the railway passengers. Had it been the case that this company was running this motor traffic in order to give facility to railway passengers from one station to the next station.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may be right in his criticism but it is a question of policy and he cannot discuss policy on this Report.

Maulvi Muhammad Abdul Ghani: The Railway company should not have entered into contract with the private company. This item of expenditure is objectionable.

Now, I want to mention another fact about the Hydro-electric company. A contract was made with it for 15 years to supply energy to the suburban electric service between Bombay and Kalyan. When the company was asked to supply more energy the company refused and thereupon the Railway Administration built their own power house at Kalyan and it ultimately cost one crore and 33 lakhs. It commenced running and it proved successful and the current was supplied at a lower rate than that at which it was purchased from the company. Then, when the company saw that they are going to lose, they offered their services. Formerly this very company raised the plea that it could not give so much current because their power house was not so powerful. Now, when the Government built their own power house and commenced running, the company came forward and offered their services at low rates. Now, this low rate was accepted and the power house which cost the Government one crore and 33 lakhs is kept as a stand-by.

Mr. President (The Honourable Sir Abdur Rahim): That may be right or wrong but it cannot be debated on the Report of the Public Accounts Committee. The question that arises out of the Report is whether there has been proper appropriation or not and other matters relating to that.

Maulvi Muhammad Abdul Ghani: I make mention of this, because it was discussed in the Public Accounts Committee.

Mr. President (The Honourable Sir Abdur Rahim): That may be.

Maulvi Muhammad Abdul Ghani: The majority of the members came to a certain finding and I differed from that. I therefore want to bring it to the notice of the House. It is not that I am introducing new things.

When this kind of thing was objected to, then it was argued on behalf of the department that there is a saving of 19 lakhs; the company is supplying current at lower rates and that there is a saving of 19 lakhs when compared with the previous price paid to the company. Now, the question is whether it is desirable to spend such a huge amount over the erection.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to discuss that, then the whole of the railway administration will be liable to be reviewed on consideration of this Report on Accounts.

Maulvi Muhammad Abdul Ghani: This is one item on one railway only and it was discussed in the Committee and I raised objection to it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on discussing on this Report the administration of railways in this country.

Maulvi Muhammad Abdul Ghani: The Public Accounts Committee discussed the desirability of such expenditure and.

Mr. President (The Honourable Sir Abdur Rahim): I want to draw the attention of the Honourable Member to Rule 52 regarding the scope of the discussion on the reports of the Public Accounts Committee.

The scope of the Public Accounts Committee is to satisfy itself:
 "that the moneys, shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
 that the expenditure conforms to the authority which governs it; and
 that every reappropriation has been made in accordance with such rules as may be prescribed by the Finance Department."

That is the scope. It has nothing to do with whether there has been good or bad administration in any department of Government. You cannot go into that.

Maulvi Muhammad Abdul Ghani: I am not going into detail.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going into questions of administration.

Maulvi Muhammad Abdul Ghani: I am simply referring to para. 20.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has done that. That is not the scope of the discussion.

Maulvi Muhammad Abdul Ghani: May I not draw the attention of the House to certain paragraphs in the report? In paragraph 20 of the Report on page 10, there is mention of Chola Power House. In the Committee, I raised my objection to this expenditure, on the ground that it is a mere waste of money of the taxpayer.

As regards certain irregularities in the Engineering Department, I want to draw the attention of the House.

Mr. President (The Honourable Sir Abdur Rahim): If there are any irregularities, the Honourable Member has a right to refer to them. He cannot discuss questions of policy.

Maulvi Muhammad Abdul Ghani: I am simply drawing the pointed attention of the House to certain parts of the Audit Report.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has done that.

Maulvi Muhammad Abdul Ghani: This is another item under Engineering. I want to draw the attention of the House to the Railway Audit Report, para. 25. In that case, a sum amounting to Rs. 41,560 was spent over a plant for brick manufacture. Now, it was estimated that brick will be

able to the Railway at a cheaper rate, at Rs. 14-8-0 per thousand but ultimately it was calculated at a higher rate of Rs. 25. Even then the loss amounted to Rs. 23,205 and this plant is running at a loss since then. I think this sort of thing should be put an end to.

Now, I want to draw the attention of the House to another item, para. 28, in which serious irregularities in an engineering division occurred. They are dealt with in 8 items on pages 14, 15 and 16. Now, the matter was brought before the Public Accounts Committee and the Public Accounts Committee was of opinion that the punishment inflicted in these cases was very insufficient. And the serious attention of the department should be invited to this.

Mr. President (The Honourable Sir Abdur Rahim): It has nothing to do with this report; it does not come within the discussion of the report that is allowed.

Maulvi Muhammad Abdul Ghani: The loss in this case was Rs. 1,03,447. In the year under report there was one item which was discussed by the Public Accounts Committee at page 6.

Mr. President (The Honourable Sir Abdur Rahim): All that is before the House.

Maulvi Muhammad Abdul Ghani: I am not going to read what is down there.

Mr. President (The Honourable Sir Abdur Rahim): That is what the Honourable Member is trying to do.

Maulvi Muhammad Abdul Ghani: No, Sir, I simply draw the pointed attention of this House that this matter is mentioned at such and such a place, because sometimes Members put questions and want reference.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is aware that there is no question to be put and there can be no division now.

Maulvi Muhammad Abdul Ghani: However, I shall proceed. The money set apart for the sugar excise fund was meant originally for giving an opportunity to the sugarcane growers to get fair price for their sugarcane; but instead of being spent for that purpose, for which it was meant, the money was diverted and utilised—partly for the Imperial Council of Agricultural Research and partly for the Imperial Institute of Sugar Technology at Cawnpore. The diversion was not brought before the House and the Committee agreed that a mention should be made to the House; and in this connection I will suggest that whatever wrong has been committed, should be compensated and the original purpose of the fund should be carried out now and the sugar excise fund.

Mr. President (The Honourable Sir Abdur Rahim): I must really ask the Honourable Member not to occupy the time of the House by reading the report which is before the House.

Maulvi Muhammad Abdul Ghani: I am saying that the purpose for which the fund was sanctioned, was not achieved and the money was diverted to another.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that; it is there in the report.

Maulvi Muhammad Abdul Ghani: Then if everything is there in the report and I discuss it, there is no use of discussing it any further. I resume my seat.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I should like to confine my observations to what is known as the financial settlement and the allocation of defence and war expenditure, between India and His Majesty's Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not wish to discuss the policy?

Mr. K. O. Neogy: No; I am confining myself to the duties of the Public Accounts Committee in exercising scrutiny over this matter. The matter is referred to in para. 12 of the Public Accounts Committee's Report at page 6 and this should be read with the observations of the Report of the Military

[Mr. K. C. Neogy.]

Accounts Committee, para. 2 at page 12. The Public Accounts Committee merely generally endorses the findings of the Military Accounts Committee in this particular matter. A pointed discussion was raised on this question in connection with the Finance Bill at the instance of my Honourable friend, Sir Cowasjee Jehangir, but I am not going to deal with the merits of his proposal that a separate committee should be set up for the examination of this very important subject, as he did not consider that the Public Accounts Committee was fully competent to deal with it. My Honourable friend, Sir Cowasjee Jehangir, on that occasion seemed to me to question the capacity of individual members to handle such a question.

Mr. President (The Honourable Sir Abdur Rahim): He wanted another Committee to go into the matter—not the Public Accounts Committee?

Mr. K. C. Neogy: He justified his demand for the appointment of a special committee on the ground that he did not consider the members of the present Public Accounts Committee to be competent enough to deal with this question. That is the impression that is left on many of us. I should, with your permission, deal with the position of the Public Accounts Committee itself.

It is a statutory committee formed under the rules framed under the Government of India Act and we find that it is to consist of not more than 12 members, including the Chairman, the Chairman being the Finance Member, himself, of whom not less than two-thirds shall be elected by the non-official Members of this Assembly according to the principle of proportional representation, and the remaining members shall be nominated by the Governor General. This Committee was set up for the first time in 1921, the year of the inauguration of the new constitution; and although we are now in 1943 . . .

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member's point now?

Mr. K. C. Neogy: My point is that the Public Accounts Committee, in so far as it is composed under these very rules, is not perhaps in a position to discharge its functions as independently as is expected.

Mr. President (The Honourable Sir Abdur Rahim): That may be; but that question does not arise now.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The Honourable the Finance Member in the course of his speech said that this matter had been discussed.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Mr. Neogy is on his legs and he can take care of himself as much as anybody else.

Mr. K. C. Neogy: I just wanted to point out the attitude of the Government in so far as they have treated . . .

Mr. President (The Honourable Sir Abdur Rahim): I must hold that the question does not arise on this report.

Mr. K. C. Neogy: Then, I shall come to another point which is also of a somewhat constitutional character. It will be observed that so far as the Military Accounts are concerned, the Public Accounts Committee does not scrutinise the accounts directly. The arrangement is—and I recognise that it is the result of a sort of convention established in 1929-30—the arrangement is that the Military Accounts Committee, which is not a sub-committee of the Public Accounts Committee, goes into the military accounts and deals with the appropriation accounts and the audit report, and then submits a report for the consideration of the Public Accounts Committee, and the Public Accounts Committee . . .

Mr. President (The Honourable Sir Abdur Rahim): Is that an independent committee?

Mr. K. C. Neogy: It is a sort of an independent committee. I have the report of the year 1929-30 where the constitution of this committee is referred to. It appears from para. 31 of the report of that year that there was a pre-existing official committee called the Military Accounts Committee, consisting of the Honourable the Finance Member, the Financial Secretary and the Controller of Civil Accounts. The Public Accounts Committee of that year

suggested that this committee might be expanded by the addition of three nominees of the Public Accounts Committee, and that the accounts of the military department should be scrutinised by this committee, which is not a sub-committee, because its composition is not altogether that of a sub-committee: it consists of at least one member who is not a member of the Public Accounts Committee; and the Public Accounts Committee virtually delegated its authority to this independent committee, which I maintain is not constitutional. I should . . .

Mr. President (The Honourable Sir Abdur Rahim): How long has this been going on?

Mr. K. C. Neogy: It has been going on from 1929-30 onwards. As a matter of fact it was . . .

Mr. President (The Honourable Sir Abdur Rahim): A matter like that ought to be raised on a proper motion?

Mr. K. C. Neogy: This is the opportunity that I have got for raising it. As a matter of fact, the question of military accounts did not assume such great importance . . .

Mr. President (The Honourable Sir Abdur Rahim): Surely during the budget discussion the Honourable Member had plenty of opportunity.

Mr. K. C. Neogy: I am very sorry that it did not strike me that the scope of this discussion would be so narrowed as not to enable me to point out that the Public Accounts Committee has not done its duty properly . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has to take the committee as it is.

Mr. K. C. Neogy: Yes, what I maintain is that the military appropriation accounts have got exactly the same position as the appropriation accounts of any other Department, as admitted in the Report of the Public Accounts Committee of 1931. There is no reason why for the scrutiny of the military accounts a different procedure should be followed under which a different committee would be expected to deal with the work which is actually expected to be done by the Public Accounts Committee. Now, Sir, I wish to leave it there.

Then I come to the question of allocation of expenditure. The Honourable the Finance Member in his budget speech in paragraph 18 made a point that the application of the principle of financial settlement is closely watched by the Auditor General and a further scrutiny is exercised by the Public Accounts Committee, in regard to that matter. Now, Sir, what was the material before the Public Accounts Committee this year on this particular subject? I wish, first of all, to turn to the appropriation accounts of the Defence Services for the year 1940-41, and I draw the attention of the House to paragraph 6 of the Report. It starts at page 3. This report is signed by the Financial Adviser, Military Finance. It reads:

"These methods of assessing India's liabilities under Settlement were evolved in consultation with the Director of Audit, Defence Services, to whom the detailed calculations were in all cases submitted for scrutiny. It will be recognised that having regard to the extremely broad nature of the Settlement itself, attempts to achieve meticulous accuracy in these calculations would have been inappropriate besides involving a great waste of time and energy. The allocations made for the year under review are, however, in conformity with the principles of the Settlement."

In the first place, we find that there were certain detailed calculations. I should like to know whether the Public Accounts Committee as a whole had any opportunity of looking into those detailed calculations, which really were of the highest importance. In the next place, I would in passing stress the implications of the observations made by the Financial Adviser, Military Finance, that the Settlement itself was extremely broad in nature which obviously facilitated the work of audit as it did not need any meticulous accuracy. I should like to know something about the broad nature of the Settlement itself which makes the work of Audit very easy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is trying to go back.

Mr. K. C. Neogy: I do not understand whether or not I am entitled to refer to the papers.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is certainly entitled to refer to the papers, but if he raises another debate on that point, he cannot do so.

Mr. K. O. Neogy: I am simply wanting to find out whether the Public Accounts Committee has done its duty, and whatever you may say I hold that I am perfectly in order to discuss the matter in that light. If you do not permit me

Mr. President (The Honourable Sir Abdur Rahim): I did not say I do not want the Honourable Member to go on. But the Honourable Member must confine himself to matters arising within the proper scope of this Report.

Mr. K. O. Neogy: Well, I confine myself to the matter before the House, but I wish to know whether it would be in order for me to discuss what the Public Accounts Committee should have done to exercise proper scrutiny.

Mr. President (The Honourable Sir Abdur Rahim): What I pointed out was that the Honourable Member could not raise a debate on the policy of the settlement made.

Mr. K. O. Neogy: I respectfully submit that if you look into the debates on the motion in respect of previous reports of the Public Accounts Committee, it would be found that the scope of previous debates was more elaborate.

Mr. President (The Honourable Sir Abdur Rahim): I do not accept the Honourable Member's statement.

Mr. K. O. Neogy: Then it is not possible to do full justice to this important subject.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must accept my ruling which is strictly in accordance with the rules of the House.

Mr. K. O. Neogy: Sir, am I entitled to discuss the observations made in the report or not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can discuss the observations all right, but as I have held he cannot raise a debate on the policy of the Settlement.

Mr. K. O. Neogy: The Honourable the Finance Member claims that the Public Accounts Committee scrutinizes the accounts in this matter. What I want to know is whether the Public Accounts Committee has discharged its obligation properly or not.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is perfectly in order to do so.

Mr. K. O. Neogy: Then I want to make a suggestion that in future the Public Accounts Committee should go into these matters and tell the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is entitled to make that suggestion.

Mr. K. O. Neogy: That is what I am exactly going to say. What I mean, in the first place, is that the Public Accounts Committee should go into these matters. Further, I should like to know whether the Public Accounts Committee has satisfied itself about the extremely broad nature of the settlement to which the Financial Adviser, Military Finance, referred, and whether the position was properly scrutinised by the Auditor General himself and by the Public Accounts Committee. I should like on behalf of this House, and I do not know whether I have the support of the Honourable Members on this side of the House, to demand that in future, in dealing with this question, the Public Accounts Committee should exercise proper scrutiny into this matter. It is no use merely endorsing in two lines the observations made by the Military Accounts Committee, and it is no use the Honourable the Finance Member getting up in this House and saying that the Public Accounts Committee has exercised the scrutiny on behalf of you all.

Another point which I should like to make is in regard to the Audit Report on the Defence Services 1942, which is also a very important paper and which the Public Accounts Committee is supposed to have got before it. In this connection the observations to which I wish to draw the attention of the Honourable Members are to be found in para. 24 of that report. It says:

"Some readjustments were made in the accounts of the year as a result of audit observations. In a few cases, however, the correcting readjustments (the net effect of which is comparatively small) could not be completed in the accounts of the year."

I demand from the Public Accounts Committee that in future it should go into these readjustments and report for the information of this House as to the nature of those readjustments, so that we may get an idea as regards the character of the differences that arose between the Financial Adviser, Military Finance, and the Audit Officer in regard to this very important question of allocation of expenditure between India and England. I would in this connection like to test the extent of the powers of the Public Accounts Committee as regards scrutiny of expenditure on military works and the allocation of expenditure between India and England. Sir, in reply to a question of mine, the Honourable the Finance Member gave a statement on Wednesday last, 31st March, indicating the division of expenditure. I am merely referring to this by way of illustration for the purpose of indicating the nature of scrutiny that I, for one, would expect the Public Accounts Committee to exercise. It will be seen from that statement that in 1940-41, the expenditure on aerodromes and air fields totalled 46 lakhs and the whole of it was borne by His Majesty's Government. Next year, 1941-42 we find that the total expenditure on this account was one crore and seven lakhs which was divided as follows—India 82 lakhs and His Majesty's Government 25 lakhs. I would be entitled to know whether the attention of the Public Accounts Committee was drawn to this aspect of the question, and whether the members of the Public Accounts Committee satisfied themselves that this particular allocation of expenditure was properly scrutinised by them, and whether they were satisfied that the right principle of allocation was applied because, we find that in the previous year, the whole expenditure was charged to His Majesty's Government. I take it that the terms of the settlement had not undergone any change between these two years. How is it that in the very next year, we find a very much larger amount namely, 82 lakhs, charged to India as against 25 lakhs to His Majesty's Government?

The Honourable Sir Jeremy Raisman (Finance Member): Does the Honourable Member realise that although this is called Audit Report, 1942, it is dealing with the Appropriation Accounts for 1940-41?

Mr. K. O. Neogy: I expect the Committee to report next year as to whether this departure has been justified. I would also expect the Committee to report hereafter as to whether according to the financial settlement the expenditure of 63 crores and 27 lakhs which represents this particular item, namely aerodromes and air fields in the year 1942-43, was rightly charged entirely to India, not a pice of it being charged to His Majesty's Government. I realise that the Honourable Member stated that it had been accepted that this amount should be entirely charged to the Government of India. There again comes in the question of the scope of the duties of the Public Accounts Committee. When the Honourable Member says, we have accepted this, the Public Accounts Committee is absolutely precluded from questioning the propriety or soundness of that decision. The duty of the Public Accounts Committee is confined merely to the interpretation of the accounting rules so to say, and the Auditor General and the Public Accounts Committee have no authority to go behind the *ipse dixit* of the Government of India, the arbitrary decisions of the Government of India. Therefore, I maintain that it was not quite right for the Honourable Member to try to create the impression that the Public Accounts Committee was there as the guardian of public expenditure in this matter.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Does it relate to the financial settlement which the Honourable Member carried on in England?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member was a Member of the Public Accounts Committee.

Mr. Muhammad Azhar Ali: Yes, Sir. I want to know whether my Honourable friend wants the Public Accounts Committee Members to give an explanation about the expenditure on account of the financial settlement or does he want

[Mr. Muhammad Azhar Ali.]

that in future when the Public Accounts Committee sits, they should examine the division of expenditure hereafter?

Mr. K. C. Neogy: Yes. I say that the functions of the Public Accounts Committee are extremely limited in character. So that, there should be no misapprehension created in the public minds as regards the authority of this Committee to control public expenditure in these matters. That is one thing. In the second place, I wanted to suggest certain lines on which the Public Accounts Committee might exercise their scrutiny in future so that their reports might contain more particulars about these very important matters. That is all I have got to say.

Mr. T. S. Sankara Aiyar: Mr. President, Sir, I will confine myself to the points raised in this debate on the railway portion of the report under discussion. My Honourable friend, Mr. Muhammad Azhar Ali, has been kind enough to say some words of appreciation about Government officers appearing as witnesses before the Public Accounts Committee, though, in his speech, he was mainly patting himself on his back as against certain reflections made on the committee by my Honourable friend, Sir Cowasjee Jehangir. We, on this side, Sir, have always been fully conscious and appreciative of the great services done by the Public Accounts Committee both from the point of view of the taxpayer and from the point of view of us, Government officers, entrusted with the responsibility of controlling a vast expenditure of the taxpayer's money—services, which the Committee renders under the able lead given by the Auditor General in India and under the able guidance of the Chairman, the Honourable the Finance Member.

In the spirit then, Sir, in which my Honourable friend approached the subject, I think I should mention, for the information of the House, the action we have taken as a result of the Public Accounts Committee's observations on the points which he has referred to in his speech. I will first take up paragraph 15 of the report to which my Honourable friend made reference. The Committee themselves have recognised that, in such a vast organisation as Railways, some defects and mistakes in budgeting are unavoidable and that the achievement was on the whole satisfactory. Nevertheless, they have pointed out quite rightly that attempts should be made to check the tendency for the defects to increase. In defence of these observations, the House will, I daresay, be glad to hear that I have with the approval of the Railway Board arranged for our Budget Officer, the Director of Finance, to pay visits to headquarters of railway administrations during the non-busy season in order to find out by personal examination and discussions where the defects lie and to suggest means of remedy. Further, Sir, it is relevant to point out that the accounts which are being discussed now related to the first year after the commencement of the present war, and I submit, it is not unreasonable to expect that railways should be allowed to take sometime to settle down to altered conditions.

Then, Sir, reference was made both by my Honourable friend Mr. Muhammad Azhar Ali and by my Honourable friend Maulvi Muhammad Abdul Ghani to paragraph 19 of the report in which our failure to place a token demand before the House has been brought out. Sir, the failure is an oversight and is readily admitted. But I submit, Sir, it is only a technical defect, the money having been found from the grant available, and the Honourable Member was not correct in saying that the matter had not been brought to the notice of the House. The purchase of the railway in question

Maulvi Muhammad Abdul Ghani: On a point of personal explanation, Sir. It is not my view, but it is the view of the Public Accounts Committee, as a whole.

Mr. T. S. Sankara Aiyar: We are accepting the view of the Public Accounts Committee. We are not rebutting it. I am only stating the extenuating circumstances.

Mr. Muhammad Azhar Ali: All that we have mentioned in the report. What is the occasion to say that the Honourable Member is not correct in saying so?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Sir Henry Richardson (one of the Panel of Chairmen).]

Mr. T. S. Sankara Aiyar: The purchase of the railway had already been approved by the Standing Finance Committee for Railways, and the House was fully seized of the facts of the case relating to the purchase in paragraph 10 of the Honourable the Railway Member's Budget speech. My Honourable friend, Maulvi Muhammad Abdul Ghani, then referred to the high percentage of savings in the grant for expenditure under capital and depreciation fund. I would first draw his attention to the remarks made by the committee itself after full and careful consideration. They said, "Allowance must be made for the uncertain conditions brought about by the war, and having regard to all the circumstances we consider the result of the year to be very satisfactory". The savings are due entirely to the fact that, like other departments of Government, we were not able to obtain the materials required for the various works owing to existing war conditions in the time in which we expected them. I may add, for the information of the House, that in this respect the Railway Department have, in consultation with the Army Department, succeeded in securing some higher priority for railway needs and it is hoped that the position will considerably improve in the future.

Then, Sir, my Honourable friend, Mr. Abdul Ghani, referred to certain particular paragraphs in the various reports relating to financial irregularities. I want to make only one general observation with reference to these paragraphs. He referred for instance, to the remark made by the Public Accounts Committee that the punishment accorded, in some cases were not considered sufficient.

Dr. P. N. Banerjee: Have been lenient.

Mr. T. S. Sankara Aiyar: Yes. I want to draw the attention of the House to the fact that these cases are examined and discussed fully in consultation with the Auditor General and his deputy, the Director of Railway Audit. These officers, it will be admitted are most impartial judges, and it is only when they are satisfied that the punishment we have decided on is adequate that the case is closed. Nevertheless, Sir, we have noted with care and attention the observations made by the Public Accounts Committee, and we shall certainly bear them in mind when we deal with similar cases in future.

Sir, referring to certain shares taken by the North West Railway Company, in a certain Motor Transport Company in Peshawar, Mr. Abdul Ghani said it was not desirable. I have only to observe that an experiment in this direction was made even before with the Lyallpur-Jhang Motor Transport Company, and there the experiment has been proving quite a success. It has been of great advantage both to Railways and to Road transport.

I do not think that any other case referred to by the Honourable Member needs observations from me.

Mr. Muhammad Nauman: (Patna and Chota Nagpur cum Orissa: Muhammadan): Mr. Chairman, Sir, I want to make very brief observations in connection with the Report of the Public Accounts Committee. Sir, the question of examination of the war expenditure has been very ably dealt with by my Honourable friend Mr. Neogy, Member from Bengal. What we on this side of the House are anxious about is to see that the Public Accounts Committee is given full opportunity of examining the defence expenditure and the military accounts. It may be said that the constitution of the Military Accounts Committee has been in existence since 1930 or 1932 and the matter was never before brought in this House to say that that examination alone by Military Accounts Committee could not be considered satisfactory. But to that my submission would be that the position of military accounts between 1932 and 1939 was very very different from what it is now. Probably the expenditure on the military side has increased two or three times, if not more. The liabilities have increased under the financial settlement. We have been allotted a certain quota of the general war expenditure by His Majesty's Government and naturally the taxpayer and the representatives of the taxpayer, in India have to be satisfied that the quota given to them is properly accounted for and that expenditure can

[Mr. Muhammad Nauman.]

that account is scrutinized and examined by their representatives on the Public Accounts Committee. I am not here particularly concerned with the suggestion which was made on the floor of the House regarding a separate committee, but I am certainly concerned with the fact that we have got to be satisfied that our representatives in some committee or even on the Public Accounts Committee are given enough opportunities so that they may be able to justify their presence here. It would not do for the Government just to say that the Public Accounts Committee has been looking into the expenditure.

The second point which I would like to mention is this: Looking into the report, I find that in some cases there has been transfer of accounts without the knowledge of this House; it has been admitted in the Report. I will refer to the Sugar Excise Fund of rupees seven lakhs as an instance. We do not know really whether the Government are justified in making such allocations without reference to this House and then recording in the Report that this has been done for some reason or another which could not be explained earlier through an oversight. Again, Sir, in connection with the Broadcasting Department, I find that no report was published in respect of the kind of propaganda which the department were carrying out, in respect of the entire work the department did. And the explanation given in respect of that is not at all satisfactory. What I want to impress upon the Government is that in the case of such departments, which are of recent origin, there should be more vigilance in the matter of expenditure and its justification of the expenditure. Sir, I do not want to take up the time of the House in dealing with other items but I just want to point out again that looking to the report in some cases, we feel that the Public Accounts Committee are not given enough opportunities to scrutinize expenditure. With these observations, Sir, I resume my seat.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I have only one point to refer in regard to the examination of the report of the Public Accounts Committee, namely, that portion which relates to the Military Accounts Committee's observations on the manning of the Supply Department. I would like to draw the attention of the House to the opinion expressed by the Military Accounts Committee in this matter, namely, that they are satisfied with the principles followed in the recruitment of Honorary Advisers, or part-time employees, or full-time employees to this department drawn from amongst the commercial firms—the commercial organizations that exist in this country—are similar to those that are being followed in the United Kingdom. Sir, there is no further information disclosed to us, except the memorandum drawn up by the Supply Department stating the terms under which these people have been and are being recruited. The declaration that they are supposed to give in cases where they are permanent employees is that they are completely dissociating themselves from the firms under which they were previously employed. But, Sir, there is one very relevant point to which I wish to draw the attention of the Honourable the Finance Member. I would like to say at the outset that it is not based on any racial prejudice. But it is a fact nevertheless that conditions of the business community in this country and the relations that exist between them and the interests of the country are not identical with the relationship that exists between the business community and the Government in the United Kingdom. In the case of the United Kingdom the businessmen happen to be the nationals of the country and I venture to submit that the circumstance is absent in India. That is a point which I think has escaped the attention of those members of the Committee who have given their imprimatur to this arrangement of employing honorary advisers, part-time advisers, and full-time employees drawn from amongst the business organisations in this country. Sir, I hope I shall not be misunderstood when I mention that a large percentage, in fact, almost the entire staff that has been recruited—with few exceptions here and there—notably from the steel industry, are drawn from one community among the businessmen in this country. I feel, Sir, that the safeguards as have been provided by the memorandum annexed to this report and drawn up by the Supply Department

ment are not adequate. The question has got to be gone into further. The feeling of the people in this country is that here in this Supply Department, manned as it is today by various types of persons, with varying degrees of influence, the grip of one section of commercial community over the Supply Department is all embracing and the effect of it will be that when peace comes in and there is to be a readjustment of the position it will be very difficult for other interests to assert themselves. That is a point which I would like the Public Accounts Committee to go into, and I would like an assurance from Government that they are fully seized of the position and that they will make a further examination of the position as and when the occasion arises and they will satisfy themselves that because there is an honorary adviser who has some connection say with the jute industry, the interests of that industry will not be indirectly advanced. It does not mean that the honorary adviser will manipulate contracts in favour of his firm, but it is quite on the cards that their interests can be furthered in various other ways. A suspicion exists that such interests are being advanced against the country's own interests. I voice that fear, the fear of the country, not from the point of view of racial prejudice but from the sole objection that the taxpayer's money should be well-spent and the interests of the country should be safeguarded.

I would like, Sir, before sitting down to tell the House that there have been lapses in the past, and there have been serious lapses in the last war. This house and the public are aware of a notorious instance, and therefore greater caution is necessary and we should do our utmost to disabuse people from the impression they have today, *viz.*, that here is one way of one particular business community entrenching themselves securely to the detriment of the future economic position of the country.

Sir, I would like that fear to be disabused from the point of view of fairness to the Public Accounts Committee and from the point of view of fair play so far as Government is concerned.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I do not want to detain the House for more than two or three minutes. In the first instance I would like to draw the attention of the Financial Commissioner to Appendix IV about the Amortisation Funds and I hope that this point will be considered by the Committee which is appointed to review the Convention of 1924. This is one of the points which ought to be discussed and reviewed by that Committee. The second point to which I would like to draw attention is the question of the expenditure of the Supply Department. My friend, Mr. Neogy, pointed out the desirability of reviewing the expenditure in connection with the Army Department, and I think it is very desirable that we should know something of the manner in which this expenditure is incurred by the Supply Department as well because this Accounts Committee is the only committee of the House which is in a position to examine their accounts. The Standing Finance Committee has got no access, and even the Advisory Committee of the Supply Department has got no access, as to the manner in which expenses are incurred.

I would now just draw attention to one or two paragraphs in the Public Accounts Committee's report. On page 76 they have drawn attention to the price of jute articles, i.e., jute manufactured articles and they say that a quantum of profit should be allowed while fixing the purchase price. I think, even in this case, the amount fixed is rather heavy, but I am sorry to note that nothing was done by the Public Accounts Committee about the fixation of the price of cotton piece-goods. There you will find that the margin of profit is not 10 per cent. but probably it is 200 or 300 per cent. Prices have gone up so much that I think it is the duty of the Accounts Committee to review the prices of cotton piece-goods and compare it with the prices of the raw cotton and the prices of labour, and I hope that at the next meeting they will go very thoroughly into this question as it is a very important one, and if the Supply Department, for reasons which are known to us, fail to do

[Dr. Sir Zia Uddin Ahmad.]

this particular duty, I think the Public Accounts Committee ought to draw the attention of this House and the attention of the officers to look into this question more thoroughly.

Now the Supply Department, according to the Finance Member, spends Rs. 18 crores a month in purchases. This is a figure probably a few months old. The expenditure now may be in the neighbourhood of Rs. 25 crores a month. When such a big expenditure is incurred on behalf of the taxpayers of India, it seems desirable that the Public Accounts Committee should look into this question more thoroughly and an opportunity should be provided to the Committee to examine the matter and lay before us a report for discussion.

With these few words I resume my seat.

The Honourable Sir Jeremy Raisman: I have only a few observations to make because I do not feel that most of the points touched in the course of the discussion call for any reply, other than such as is already provided by the report itself.

The matter which I would like to touch on is the one which my Honourable friend, Mr. Neogy raised, and which has also been mentioned by Mr. Neuman. Mr. Neogy was at pains to point out the relation of the Public Accounts Committee to the Military Accounts Committee and the nature of the material which is placed before the Military Accounts Committee, and wished to emphasize to the House the importance of seeing that the Public Accounts Committee dealt thoroughly with this aspect of its duties. Well, Sir, what I wish to say is that I entirely welcome that. After all, it was I myself who drew attention to the fact that machinery does exist whereby matters of this kind can be examined with some care.

Dr. P. N. Banerjee: But you are responsible for raising the whole controversy?

The Honourable Sir Jeremy Raisman: Yes, certainly. I brought to the notice of the House the machinery which deals with this matter of the relations of the two countries in regard to expenditure, some part of which is allocable to one and some to the other, and I repeat that I entirely welcome such opportunities as exist and as will exist in future for throwing more light on this subject and making clear to Members of this House the principles on which these matters are adjusted. But I would like to remind the House of one thing. This is not a matter which rests solely within the arbitrament of this House. The Members of this House are no doubt zealous guardians of the interests of the Indian tax-payer, but there is also another democratic institution which has to deal with this matter, and that is the Public Accounts Committee of Parliament. Now the machinery for dealing with this subject, in the first instance, is located in India. It consists of our own departments and it is examined by our own Public Accounts Committee. Then, the Public Accounts Committee of the Parliament is entitled to satisfy itself that no injustice has been done to the interests of the British tax-payer.

Dr. P. N. Banerjee: They look at the question from their own standpoint.

The Honourable Sir Jeremy Raisman: Naturally. It is quite clear that you have here two points of view which have to be reconciled and therefore the duties of audit in this matter and particularly of the Auditor General of India are of an exacting and delicate nature. The Auditor General of India has been entrusted by the Controller and Auditor General of the United Kingdom with the functions of the latter officer in regard to this expenditure. He is, therefore, not merely in the simple position, so to speak, of trust in which he usually is. That is, it is his normal duty to report to this House the results of his scrutiny of the accounts and to indicate the extent to which the wishes of this House and the decisions of competent authority have actually been carried out in the financial administration of the year. He not only has that duty in this case but he also has the duty of satisfying himself that the financial administration has been in accordance with the agreement reached by His Majesty's Government and the Government of

India. And in that respect, he has to bear in mind the interests of both Governments.

I do not want to dilate on the question except to say that the whole of our machinery has been put in a position of exceptional trust, that is to say, the institutions in Britain who have a responsibility placed on them by the Constitution have been content to allow these matters to be dealt with in India in the first instance and have hitherto accepted the results of the scrutiny made by the Auditor General of India and by the Public Accounts Committee of India. Hitherto, there has been no suggestion that anything has been done otherwise than in accordance with the principles which have to be observed both on behalf of India and on behalf of England.

Dr. P. N. Banerjee: This is done with regard only to the audit aspect, but the aspect of policy neither the Auditor General of India nor the Auditor General of England is entitled to raise. Is that correct?

The Honourable Sir Jeremy Raisman: The position is that the agreement which is of a broad kind indicates that certain expenditure will be debited to India. Expenditure for the local defence of India is expenditure which is debitable to India. In regard to, say, the construction of an aerodrome, the question arises whether that is an expenditure for the local defence of India, and the first decision taken by the Executive would have the result, say, of allocating that expenditure to India. Now, it is open to the Auditor General to say that on the facts he does not agree that this is expenditure for the local defence of India and, therefore, it does not seem to him that allocation to India would be in accordance with the settlement. That is a point which, it seems to me, might arise.

Dr. P. N. Banerjee: Is that quite clear that the Auditor General is entitled to raise that point?

The Honourable Sir Jeremy Raisman: I think it is quite clear. I think it is quite clear that the Auditor General is entitled to say "you may debit to India expenditure for the local defence of India, but I am not satisfied that the particular item which has been debited to the Indian accounts falls within that category and therefore that item, unless I am furnished with information which leads me to accept that position, I do not regard as being properly debitable to the Indian accounts." The opportunities which should arise in the course of the examination by the Military Accounts Committee would enable matters of that kind to be discussed and to be cleared up.

Mr. Muhammad Azhar Ali: Does the Honourable Member mean that it is, after all, a debatable point?

The Honourable Sir Jeremy Raisman: My own attitude is that where we have accepted the cost of an aerodrome as being debitable to India, it is because we think that it is a measure for the defence of India, but, since my friend Mr. Neogy touched on that, I merely indicate, how the matter would stand in relation to audit and in relation to the investigations of the Public Accounts Committee. It is true they will come a long time afterwards, but it would be open to them to ask, "On what basis do you debit this cost to the Indian Budget?"

Now, there is one other point on which Honourable Members touched and which I think it is strictly relevant to discuss on this motion, and that is what happened about the Sugar Excise Fund? It has been admitted on behalf of Government that there was an oversight but I would say that the way in which this occurred is not unnatural and that the final position is not one which I think would not have been acceptable to this House if Government had realised that it should have been brought before this House and if it had been brought before this House at the due time. The original purpose of this Fund was expressed in somewhat limited terms by Sir George Schuster at the time when he created it. Even at that time Government had in mind that the Fund would only be devoted to this purpose for a limited number of years and they did bring this fact to the attention of Provincial Governments. Then, a stage was reached at which it was felt that these moneys should be applied for certain wider purposes. As I say, these

[Sir Jeremy Raisman.]

1 P.M. are purposes which I have every confidence this House would have approved if the matter had been brought before the House. It was, however, overlooked that it should have been brought before the House. It is true that we were guilty of a technical breach of the requirements, and we admit that. My only plea is that no harm has been done because, if the nature of the purposes on which the money is now spent is examined, I do not think any Member of this House would object to the money being spent in that way. That is all I have to say.

DEMANDS FOR EXCESS GRANTS FOR 1940-41.

CIVIL.

Mr. Chairman (Sir Henry Richardson): I shall now take up the Demands for Excess Grants for 1940-41.

DEMAND No. 4.—SALT.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move: "That an excess grant of Rs. 17,432 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Salt'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 17,432 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Salt'."

The motion was adopted.

DEMAND No. 12.—EXECUTIVE COUNCIL.

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 1,513, be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Executive Council'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 1,513 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Executive Council'."

The motion was adopted.

DEMAND No. 17.—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 1,308 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Department of Education, Health and Lands'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 1,308 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Department of Education, Health and Lands'."

The motion was adopted.

DEMAND No. 19.—COMMERCE DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 1,680 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Commerce Department'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 1,680 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Commerce Department'."

The motion was adopted.

DEMAND No. 23.—INDIA OFFICE AND HIGH COMMISSIONER'S ESTABLISHMENT CHARGES.

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 59,505, be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'India Office and High Commissioner's Establishment Charges'."

Mr. Chairman (Sir Henry Richardson): Motion moved: "That an excess grant of Rs. 59,505 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'India Office and High Commissioner's Establishment Charges'."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions; Muhammadan Burai): Sir, I have to say a few words on this item. Not only is the figure

relating to this item big, but every year in the Public Accounts Committee we find that the India Office and the High Commissioner's Office are very late in sending their accounts. It is not the experience of one year only; it has been seen from year to year—that accounts are late, or there are big excesses. I think that some action should be taken in order that the High Commissioner's Office in England may submit their accounts in due time so that the Committee may be in a better position to examine the accounts in detail. When the Public Accounts Committee examines the figures and examines them critically, I am very sorry to hear from one of the Members of the Government from the Railway Department saying that we all pat ourselves on our backs. It is not that we are patting ourselves on our backs for the duties that we do; we shall continue to criticise Members of the Government if we find that they are wanting, that they are concealing anything, or that they are deceiving members not only of the Public Accounts Committee, but they are deceiving the Government itself and their own department.

Mr. T. S. Sankara Aiyar (Government of India: Nominated Official): I did not mean any reflection on the Public Accounts Committee.

The Honourable Sir Jeremy Raisman: Is the Honourable Member (Mr. Muhammad Azhar Ali) in order on this excess grant?

Mr. Chairman (Sir Henry Richardson): The Honourable Member must confine himself to a criticism of the actual motion under consideration.

Mr. Muhammad Azhar Ali: When I come to the railway department I shall speak on that.

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant, of Rs. 59,505 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'India Office and High Commissioner's Establishment Charges'."

The motion was adopted.

DEMAND No. 32.—GEOLOGICAL SURVEY.

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 646 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Geological Survey'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 646 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Geological Survey'."

The motion was adopted.

DEMAND No. 38.—EDUCATION.

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 455 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Education'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 455 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Education'."

The motion was adopted.

DEMAND No. 40.—PUBLIC HEALTH

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 16,242 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Public Health'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 16,242 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Public Health'."

The motion was adopted.

DEMAND No. 68.—PANTH PIPLODA.

The Honourable Sir Jeremy Raisman: Sir, I move: "That an excess grant of Rs. 266 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Panth Piploda'."

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 266 be voted by the Assembly to regularise the

[Mr. Chairman.]

expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Panth Piploda'."

The motion was adopted.

DEMAND NO. 10.—INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 7,81,660 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Indian Posts and Telegraphs Department'."

Mr. Chairman (Sir Henry Richardson): Motion moved:

"That an excess grant of Rs. 7,81,660 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Indian Posts and Telegraphs Department'."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The amount involved in this excess grant is a pretty large one and discloses lack of foresight and inaccurate budgeting on the part of the Department. Therefore some explanation is needed.

Sir Gurnath Bewoor (Secretary, Posts and Air Department): I agree that the amount is large, being seven lakhs, 81 thousand but I would like the Honourable Member to compare it with the final grant which was 11 crores, 12 lakhs; the amount represents only 7 per cent. But, Sir, I do not go merely by that. The Accountant General in his report has explained on page 13 what the main causes of the excesses were. For example, one of them is smaller credits to working expenses due to a fall in the number of Savings Bank transactions. The Savings Banks work is performed by the post office on behalf of the Central Revenues and the post office is paid for the work; the payment is taken not as an item of revenue but as a deduction from working expenses. In the beginning of the year, an estimate is made of the total number of savings bank transactions that might be made by the public during the year; but in 190-41, the conditions created by the war led to a considerable decrease in the number of savings bank transactions which could not possibly have been foreseen. Then, there is increased expenditure under stamps, postcards, stationery and printing due to the larger consumption of stamps, etc., by the public, which, of course, came in as additional revenue. Then, there is a large rise in traffic and larger freight charges for the conveyance of stores due to the heavier programme of works. This heavier programme of works was due to the increased demands on the department in connection with the war. The whole question was carefully examined by the Public Accounts Committee who in para. 83 of the report agreed to recommend for regularisation of the amount by a vote of the Assembly.

Mr. Chairman (Sir Henry Richardson): The question is:

"That an excess grant of Rs. 7,81,660 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Indian Posts and Telegraphs Department'."

The motion was adopted.

RAILWAYS.

DEMAND NO. 5.—PAYMENTS TO INDIAN STATES AND COMPANIES.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 12,23,155 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Payments to Indian States and Companies'."

Mr. Chairman (Sir Henry Richardson): The question is:

"That an excess grant of Rs. 12,23,155 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

DEMAND NO. 6B.—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 14,39,894 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

Mr. Chairman (Sir Henry Richardson): Motion moved:

"That an excess grant of Rs. 14,39,894 be voted by the Assembly to regularise the

expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I find here that this excess grant is being asked for the maintenance and supply of locomotive power. I would like to know whether any new locomotives were purchased since the grant was made.

Mr. T. S. Sankara Aiyar: Purchase does not come under this grant. This is a revenue grant.

Mr. Lalchand Navalrai: You say here "supply of locomotives". That should be explained.

Mr. T. S. Sankara Aiyar: It is not supply of locomotives. It is supply of locomotive power.

Mr. Lalchand Navalrai: Was it that this supply was not expected before, so that the grant may have been asked just at the time the other grant was asked for? I would like to know that.

Mr. T. S. Sankara Aiyar: The excess was due to the fact that the rate of surcharge on coal was increased. We expected only an expenditure of 8½ lakhs. And we thought that it would be covered by the provision already made. That expectation was not realised. There were also more receipts on coal, on account of greater traffic, and the total excess was only 14 lakhs, which is very small.

Mr. Lalchand Navalrai: This grant is required for two purposes—revenue working expenses and maintenance and supply of locomotive power. How much was it for revenue working expenses and how much for the other? I mean the excess.

Mr. T. S. Sankara Aiyar: It was all working expenses. I have explained that the whole of the excess was due to two facts—increase in the rate of surcharge on coal and increase in the total quantity of coal received.

Mr. Chairman (Sir Henry Richardson): The question is: "That an excess grant of Rs. 14,39,894 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

DEMAND NO. 6E.—WORKING EXPENSES—EXPENSES OF THE TRAFFIC DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 95,722 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Working Expenses—Expenses of the Traffic Department'."

Mr. Chairman (Sir Henry Richardson): The question is:

"That an excess grant of Rs. 95,722 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Working Expenses—Expenses of the Traffic Department'."

The motion was adopted.

DEMAND NO. 6F.—WORKING EXPENSES—EXPENSES OF THE GENERAL DEPARTMENT.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 8,031 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Working Expenses—Expenses of the General Department'."

Mr. Chairman (Sir Henry Richardson): The question is:

"That an excess grant of Rs. 8,031 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Working Expenses—Expenses of the General Department'."

The motion was adopted.

DEMAND NO. 8.—INTEREST CHARGES.

The Honourable Sir Jeremy Raisman: Sir, I move:

"That an excess grant of Rs. 64 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Interest Charges'."

Mr. Chairman (Sir Henry Richardson): The question is:

"That an excess grant of Rs. 64 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Interest Charges'."

The motion was adopted.

DEMAND No. 10.—APPROPRIATION TO RESERVE.

The Honourable Sir Jeremy Ralsman: Sir, I move:

"That an excess grant of Rs. 1,67,13,506 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Appropriation to Reserve'."

Mr. Chairman (Sir Henry Richardson): The question is:

"That an excess grant of Rs. 1,67,13,506 be voted by the Assembly to regularise the expenditure chargeable to Railway revenue actually incurred in excess of the voted grant in the year 1940-41, in respect of 'Appropriation to Reserve'."

The motion was adopted.

Dr. P. N. Banerjee: Sir, . . .

Mr. Chairman (Sir Henry Richardson): The Honourable Member is too late.

Dr. P. N. Banerjee: No, Sir; I have been on my legs all along.

Mr. Chairman (Sir Henry Richardson): But the Honourable Member never said anything.

Dr. P. N. Banerjee: But I have been on my legs till now.

Mr. Chairman (Sir Henry Richardson): The Honourable Member never said anything; I am sorry.

Dr. P. N. Banerjee: I was on my legs.

Mr. Chairman (Sir Henry Richardson): The Honourable Member did not speak.

Dr. P. N. Banerjee: But I was on my legs; unless the Chair called me to speak, how could I speak?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Members are expected to catch the eye of the Chair and not its ear.

Mr. Chairman (Sir Henry Richardson): I waited, but no one spoke anything.

Dr. P. N. Banerjee: I was standing all along.

THE SPECIAL HAJ INQUIRY REPORT.

Mr. A. V. Pal (Government of India: Nominated Official): Sir, I move:

"That the Report of the Special Haj Inquiry be taken into consideration."

This Report was placed on the table of the House on the 16th February, 1942. The Honourable Members have thus had ample time to study it. I hope they appreciate that the Special Officer who wrote it—Mr. J. A. Rahim—has dealt exhaustively with all aspects of the question, over the whole range of the inquiry and that the Report may be taken as the last word on the subject. Copies of the Report were sent for opinion to Provincial Governments and administrations and to various Muslim bodies and individuals interested in the pilgrim traffic. As soon as the opinions were received, they were placed before the Standing Committee on Pilgrimage to the Hejaz for their consideration and advice. The House will remember that when replying to a short notice question on the 23rd September, 1942, Mr. M. S. Aney the then Member in charge of the Department of Indians Overseas, gave an undertaking that after the Standing Committee had considered the Report, an opportunity would be given as early as convenient to this House to consider the matter. The Standing Committee completed their examination of the Report on the 9th of this month and this is the earliest convenient occasion on which I could move this motion. In accordance with the undertaking given by Mr. Aney, therefore, I now move that this Report be taken into consideration. Sir, I move.

Mr. Chairman (Sir Henry Richardson): Motion moved:

"That the Report of the Special Haj Inquiry be taken into consideration."

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, the Special Haj Inquiry Report, now before the House for consideration, is the outcome of a Resolution that was moved by my Honourable friend, Mr. H. M. Abdullah on the 6th of November, 1940. The Resolution demanded that a suitable Muslim be appointed as permanent pilgrim officer in the Secretariat of the Government of India to be in charge of the work connected with the pilgrimage to the holy places in the Hedjaz, Iraq and Iran and all matters connected with the pilgrims. The Resolution had the unanimous support of the House and many of our colleagues, including Mr.

Aney, who afterwards became the Honourable Member in charge of the same department, took part in the debate. The Honourable Sir Girja Shankar Bajpai, the Member for the Education, Health and Lands Department, and my friend, Mr. Tyson, the Secretary in charge of the department, spoke on behalf of the Government. Both the Honourable Members took a sympathetic view of the innocent and reasonable demand of the Muslims and made a statement that they would appoint a special officer to make inquiries into the Hedjaz affairs and to make a report thereon. Thereupon the Resolution was withdrawn by the Mover. I think it will be of interest to the Honourable Members if I just make a reference to the speeches made by the said Government Members and read out a portion of their statements: Mr. Tyson was pleased to say:

"I am afraid therefore that I cannot commit Government to accepting the Resolution which has been moved. At the same time we are not out to turn a deaf ear entirely to the Honourable Member's plea and I should like to tell the house that we have already gone some way,—I venture to think a considerable way—to meet his demand during the current Session. Though we cannot agree that there is a case for a permanent pilgrim officer, we do appreciate the advantage of having a periodical overhaul of pilgrim arrangements by an officer who can spare the time to visit the ports at times when the ships are sailing."

He further said:

"We have placed a Muslim officer, I may say, an experienced Muslim officer of the I.C.S., on special duty for the current Haj season."

The Honourable Sir Girja Shankar Bajpai was pleased to state:

"We have decided to put an officer on special duty this year in order to see whether the existing arrangements are in any way inadequate during the Haj season in so far as looking after the comforts and needs of the pilgrims is concerned."

Then he was pleased to remark:

"This is essentially an experimental arrangements and it is our intention when we get the report of the officer—and the instructions to the officer will be to make a report on this aspect of the matter—we propose to see for ourselves in the light of the report whether a seasonal repetition of this is necessary or whether something more enduring is needed in the best interests of the Hajis."

He continued to say:

"Ten years have elapsed since the Haj Inquiry Committee reported and it seems desirable to review the working of the existing arrangements in the light of the experience gained. Would anything be fairer than the offer which I have made to the House today, namely, that we shall give instructions to this officer to report as to whether this arrangement is necessary on a permanent basis or on a seasonal basis or whether the inquiry that he would make would be sufficient really to adjust matters for the future."

The House is perfectly aware that the performance of the Haj, being one of the most essential duties enjoined by the Holy Koran, every Muslim has a keen desire to visit at least once in his life the holy places of Mecca and Medina and, therefore, matters connected with the Haj pilgrimage have always been of great importance to the Muslim Members of the Assembly, and they have been the subject of discussion ever since this House came into existence. In the year 1928, my most reverend friend, the late Sir Haji Abdoolah Haroon, moved a Resolution in pursuance of which the Haj Inquiry Committee consisting of members of this House and of the Council of State was appointed with an I.C.S. officer, the Honourable Mr. Clayton, as its chairman. My Honourable friends and colleagues, Sved Murtuza Sahib Bahadur and Haji Chaudhuri Muhammad Ismail were members of that committee.

Sir, this Committee took great pains and toured over the whole of India and published their report comprising 213 pages which contained 219 recommendations to be given effect to in order to better the most wretched condition of the pilgrims. It is extremely regrettable to note that in spite of incurring so much expenditure out of the public money in getting the report of the Haj Enquiry Committee, the Government did very little to provide even ordinary amenities of daily life to the pilgrims during their religious voyage to Mecca. So much so that even to this day most of the pilgrims cannot get a sufficient and suitable space on the pilgrim ships to conveniently pass a few days of their voyage.

Mr. Chairman (Sir Henry Richardson): The Honourable Member can resume his speech after lunch.

The Assembly then adjourned for Lunch till Three of the Clock.

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

Khan Bahadur Shaikh Fazli-Haq Piracha: I was going to say that this Government of ours is reputed for appointing enquiry committees for postponing matters in which they do not want to do anything. I have been a Member of the Standing Haj Committee of this House since its inception and, therefore, having personal experience and direct knowledge of the activities of the Haj Committee, I can with a certain amount of authority say, that the Government have always been very reluctant and slow in doing anything for providing facilities to the Hajees to make their journey a comfortable one. Sir, Mr. Tyson himself admitted the slow progress of his department in matters dealing with the Haj; when on the 6th November, 1940, he said,—

"I think generally speaking we may claim that there has been at any rate since the time when the Haj pilgrimage committee of 1929, reported, a steady, if slow, improvement in the conditions under which pilgrims have performed this necessary religious duty."

Sir, it will be an interesting fact to note that the terms of reference for inquiry by the special Haj officer were actually the same as were for the old Haj enquiry committee 15 years back, excepting an additional term with regard to the appointment of a permanent pilgrim officer in the Secretariat as demanded in the Resolution of our friend the Honourable Member, Mr. H. M. Abdullah. Again, if we carefully go through the recommendations of both the reports old and the present one, it will be found that substantially they are the same. Some new ones, however, have been added in the report under consideration. Besides the concrete matters that I will shortly mention, the above two facts alone go a long way to prove that the Government did nothing to improve the wretched condition of the Hajees who are treated as chattels on the pilgrim ships and are never afforded the benefit of the recommendations made by the members of the committee of this House. If the Government had cared to carry out the recommendations of the Haj Enquiry Committee, I think there would have been neither the necessity of appointing a permanent pilgrim officer in the Secretariat nor a special officer to make further enquiries in Haj matters for making his recommendations thereon, once again. So far as I have been able to understand the Government deliberately postponed, for so long a time, taking action on all such recommendations as involved a certain amount of expenditure, and carried out only those where the Government had either to spend nothing or expected to save a portion of the amount they were bound to spend every year.

For instance, in passing the legislation for establishing the Port Haj Committees, the Government have saved a lot of expenditure, which they had to incur every year for the establishment of the old pilgrim departments at Karachi, Bombay and Calcutta. A reference to page 129 of the report under consideration will show that Government used to spend Rs. 36,000 to Rs. 38,000 annually on these departments between the year 1929 to 1934 which was reduced to Rs. 6,000 only in the year 1939-40, as a contribution to the Port Haj Committees. By passing legislation for compulsory return tickets with food that is supplied by the shipping companies, the Government have reduced the number of the destitute pilgrims they had to repatriate every year with a high cost of expenditure. A reference to page 74 of the report under consideration will show that the number of destitute pilgrims, repatriated at Government cost was 560 in the year 1934, and it has gradually decreased to 177 only in the year 1938. Although there was a slight rise in the number in the two subsequent years, yet so far as my information goes the number was much less after 1940. The compulsory supply of cooked food has proved inconvenient and more expensive to the pilgrims, as owing to the bad quality of the food supplied either the pilgrims have to spend extra money to get food to their liking and

taste or they get ill and have to spend a lot for their medical treatment. I can without any fear of contradiction say that the reforms, if any, introduced by the Government in pilgrim traffic were more in the interest of the Government themselves than in that of the pilgrims. Sir, recommendations were made in the old Haj Enquiry Committee's report to approach the Railway authorities to organise the despatch of pilgrims by special trains and to provide other facilities also to grant them concessional return tickets; but the Government did nothing at all in the matter in spite of the fact that the Railways have so many concessions in vogue for religious *melas* and gatherings throughout India. This question of concessional return tickets was several times raised in the Assembly in the form of questions, cut motions and speeches on the Railway Budget, but we always got a flat refusal, apparently because the Government would have had to part with a certain amount of money which they think would never be lost even if the concession was not introduced. The same principle could be applied to the Haj traffic as is applied in the case of Hardwar and other *melas* of the kind in the issue of return tickets. But probably, Sir, the Government are against the policy of popularising railway traffic in connection with the Haj pilgrimage, though they make such efforts in the case of other religious *melas* in India. Although strong recommendations were made to build a musafirkhana for the use of the Hajees at the Calcutta port, where there is none at present, no move has been made by the Government in this direction at all. Similar is the case with the recommendation regarding the construction of pilgrim camps at Bombay and Karachi. So much so that even when two years back an amount was provided in the Budget and sanctioned by the Assembly for constructing a pilgrim camp at Karachi, the amount was not spent and subsequently withdrawn on the pretence of break of war; though the Government did not curtail the huge expenditure of the Ecclesiastical Department which fact exposes the much advertised religious impartiality of the Government. It was recommended that as the keeping of the Kamran quarantine station will not be required at all, expenditure on that should be drastically curtailed. But nothing was done and the poor pilgrims are still burdened for nothing with the maintenance cost of the quarantine and the administration of the island which is met from the Kamran quarantine station fund, which is a charge upon each pilgrim in the shape of a fee, for which they do not get any service and benefit except the trouble the pilgrims are put to on account of the pilgrim ships having required to call at the island without any necessity. If the Kamran quarantine is abolished either the Government of India or the Government of His Majesty shall have to bear this expenditure, which is being avoided. The result is that Hajees are burdened with this expenditure without any justification whatsoever.

Sir, the steamers plied for pilgrim traffic, unlike anywhere else in the world, are cargo ships with unsheathed hard steel surface with hundreds of thousands of overlapping edges, rivet heads and other unevennesses where the deck pilgrims have to lie down most uncomfortably in the congested and extremely hot in-between decks without any comfortable arrangements for taking bath or even of comfortably easing themselves at the call of nature. There is no seating arrangement and the pilgrims are huddled together like cattle. Sir, under such circumstances recommendations were made to the different shipping companies to provide elementary necessities to the Hajees and to carry out certain structural improvements in their steamers so as to make them worthy of human traffic. For instance, marking the accommodation for each pilgrim and introducing the system of reservation, providing good and spacious latrines in increased numbers, sheathing the hard steel surface of the ship with wooden planks for the comfort of the pilgrims, providing wooden planks for sleeping, providing electric fans, keeping qualified nurses and *dais* for the treatment of female patient pilgrims and such-like many other things were recommended but either no serious action was taken by the Government or the shipping companies turned a deaf ear to these requests. I understand that the shipping

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

companies put forth their claim for increasing the fares in case they are compelled to carry out the required structural improvements. Sir, all this callous carelessness on the part of the companies is due to the fact that the pilgrim traffic business has become the monopoly of only one shipping company—the Turner Morrison Shipping Company—which, in their own interest, cannot tolerate the coming in of any other shipping concern into the field for this business. Whenever any company tried to come in, to a great benefit of the pilgrims, that was kicked out by cut-throat competition, by the Turner and Morrison Company's temporarily lowering the fares which they can afford to do for a long period as they have amassed huge profits in this business by charging exorbitant rates of fare, being alone in the field. Sir, the general rate of fare charged from a deck passenger from Karachi to Jeddah is Rs. 195 and, I know that several times in competition with other shipping companies, Turner Morrison carried pilgrims for Rs. 25 for the return ticket including food expenses. I would read out a passage from the Haj Inquiry Report in support of what I have said:

"In the past fares have been on occasions as low as Rs. 25, for each journey, and though it must be admitted that conditions have altered, we are satisfied on such data as are available to us that it should be possible even under present day conditions for the steamship companies to undertake the traffic of a fixed fare of approximately Rs. 60, for each journey."

In the same report on page 71, in para. 122, it is stated as follows:

"For example, from Bombay to Basra, 1,603 miles, the return fare is Rs. 76, as compared with the return fare from Bombay to Jeddah, 2,362, miles, of Rs. 170 plus Rs. 25 Jeddah and Kamran dues."

It means that from Bombay to Jeddah Rs. 3.26 are charged more for each hundred miles distance, although the cargo steamers used as pilgrim ships have no comparison whatsoever with the most comfortable passenger ships plied between Karachi and Basra. Sir, in the report under consideration a very good table for comparison of fares is given; it is on page 69. A perusal of that will show that the cost of deck traffic from Bombay to Jeddah including food charges for 100 miles on the most uncomfortable cargo steamers in 1937 was Rs. 3.1, while that from Bombay to Rangoon, Shanghai, Singapore, Hong Kong, on comfortable passenger ships was from Rs. 1.2 to 1.8 only. The different Indian Railways charged from III class passengers for the same distance of 100 miles before March, 1940, from Rs. 1.3 to 2.1. This will show that the rate charged from the Haj pilgrims is far more than it is charged for a similar distance from Bombay to some other ports by sea or from Bombay to other distant places by rail. Sir, it was on this account that the Haj Inquiry Committee definitely recommended that the fare question should be investigated, to render possible the fixation of a uniform fare on all pilgrim ships to avoid unhealthy competition between the shipping companies and also to bring the fares to a reasonably low level. In their opinion, the steamer fare should in no case be more than Rs. 165 for a pilgrim to Jeddah. Sir, it was the foremost duty of the Government to have got this matter investigated long ago in order to break this monopoly by one company, but this was not done evidently to avoid the coming in of any other company besides Turner Morrison and to allow it to get the best of benefits out of the pockets of Hajees.

Sir, it is astonishing to note that even though a special officer was appointed he was not asked to investigate into this matter and make his recommendations thereon. I would ask the Government to take up this matter according to the recommendations of the Haj Inquiry Committee, as, I am sure, unless the monopoly of one company is broken, the desired improvements will never be carried out. And if the Government is really serious to get the proposed improvements made in the pilgrim ships, they shall have to adopt means to attract other shipping companies to take up pilgrim traffic business which is in every way a profitable one.

Sir, with this attitude of the Government for so long a time towards a most essential religious duty of the Mussalmans, which unfortunately happens to be

controlled and managed by the Secretariat here, it was reasonably hoped that the troubles and difficulties could be removed if there were a Muslim Officer in the Main Secretariat in charge of the pilgrim work and other allied matters, so that it could be possible for the Government to pay better attention towards this subject. It was on that account, Sir, that a Resolution moved by my friend, Mr. H. M. Abdullah, got through. It had a unanimous support of this House, and consequently the Government appointed a distinguished Muslim I.C.S. in the person of Mr. J. A. Rahim. Sir, it is gratifying to note that Mr. Rahim took great pains in going deep into the details of every affair connected with the Haj and in writing a comprehensive report, in which he has made 82 recommendations. He has supported these recommendations not only with arguments and reasons, but with facts and figures. Sir, I have thoroughly studied the Report and have found it to be a very useful and valuable work for the benefit of the pilgrims as well as to serve as a guide to the Government to better their condition, provided they be really anxious to do so. Mr. Rahim amply deserves our thanks and congratulations for the keen interest he has taken in performing the most important work that was entrusted to him. But, Sir, the value of this report depends only on the attitude the Government takes in giving effect to the various recommendations made therein.

Sir, the Report, though a little less in volume than the old Haj Inquiry Report, contains almost all the matters that could come in within the limits of the terms of reference. A major portion of the recommendations were placed before the Standing Haj Committee and were approved by it with the exception of a very few recommendations in regard to which the Standing Haj Committee did not fully agree with Mr. Rahim. For instance, the Committee was not in favour of taking photographs for passport purposes, as this is forbidden in Islam. The Committee also did not agree to get some more legal powers to control the activities of Muallims, or Pilgrim Guides, by issuing some sort of licences to them in India. Personally, I am entirely opposed to imposing any such restrictions upon the people who work as guides on a religious duty. The Indian Penal Code has vast powers to deal with cheats or dishonest persons. Sir, a measure of the kind was brought forward in this House to control the activities of Muallims in the time of the late Honourable Sir Fazl-i-Husain, Member for Education, Health and Lands, but it was unanimously opposed by the Muslim Members and was finally dropped. Sir, excepting these two measures, so far as I can judge, there is no such recommendation which does not command the whole-hearted support of the entire Muslim Community.

Sir, out of the various recommendations made, the one that relates to providing berthed accommodation to the deck passengers is very important and a useful one. If it is carried out it would remove at least 25 per cent. of the troubles of the Hajees, and would make their journey a comfortable one. Mr. Rahim, has discussed this question at length and has proved the utility of this scheme not only for the pilgrims, but for the shipping companies also. Sir, in para. 46 of his report Mr. Rahim has given his observations as to the deck surface of the pilgrim ships, which I would like to read out for the information of the House and to leave it to the Honourable Members to decide how important is the recommendation for berthed seats:

"The deck passengers have therefore to sleep upon steel plates, which are rendered still more uncomfortable than they would otherwise be through the presence of overlapping edges, rivet heads, and other unevennesses. A few pilgrims bring with them camp-beds or charpals, but the majority are without even mattresses. An average camp-bed measures six feet in length and is two and a half feet across, covering, thus, very nearly the space allowance of 16 sq. feet."

Sir, none of the recommendations is such as can be overlooked or delayed. I have mentioned one to quote it as an example. Sir, it will take a lot of time if I go on repeating the entire lot of the recommendations before the House. It would suffice me to say that we are in absolute favour of the recommendations and would request the Government not to treat this report, which has been written by an official of their own, like the old report of the recommendations of the Haj Enquiry Committee by the Members of this House. I do not think that the Government can have any reason to go against the decision reached by their own employee.

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

Sir, I would like to make a reference to the main question which was the real cause of the appointment of the Special Officer to make this report, i.e., the appointment of a permanent Pilgrim Officer in the Secretariat. I think, instead of giving my own arguments in support of this demand of the Muslim Members, I would request the Honourable Members to refer to pages 134 and 135 of the report, where the arrangements at the Centre have been fully discussed by Mr. Rahim. For the convenience of the Honourable Members, I would read out the concluding para. regarding the appointment of a Pilgrim Officer in the Secretariat.

"Many of the recommendations made in this report if accepted would require supervision when being translated into practice, while some like the introduction of the Qafila system and improved methods of publicity necessitate much additional labour. The employment of an officer who could devote his attention entirely to work concerning the pilgrimage appears necessary. As the pilgrim officer would have a considerable amount of touring to do besides other work his time should be fully occupied. I believe, moreover, that too much stress has been laid in the past on the seasonal character of the pilgrimage and all that follows from it; actually there are at present only three slack months in the year, which could be filled out by a better distribution of work like publicity, examination of reports, and assimilation of material collected during the peak of the season. Where so much interest is shown by the public the issue of an annual report by Government appears desirable, a work that could be undertaken by the pilgrim officer, who would be in the position of an Under Secretary as far as the Secretariat part of his duties were concerned. I recommend the appointment of a pilgrim officer in the Secretariat or attached to it. As the work is connected with an aspect of Muslim religious life and the contacts with the public are chiefly with Muslims and Muslim organizations, it is desirable that the officer should be a Muslim."

Sir, after this recommendation made by Mr. Rahim, I think there can be no option for the Government but to appoint the required officer as soon as possible. I would in this connection like to suggest that the officer should in no way be of a less position and status than suggested in the report, although in my opinion he should not necessarily be an I.C.S. Such persons should be considered for this post as are well versed in the Haj affairs and the problems connected therewith. He must, of course, be a man of religious aptitude and very well conversant with the religious principles. I hope before making the appointment, the Standing Haj Committee will also be consulted.

Sir, as many of the recommendations affect the pilgrim ship companies, some such recommendations were deferred for consideration by the Standing Haj Committee in presence of the representatives of the shipping companies, and, therefore, I had suggested that a meeting of the Standing Haj Committee be held at one of the pilgrim ports to give the members of the Haj Committee an opportunity to consider the recommendations on the spot and in the presence of the representatives of the shipping companies to avoid any more delay. I hope the authorities will have no objection in agreeing to this proposal of mine in order to expedite the matter.

Sir, before ending my speech I think it necessary to point out certain matters that are not included in the report and in the terms of reference for enquiry. They are as follows:

(1) Examination and fixation of steamer fares at reasonable normal rates and advice to Government to employ more than one company for pilgrim traffic. I have already spoken much on this point and I need say nothing more in this respect;

(2) The abolishing of the Kamran quarantine station and exemption of the pilgrims of Kamran fee that is charged from them without reason. Sir, this point has already been dealt with by me just now and has also been stressed several times in this House; and

(3) Arrangements for the pilgrims in the Hedjaz.

Sir, the pilgrims' second instalment of troubles begins when they land at Jeddah, where there is nobody to look after them and their interests, unlike the nationals of other Governments. This part of the Haj question was ignored even by the late Haj Enquiry Committee, apparently

because this was not included in the terms of reference. Any reforms, if at all, made in the Haj Traffic matters will be left incomplete if enquiries are not made to remove the troubles and difficulties of the Hajeas in Hedjaz. I would, therefore, most forcibly stress on the Government the necessity to fill up this gap and get enquiries made on the three above points very soon.

Sir, as termed in the Resolution moved by my friend, Mr. H. M. Abdullah, the Honourable Mr. Tyson was pleased to say in this House that the officer who had been placed on special duty would also be charged with the task of examining the conditions of pilgrimage to holy places other than the Hedjaz—a subject which was dealt with not of course in his Department but in the Department of External Affairs. From this he meant the holy places of Iran and Iraq.

Sir, after giving an undertaking the Government ought to have included in the terms of reference for the report the arrangements for pilgrims proceeding to the holy places in Iraq and Iran. But that was not done. I do not know why? I hope Government will be pleased to say something to clear their position in this respect and would also arrange to fulfil the undertaking given by Mr. Tyson.

Sir, that is all that I have to say in respect to the report. But in the end I must quote the undertaking given by the Honourable Sir Girja Shankar Bajpai for making permanent and adequate arrangements with regard to Haj on the 15th of November, 1940, when speaking on Mr. Abdullah's Resolution. The Honourable Sir Girja Shankar Bajpai was pleased to say:

"I am going to ask this officer to report upon the desirability or otherwise of more permanent arrangements in order to ensure that the Hajis perform their religious duty as befits the subjects of an enlightened Muslim State."

I hope the Government will keep the dignity of the undertaking given by the Honourable Member and would do everything in the matter.

I would be failing in my duty if I do not express my deep sense of gratitude to the very favourable and sympathetic attitude of my friend, Mr. Bozman, Secretary in charge of the Department, towards the recommendations in the meeting of the Standing Haj Committee. I hope and trust that he will do everything to carry out the recommendations and thereby win the hearts of the entire Muslim community. But I must say that even if Mr. Bozman is anxious to do anything, unless the Honourable the Finance Member and the other gods of the Finance Department are also likewise sympathetic, nothing would possibly be done. I hope that the Honourable the Finance Member will not grudge a few lakhs of rupees to spend for the benefit of the Haj pilgrims who perform a most pious religious duty, lies responsibility for the arrangements for which, fortunately or unfortunately required with the Government. I would, however, assure him that the amount of 36 to be spent in this connection will only be a fraction of the huge amount of 36 lakhs of rupees that are annually spent on the Ecclesiastical Department which in my opinion is no more important than the performance of the Haj by the Muslims.

I would like to say a few words about one more point, and I have finished. In the rules for elections of the Port Haj Committees, the Government officials are also allowed to seek election. It is contrary to the rule of the land in respect of other elected bodies. This point was brought to the notice in a meeting of the Standing Haj Committee and was unanimously passed that the rules should be amended, so as not to allow officials to seek elections in the Port Haj Committees. They can, however, be easily nominated by the Government. I hope that Secretary in charge might have given his directions in this respect.

I will take this opportunity to draw the attention of the Government that they should make arrangements for Haj pilgrims in the coming season as the people have been extremely annoyed and disappointed that the Government did not do any arrangements for the Haj in the last season. With these words, I resume my seat.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural) Mr. Deputy President, before I proceed to make a few observations on the Report of this Special Haj Inquiry, I must offer my warm tribute to Mr. J. A. Rahim for the excellent report he has made and which report we are discussing today.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): We have not received a copy of the Report.

Mr. G. S. Bozman (Secretary, Indians Overseas Department): It was laid on the table of the House; copies are in the Library of the House.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Will it not be circulated among us separately also? I would like to know this from the Government.

Mr. G. S. Bozman: I do not think that is really necessary. There are sufficient copies in the Library of the House for those Members who are interested to avail themselves of it.

Sir Abdul Halim Ghuznavi: It is an outstanding Report on the difficulties which the pilgrims suffer during the voyage to the Hedjaz, and his recommendations have been so useful that this report will be treated as a historical document so far as this particular subject is concerned. Mr. Rahim has studied the subjects so well and gone into the matter so thoroughly that he has left nothing untouched. Both in my personal capacity and as Chairman of the Port Haj Committee of Calcutta, I have had extensive correspondence with Mr. Rahim and I must say that he was always found to be sympathetic and responsive to suggestions made for the removal of the difficulties of pilgrims. He has devoted all his time and consulted all the Port Haj Committees, to gain first-hand knowledge for the report that he was to prepare. The report contains 82 recommendations, and, as my Honourable friend, Khan Bahadur Fazl-i-Haq Piracha, has just said, excepting one or two of the recommendations made, the Muslim community is grateful for them and they accept those recommendations.

I will now proceed to give a little history as to why it is incumbent upon every Muslim to perform the Haj. The Honourable Non-Muslim Members of this House may not be aware that Islam provides five institutions, called the "Five pillars of Islam". The first of them is to imitate the divine morals and is contained in the very formula of the faith—

"La Ilaha Illallah Muhammad ur Rasul Illah."

(There is no other deity or object for adoration but Allah and Muhammad is His Prophet.)

The second pillar is the prayer. The third is the alms-giving or Zakat. The fourth is fasting. The fifth is Haj or pilgrimage. The injunction of the Holy Quran in respect of pilgrimage is that every Muslim shall perform Haj which is obligatory and is part and parcel of the Muslim religion. It is of course not obligatory for indigent persons.

Mr. Lalchand Navalrai: Did you say that the first pillar is morality?

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): Belief in the unity of God and prophethood.

Sir Abdul Halim Ghuznavi: In 1913, my late brother, Nawab Bahadur Sir Abdel Kerim Ghuznavi, who was then a Member of the Viceroy's Imperial Legislative Council, under the instructions of the Government of India, went to Haj as a pilgrim in order to find out first-hand information about the difficulties of the pilgrims who go to the Hedjaz. He issued an official pamphlet—that was in 1913—giving full details, which was found by the first Haj Inquiry Committee to provide a most interesting description of the condition of things immediately before the first war, as far as pilgrim traffic was concerned. It was in 1913 that he had suggested various valuable suggestions for remedying many of the deficiencies which he had proved were then existing.

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

About the same year, that is 1913, another prominent Muslim Member, the late Sir Ibrahim Rahimtoola, brought in a resolution in the Council of the Governor General, suggesting that the ports of Calcutta and Chittagong should

be thrown open for the embarkation of pilgrims. In his speech he said that he had also moved a similar resolution in the Bombay Legislative Council. He gave a most lucid exposition of the difficulties in Bombay in securing passage to Jeddah, increased rates of passage money and the need of musafir-khanas in Bombay. He pointed out another difficulty. The Government of Bombay had, in 1913, put forward a proposal for the grant of a monopoly of pilgrim traffic for a fixed period of years to one steamship company, which, if carried out by Government, would have been highly detrimental in the interests of the pilgrims, as that monopolistic concern would have made the poor pilgrims pay a terribly high fare. In 1924, Sir Ibrahim Haroon Jaffer tabled a resolution for the appointment of a Haj Inquiry Committee, but he failed as the Honourable Member. Sir Narasimha Sarma, the then Member in charge, assured him that the grievances of the pilgrims would be fully investigated by him. At last, in September, 1928, the late Seth Haji Abdoola Haroon moved a Resolution in the Legislative Assembly on the lines of that tabled by Sir Ibrahim Haroon Jaffer in 1924 for the appointment of a committee by Government. This is the history of the first Haj Inquiry Committee under the chairmanship of Mr. H. B. Clayton, C.I.E., I.C.S. The Committee submitted an elaborate report in 1931 containing many and varied suggestions for the removal of the various difficulties experienced by the pilgrims. Most of the suggestions remained unimplemented. Some of the Members who served on that Committee—I find that my Honourable friend, Maulvi Syed Murtuza Sahib Bahadur will bear me out that the most valuable report the Committee had made was shelved and nothing was done, and that the troubles that the Hajeas experienced continued from year's end to year's end.

My Honourable friend, Khan Bahadur Fazl-i-Haq Piracha, said that Mr. Rahim's report was made by him as an official and, therefore, he said, being a Government official's report it should not have been shelved. May I point out to him that the other report also was a report by a committee whose chairman was a Government official, and the recommendations that were made in the report of that Committee had the approval of the chairman of that Committee, but still they shelved it. What is the guarantee that this report will not receive the same fate as the other one? In the first report they recommended that the port of Calcutta should be kept open. What happened to that recommendation? The only monopolistic shipping company, which then existed, that is, Messrs. Turner Morrison and Co. resisted that with all the power they possessed; they did not like us to open the port of Calcutta. When my brother came back as a Member of the Government of Bengal, he opened the port of Calcutta. That monopolistic company tried, and is trying their level best to close the port of Calcutta, and I will give you the reasons why they want to do that. They have got their own set of brokers, whom they send out to collect these pilgrims, and they find it detrimental to their interests if they allow the port of Calcutta to remain open, because if that port remains open, we who are the members of the Calcutta Port Haj Committee will see to it that the trick which they want to play to get pilgrims and extort as much money as they can, cannot be allowed. Even this time the Government of India, although they provided one other boat from Karachi and Bombay,—Messrs. Turner Morrison and Co. was able to prevail upon them not to provide a boat for Calcutta. And the boat for the Calcutta was not provided. They further recommended—I am speaking of the old Report—that Government should construct musafir-khanas in Bombay, Calcutta and Karachi. The Bombay Muslims are rich and wealthy. They have one or two musafir-khanas. I have visited them, they are kept fairly well. I have not visited Karachi, so I am not in a position to say about it; still the Government has spent a certain amount of money for the Karachi musafir-khana. But up to date they have not raised their little finger to have a musafir-khana in Calcutta. They did nothing in spite of the recommendation of the first report. (Interruption by Major Nawab Sir Ahmad Nawaz Khan.) Don't you interrupt me. It is not a question of to-day: it is a question of a few years before. What did they do before 1930, 1934, 1935, 1936? Why do you

shake your head now? We know that they cannot do it to-day, but why did they not do it before? That recommendation was made long ago, about 15 years ago, and they did nothing. Before this war was declared, as Chairman of the Port Haj Committee of Calcutta, I sent in a report praying the Government of India through the Government of Bengal—we told them that we have taken pains to find a plot of land in Sooterkin Lane, Calcutta which is close to the central mosque, the Junna Masjid, and that we have got Messrs. Ballardie, Thompson and Matthews, to go into the matter of the musafirkhana, and they have submitted a scheme or plan with necessary figures of the amount required for construction and the plan which they submitted was sent on to the Government of India through the Government of Bengal. And the Government of India shelved it. (An Honourable Member: "Are there no private musafirkhanas?") There are, but they are not for pilgrims. At one time, four to five thousand pilgrims arrive and the existing musafirkhanas are not sufficient and they are not intended for the pilgrims also. Sir, before I proceed I insist that the Honourable Member in charge should make a statement here and now. Are they prepared to proceed in the matter and secure that plot of land belonging to the Calcutta Improvement Trust? After waiting for three long years, the Improvement Trust has sold that land to a private person. I want an answer from the Government here and now—whether they are prepared to state that they will acquire that land from that person and proceed with the construction of the building after the war.

Then came the report which we are discussing. I opened my speech complimenting Mr. Rahim on the historic report which he has made. As my friend who preceded me pointed out, most of the recommendations that were made by Mr. Rahim were also contained in the previous report which was not implemented. Therefore, he had to repeat them in his report. This Report which Mr. Rahim submitted was considered by the Central Haj Committee in their meetings of the 16th and 17th November for the first time and the Honourable Mr. Aney presided. The Muslim community is indeed grateful to Mr. Aney. He was very sympathetic and I must say that he showed his willingness to do all he could to implement this report. Since then a second meeting was held on the 9th March, 1943, which was presided over by Mr. Bozman, as Mr. Aney was no longer in Government as a Member. Mr. Bozman showed an understanding and consideration equal to that of Mr. Aney. In both the meetings of the Central Haj Committee, they accepted the recommendations, except one or two, with which we could not agree. I would like Mr. Bozman to tell us here and now whether he is prepared to see that the recommendations that have been accepted by the Committee will be implemented as soon as possible and not shelved, as was the case with the first report as I have already said.

I will now come to one or two points which I want the Government of India to note and they are these. Port Haj Committees are constituted under Act XX of 1932, which was passed as a result of the recommendation of the Haj Inquiry Committee and they came into being in the first half of 1934. With the coming into force of Part III of the Government of India Act of 1935, that is, provincial autonomy, all the statutory functions relating to the Port Haj Committee which were to be exercised by the Government of India were delegated for administrative reasons to the Provincial Governments concerned under Notification dated the 30th March, 1938. I hope I have made the point clear. The administrative part of the machinery should be in the hands of the Government of India which is a correct thing to do, as the Haj is an all-India question but with the introduction of reforms in 1935, they transferred these to the provinces. I submit that this is a thing which the Government should not do. This being an all-India question, the Port Haj Committees of the three ports of India, namely, Calcutta, Bombay and Karachi, should be directly under the Central Government, and the rule-making powers should also be vested with the Government of India, for the simple reason which my friend has pointed out. One province may make

one set of rules, another province may make another set of rules and a third province may make a third set of rules. If the rules are not uniform and if different provinces make different rules, this is not beneficial to the pilgrims. The rules in the different provinces should be identical, except in particular cases where a particular set of rules is required to suit the conditions of that particular province. Otherwise, the rules of all the Port Haj Committees should be identical and they should be directly under the Government of India.

Now, about the membership of these committees. I am speaking about the Calcutta Port Haj Committee. It is known to the Muslim Members of the House that there are three classes of members. First come the nominated members, then the elected members, and then there is a third kind, which is members co-opted by the elected members. Now, I object to the officials, the Government servants, standing for election, as is being done in Calcutta. I am not aware as to what is being done in Karachi or Bombay, but in Calcutta

4 P.M. there are two or three Government servants who stand for election, which is very improper. They are the members of the Port Haj Committee. Naturally, an official in a high position can get votes and I would not mention names. It is impossible to defeat them for reasons which I need not mention; they are known to all of us.

Kuwar Hajee Ismaiel Alikhan (Nominated Non-Official): What are those reasons?

Sir Abdul Halim Ghuznavi: They are all Muslims but they are Government officials. Government officials are not allowed to stand for election to the Legislative Assemblies or any other public bodies, so why should they be eligible for election to the Port Haj Committee?

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): What is the electorate which elects them?

Sir Abdul Halim Ghuznavi: There are different sorts of electorates. The Members of the Assemblies elect them, Municipalities elect them and there are other electoral bodies.

Major Nawab Sir Ahmad Nawaz Khan: You object to Muslim officials also?

Sir Abdul Halim Ghuznavi: Yes, I object to them. If necessary, they can co-opt officials. Government can nominate officials. There is a nomination of five members. The Health Officer, one of the Shipping officers, the Commissioner of Police and some other officials are nominated to the Port Haj Committee. We have no objection to the nomination, but the elected part must be confined to non-officials and the officials should not be eligible for election. They should be debarred from election. These are the two points that I wanted to bring to the notice of Mr. Bozman. First of all, the rule-making power must be a central subject and, secondly, no official should be eligible for election but they are certainly welcome by nomination or by co-option if the Committee wants to co-opt them.

Now, Sir, I conclude my speech by tendering our grateful thanks—thanks on behalf of myself and on behalf of the Calcutta Port Haj Committee—to Mr. J. A. Rahim, Mr. Aney, Mr. Bozman and Mr. Pai. All of them have assisted us; all of them have been very sympathetic and they have done all that we wanted them to do. But, of course, they are not the Government. The Government is somebody else and, therefore, I appeal to them that they will do their best to implement the report that we are considering today. I am sorry, Sir, I forgot to mention the name of Mr. Tyson amongst them to whom we are grateful. I do so now.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Mr. President, Sir, as one of the members of the Haj Inquiry Committee and also as one of the members of the Standing Haj Committee, I have to perform the very pleasant duty of congratulating and thanking the author of this report, who has taken much pains and who has proved himself, the worthy son of the illustrious father. Sir, though an official, he has gone deep into each and every question and has made 82 recommendations out of which about 46 have been disposed of and it is hoped that the Secretary of the Overseas Department, who is already sympathetic, will show his sympathy throughout and the other re-

[Maulvi Syed Murtuza Sahib Bahadur.]

commendations also will be acted upon. In this connection, I have to bring to the notice of the House, particularly the Honourable the Finance Member, whose absence is keenly felt by me, that this is one of the five cardinal principles of Islam, which, according to the Quranic teaching, is incumbent on every well-to-do and healthy Muslim. Those who can afford physically to undertake the journey to Mecca and those who are able to meet the expenses thereof should necessarily visit Mecca, the birth place of Islam and also the birth place of our Holy Prophet, once in their life-time. Such a momentous question as this has been ignored by the Government of India as was pointed out by the previous speakers. So far as I can see, I am the only member of the Haj Enquiry Committee which was constituted in the year 1929 in pursuance of the Resolution which was passed in 1928. We made about 219 recommendations out of which very few have been taken note of. As has been pointed out, the majority of the recommendations were shelved. That is why our Honourable friend, Hafiz Abdullah Sahib, tabled a resolution as a result of which this Special Officer was appointed. He has made, as I said, 82 recommendations many of which are very valuable indeed. In this connection, I have to inform my previous speakers and the other Members of the House that it is not Mr. Bozman who can carry out our recommendations. He must have the co-operation and sympathy of the Finance Member, otherwise he won't be able to do anything. That is why I said that the absence of the Finance Member is keenly felt by us.

I want to bring to the notice of this House that so far as the Ecclesiastical Department of the Government of India is concerned, they spend about 34 lakhs of rupees every year, which is a recurring expenditure. Approximately, every month about 3 lakhs is being spent. For what purpose do they spend this money? A congregation of those who belong to the Church of England is to be held by certain Chaplains once a week and for this purpose 3 lakhs of rupees is being spent every month. But in the case of Muslims for whom it is incumbent to perform Haj they hesitate to spend even a few lakhs of rupees in the shape of non-recurring expenditure.

I have visited all the three ports, Calcutta, Karachi and Bombay. So far as Bombay is concerned, as the House is aware, it consists of rich people, Maimans, Khojas and others and they have provided a musafirkhana specially intended for Hajees. So far as the other two places, namely, Karachi and Calcutta are concerned, unfortunately for us they have no such musafirkhana and I hope my Honourable friend, Sir Abdul Halim Ghuznavi, will bear me out. There are no musafirkhanas in Karachi for Hajees and, I think, if something like ten lakhs of rupees as a non-recurring expenditure is sanctioned, we will have a very commodious musafirkhana there. As regards Calcutta, the Chairman of the Port Haj Committee has advocated its cause beautifully well and as one who is fully alive to the necessity of that musafirkhana, I strongly support it. I think a sum of five lakhs of rupees will be sufficient in order not only to purchase a site for that musafirkhana but also to complete the constructional work of the building. A site has been selected by the Port Haj Committee and is just near the Zakaria mosque which is the Juma Masjid in Calcutta.

There is another point which I wish to bring to the notice of the House and it is that a special Muslim officer should necessarily be appointed in the Secretariat of the Government of India, so that he may attend not only to the secretariat duties but also tour other places.

Sir, so far as the terms of reference of our Haj Enquiry Committee, which Committee came into being in 1929, and the terms of reference of the present officer are concerned, it has had many limitations and we have to work under certain limitations and the same difficulty must have been experienced by the author of this Report. Sir, we are not allowed to go to Jeddah or Aden or Kamran, places about which there is much controversy. Kamran, as you are aware, was imposing many hardships on Muslim pilgrims. But after the Haj Enquiry Report was out, that was minimised to a certain extent but even now the Kamran has its own difficulties. Last year, as the House is aware, there

was no pilgrim traffic, and so far as this year is concerned we are not sure that the Government will see their way to permit the intending Hajees to proceed to Mecca. Such being the case, they should see their way to be more liberal as regards sanctioning money for these two musafirkhanas in Calcutta as also for Karachi.

As regards the other question, that is to say, officials seeking elections for membership or office-bearership of the Port Haj Committees, it should be discouraged. I have come to know that so far as Karachi and Bombay are concerned there is no such thing, but as regards Calcutta there it is that officials seek elections to these Port Haj Committees. I hope the Government and particularly the sympathetic Secretary will see their way to put a stop to this thing, so that only desirable candidates may come in and do the duties properly entrusted to them.

Sir, with these few remarks I have to associate myself in thanking the Education Department which was formerly in charge of this as also the Overseas Department which is now in charge of the Haj Pilgrim and my Honourable friend, who is absent, I mean the Honourable the Finance Member, will give us an opportunity of thanking him—although I think him in anticipation—for sanctioning the required money as has been pointed out by my Honourable friend. I hope the other Government Members who are present today will carry this message to the Honourable the Finance Member so that he may attend to these things and by doing so give us an occasion for tendering our hearty congratulations and thanks to him.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, of course, as a Muslim, I have been quite naturally interested in matters relating to Haj all my life, and every Muslim knowing anything about his faith and imbued with even an ordinary degree of piety is always keenly interested in those matters. My connection with the problems arising from the arrangements relating to the Haj traffic began in the year 1928 when as General Secretary of an All India religious organisation, I wrote to the Government of India and submitted a memorandum which had been very carefully and intelligently prepared by another Secretary of the same organisation on the basis of his own observations and experiences as he had proceeded to Holy Hedjaz for pilgrimage that year. I published this memorandum in the papers as well. Next year I myself had the good fortune and the privilege to undertake this sacred journey. I sailed from Bombay and when our steamer touched at Karachi, some Karachi friends saw me on the steamer, and informed me that Government had appointed a Haj Enquiry Committee, which would no doubt go into the complaints and grievances of the pilgrims and enquire into all relevant matters, and that the memorandum which I had submitted to the Government and published in the papers was likely to receive attention, but my friends urged that now that I was myself proceeding to Holy Hedjaz, I should note down all my experiences and report them to Government on my return so that the Haj Enquiry Committee may get some more authentic matter and more food for thought. I told my friends that I would bear the matter in mind. In the course of our voyage, I saw at Kamran a good deal which was a source of unnecessary worry and annoyance to the pilgrims, and myself had a quarrel with a very black Indian doctor bearing a Muslim name who looked and behaved more as a butcher than a doctor. About him I wrote to the Government of India from Holy Mecca without waiting for my return to India. On my return to India, I found from the papers that the Haj Enquiry Committee was at work and later on I was summoned to give evidence before the Committee at Lahore which I did. I found that Mr. Clayton the Chairman of the Committee was forewarned about me and forearmed for cross examining me about Kamran and the tax of Rs. 25 which the pilgrims, even the poorest of them, had been artfully made to pay, for nobody knows how long, without knowing or in the least suspecting that a tax had been imposed on a sacred and imperative religious duty. The imposition and collection of this tax had remained a secret because the amount had always been collected by the shipping company along with and as part of the steamer fare. When question-

[Syed Ghulam Bhik Nairang.]

ing me about Kamran, Mr. Clayton, took out his secret weapon, an International Sanitary Convention to which as many as 59 civilised countries were said to be parties and signatories. Of course, like all other Indians I had heard that there were some civilised countries in the world, but I was not prepared for such a plethora of civilisation as to be told that there were as many as 59 civilised countries in this savage world. I felt dumbfounded because I had never seen that convention and was not prepared to answer any questions about it. I pleaded ignorance and asked for time to study it. Mr. Clayton, could not spare his own copy which, was the only one he had and which as he very good-humouredly said he had stolen from a Government office. But my late lamented friend, Sir Ibrahim Haroon Jaffar, who was on the Committee came to my rescue and lent me his copy which I promised to return after a few days. Mr. Clayton gave me time to send him my note on the Kamran question after studying the convention. This I did. Well, Sir, this Haj Enquiry Committee pursued its enquiries and submitted a voluminous report. I was not a Member of this Honourable House in those days and cannot say how this House and the Council of State dealt with that report but this much I know for a fact that the Muslim public was dissatisfied with many of its recommendations and complaints and grievances not only continued but multiplied. Nor am I in a position to know and state what action Government took on that report. I take it, it was, with all due ceremony pigeon-holed and kept there as a historical document to be referred to at some remote future time. I hope the Honourable Secretary for the Overseas Department will be able to throw some light on that point. Now, another special enquiry has been made and a most valuable report has been presented. I do hope that Government is quite in earnest and really intends to implement the recommendations contained in this report, because, unless practical steps are taken to carry such recommendations into effect, the time, thought, labour and money spent in securing them are simply wasted. Merely to appoint an Enquiry Committee or an officer on special duty to enquire and report when complaints become loud and persistent may serve as a palliative and the hope that something is going to be done may temporarily lull the complaining public into sleep. But this is like a doctor giving a soporific dose to a patient to allay acute pain and send the patient to sleep. This gives only temporary relief but when the effect of the dose ceases, and the patient is roused from torpor, he starts writhing, groaning and crying again. We do not want temporary relief, we want a cure and a permanent cure, not merely curing the symptoms but eradicating the causes of the disease. To allow such reports to be merely recorded and thereafter shelved deepens the discontent and the sense of suffering. The impression of the public that officials are really callous is intensified. Resentment and indignation follow.

The report of Mr. J. A. Rahim, is a document of great and permanent value. This officer has not only bestowed labour and thought on the work entrusted to him but has brought remarkable intelligence and insight to bear upon his task. He has dealt with every problem connected with Haj in a masterly way and has single handed achieved results which a whole Committee working with assiduity, sympathy and devotion to duty might have achieved. The proper way to appreciate his recommendations is not merely to pay him glowing tributes in words, but to give practical effect to his recommendations. These recommendations have already been circulated to the Provincial Governments, the Provincial Haj Committees, the Shipping companies and many other interested and competent quarters and have met with an unparalleled consensus of approval and agreement. The only dissentient has been that great pilgrim traffic monopolist company, Messrs. Turner Morrison and Co., who have objected to the more important recommendations which tend to throw some financial responsibility on them. But we have known the ways of these money grabbers for much too long to attach much importance to their attitude. They have been carrying so much human cargo so to say in their cargo boats and

have been enabled to charge exorbitant fares. Other shipping companies which entered into competition with them were either killed or throttled but it is hoped that their monopoly is not going to last much longer.

Well, Sir, Mr. Rahim's report contains as many as 82 recommendations. Most of them came up before the Standing Haj Committee which were considered and mostly adopted. The Committee approved of most of the recommendations. I will not refer to all of them but only to some. Some of these recommendations were to be considered in the presence of representatives of the shipping companies and it was decided that this would be done at one of the ports, preferably Bombay. I call special attention to this and hope Government will call a meeting of the Standing Haj Committee for this purpose at Bombay at as early a date as possible. The points to which I call special attention are the following:

The first thing is the Kamran quarantine. This institution at Kamran is now, for all practical purposes, an absolute superfluity. Time there was when the steamers on their outward voyage used to touch at Kamran and some sort of Health Officer used to board the ship and find out for himself whether there had been any cases of smallpox, cholera, plague or any other such contagious disease and in case he was told that there had been some cases, he used to detain the entire body of pilgrims sailing in that steamer and keep them there under quarantine, their clothes were disinfected and all that was necessary in the way of medical aid and precautions was done. But now, Sir, things have changed. Before the pilgrims start from any of the Ports, they are vaccinated and inoculated against cholera and this double process of vaccination and inoculation is expected to make them immune from contagious diseases of the kind which used to occur before. So that in practice it now very seldom happens that any steamer is detained in Kamran. They merely touch there, a very cursory inspection is held and the steamer is allowed to sail away. This being all the work that is now left to Kamran, it is absolutely unjust to continue to tax the pilgrims for the maintenance of the institution at Kamran and to carry on that institution at all. Looking more deeply into the matter, it appears that this excuse of an International Sanitary Convention and this pretence of detaining the steamers there on sanitary and hygienic grounds is not the reason for the occupation of Kamran or for the maintenance of that Station there. The occupation of Kamran is a matter of political importance to the Government of India or to His Majesty's Government, or to both, and, if so, why tax the Hajees, the pilgrims, for the maintenance of that institution, why charge from them a very big amount every year and spend it on maintaining the Kamran Station? Therefore, I submit, Sir, that, as far as Haj traffic is concerned, time is now ripe for cancelling the rules regarding calling of these steamers at Kamran and their detention there or the examination of pilgrims and their detention, and so on.

The second point, Sir, to which I would only briefly invite attention, because it has been dealt with in great detail and with very cogent reasons by my Honourable friend, Khan Bahadur Shaikh Fazl-i-Haq Piracha, is the revision of steamer fares. The matter should be taken up by the Government of India with the Shipping Companies and the fares must be cut down. They are unconscionably high, and my Honourable friend, Mr. Piracha, has shown—and it has also been shown in the Report of Mr. J. A. Rahim—that really they are very exorbitant and compare very unfavourably with fares for similar distances to other stations in the Indian ocean.

Then, Sir, I come to return railway tickets for pilgrims, and special trains for them. That requires special attention. The matter has been dealt with by my friend, Mr. Piracha, and I agree with every argument advanced by him and emphasise every one of the points which he has brought forward.

About the Calcutta musafirkhana I need not now say much beyond saying that I agree with every word said by Sir Abdul Halim Ghuznavi. There is absolutely no reason why this matter has been hanging fire for such a long time and why that valuable piece of land should not have been acquired. The

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exhausting Session, and I propose to be brief in my reply, and I trust that if I omit any small points which Honourable Members might have raised, they will excuse me on that account and not charge me with any discourtesy to them.

Sir, we were glad to hear the tributes paid by all Members to the work done by Mr. Rahim. The report which he prepared is, I think, remarkably concise and detailed and has gone into practically every aspect of the Haj problem in India that could very well be discussed in a report of this kind. It seems to me that his recommendations fall naturally into three groups.

There are first of all what I should call the structural recommendations—I mean the recommendations which would involve modification in existing ships or additions to existing ships in their frame work. As has already been mentioned by one Honourable Member, certainly the most important of this group of recommendations is that concerning berthed accommodation for pilgrims. To the best of my recollection, this recommendation, I think, was not objected to, at any rate in principle, by any association or company or individual to whom the report was referred and I can certainly say at once that it is a recommendation which we regard with full sympathy. I think I should be failing in my duty however if I did not point out certain practical difficulties with regard to it, which have got to be overcome. There is, of course, in the first place, no possibility of its being given effect to during the period of the war. It would be quite unthinkable that ships should be laid up at the present time of shortage for so long a period as would be required to effect all these internal alterations. Secondly, it is very doubtful, even if we did lay the ships up, whether the material would be available. New ships, of course, have to be constructed at great speed and pay attention only to war requirements and no others. Then, I should remind Members that the provision of berthed accommodation is going to alter the whole of the feeding arrangements in the ships. At present pilgrims receive their food at their places on the deck. When they are provided with berths, some separate feeding accommodation will have to be arranged for them. Next, the difficulty—and a very real difficulty it is—of purdah arrangements will have to be considered; and finally we do not know yet what effect berthed accommodation may have either upon the passenger carrying capacity of ships or upon that very hotly discussed matter, the fares—economic fares. There are other recommendations in this group referring to sanitary arrangements on the ships, to ventilation arrangements, to the provision of a prayer deck, to facilities for a permanent isolation hospital and so on. I certainly am not competent to say—and I venture to doubt whether any Member of this House is competent to say—how many holes you can knock in a ship without sinking it, and how much you can put on top of a ship without interfering with the hatchways and approaches to the hatchways and the operation of winches. Questions of that sort can only be determined by technical experts, and it was for that reason that the Standing Committee on the Pilgrimage to Hejaz, to which incidentally I should like to pay a tribute, now, for their great assiduity and determination in going through the many recommendations of this report—they made what I consider to be a very practical suggestion, namely, that all these matters should be discussed by them with shipping companies and with the Port Haj committees and with technical experts from the Government of India. That is a suggestion which I am now pursuing, and I hope that I shall be able to call such a meeting in Bombay, probably some time in May. As that group of recommendations—I think there are 17 of them to be discussed at the meeting—is to be examined on the technical aspect, I think the House will probably not expect me to go into any detail on the rest of them.

The next group is the group of administrative recommendations. They refer to the constitution and responsibility of Provincial Haj committees and Port Haj committees and also to the staff employed by the Government of India itself. Now, when these recommendations were considered by the Standing Haj Committee, it became quite clear to me that Members on that committee were keenly aware of the need for keeping down cost and husbanding our

resources at the present time. But they were also impressed by the peculiar difficulties which attach to the organisation of a movement, including a considerable journey by sea, of large numbers of poor and frequently illiterate pilgrims, all of them under the influence of an impelling religious fervour. Control of this movement is a highly complicated and delicate matter and it requires not merely planning on paper by somebody sitting in an office in Delhi or Simla but it requires unremitting hard work at, first of all, the place where the pilgrims start their journey, and secondly at the ports from which they sail. In addition to that, there is the question of publicity upon which Mr. Rahim very rightly commented. Publicity for the arrangements that are made is not an easy matter when we consider the wide areas of India in which it has to be given effect and the difficulty of bringing it home to people, many of whom cannot read or write. But I entirely agree with Mr. Rahim that publicity of this kind is essential if we are to enable pilgrims to take advantage of all the arrangements made and also to protect them against certain ill-intentioned persons who are apt to take advantage of their illiteracy. That is to say, that we can plan at the centre here, but there must be people at the ports and in the provinces who are prepared to effect the necessary contacts. That I understand at any rate is the object which Mr. Rahim had in view in making his recommendations, and I do not imagine that any Member of this House will quarrel with that object.

But it will be observed that Mr. Rahim's observations go into very great detail, both with regard to the constitution of the Provincial and Port Haj Committees, in regard to salaries to be paid, staff to be employed and the division of financial responsibilities. Now, those recommendations have all to be taken together and fitted into one particular plan. I should like to suggest to Honourable Members that, since the Standing Haj Committee last met on the 9th March, there has been sufficient to occupy our attention to prevent us from reaching a final picture of the whole organisation required. I can give an undertaking now that I am anxious to get a final decision upon the whole of this organisation question as early as I can and I shall spare no pains to push the matter forward. But if money is going to be spent, whether from the pockets of the Central Government or the pockets of the provinces or the pockets of the pilgrims, we need to be assured that it is going to be well spent and will at least help towards achieving the object that we have got in view. Therefore, I suggest that the whole plan should be carefully examined and worked out before we make final decisions on it. In this connection I should like to refer to a point which has been raised by many Members, and that is the proposal made by my Honourable friend, Mr. Abdullah, that there should be a permanent pilgrim officer in the department concerned with the Haj. We, of course, at the moment are at a particularly inopportune time for examining this suggestion. The department concerned, appropriate time for examining this suggestion. The department concerned, that is, the Department of Indians Overseas, has doubled in size owing to its other activities, and it is almost impossible at the present moment to say with any real precision whether there is work for a whole-time officer or not. What I am determined on, however, at present is that where Haj matters are concerned there should be no question of their taking a second or third priority, nor have they, so far as I am aware, ever done so in the past.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Permit me to observe, with regard to the proposal of Sir Abdul Halim Ghuznavi to call upon the Improvement Trust to acquire a piece of land

Mr. G. S. Bozman: Perhaps the Honourable Member would allow me to go on. I shall come to that later in the course of my remarks. I was speaking just now of the question of a permanent officer. We have come to no decision about it, but, as I stated in reply to a question the other day, we are making preliminary arrangements for a Haj this year in the hope that circumstances will permit us to send ships from India to the Hejaz. I cannot give any undertaking whether that will or will not be practicable. That depends not upon me, but upon Japan and similar countries. But in order that these arrangements should be put through and that every arrangement that we can

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possibly make for the benefit of the Hajees India may be fully safeguarded, we are going to appoint an officer to take charge of that work for the Haj season.

Now, there is the third group of Mr. Rahim's recommendations which I shall call the miscellaneous group. They cover all kinds of miscellaneous requirements by the pilgrims, such as, food, washing arrangements, baggage arrangements,—they cover almost every aspect of travelling. I think it will be quite safe for me to say now that the great majority of these recommendations appear to us to be desirable. Once again, I must point out that I have not had time since the 9th March, to go through the whole lot of these in detail, but I can straightaway say that of this group there are 23 which I expect to accept as they stand, and a further nine which I expect to accept in a slightly modified form which was accepted by the Standing Haj Committee.

I should refer, I think, when I am making remarks on these recommendations, to certain speakers' references to the original Haj Enquiry Committee Report. I confess I came to the House this afternoon expecting to discuss Mr. Rahim's report. I find that a great deal of emphasis has been laid on the previous report. I do not wish to go through that report in detail, there is a great deal too much of it to do so in the time available, but I should like to point out that there seems to be some misapprehension as to the Government's attitude towards that report. As has been stated, there were 219 recommendations in that report. Of these 219 recommendations, 120 were accepted by Government without any modification at all, 88 were accepted in a slightly modified form as advised by the Standing Haj Committee, and only 18 were, in fact, rejected. I do not think, therefore, that it is fair to say that Government is responsible for nothing having happened on the original Haj Enquiry Committee report.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: May I ask if mere acceptance was sufficient without any action?

Mr. G. S. Bozman: My Honourable friend, of course, is quite aware that a large number of these recommendations were not for action by Government.

I should like to turn now to some of the individual points that were raised by Members during their speeches. I have already spoken on the question of the permanent officer in the Secretariat. I was asked by two speakers, I think, to consider the question of fares. We have in Mr. Rahim's Report a very interesting comparison between fares as charged on the Haj and fares on a number of other shipping runs. The table that he gave is a very useful table as a general guide, but I should like to give one word of warning about it, and that is, that the ships now employed by either of the companies engaged in the traffic in carrying pilgrims are what we should call in veterinary circles dual purpose ships, that is to say, they are only passenger ships for part of the time, and for the rest of the year they are cargo ships. That inevitably leads, I think, both to discomfort and possibly to some lack of economy. However, with regard to the question of fares, I think Members of this House will remember that this has been discussed a number of times, and there is no power in the Government of India to fix fares, as has sometimes been suggested. It is true, of course, as has been said by a number of speakers, that if you wish to arrive at a true economic fare, you should allow at least a certain amount of competition. Well now, I have nothing to say for or against either of the shipping companies, which have taken part in this traffic. All I can say is this, that so far as the Government are concerned, they favour neither company, nor do they oppose either company. If the two companies are prepared to come in, Government have no objection. If one company wishes to go out, Government will have no objection. I must qualify that only by saying that in the period of the war Government must take rather more control over the release of shipping and the arrangements of sailing dates than in normal circumstances. But leaving war aside, Government takes no side with one company or the other.

Now, I was asked also to comment on the quarantine station at Kamran. This is another matter which has been discussed in this House more than once. My friend, Syed Ghulam Bhik Nairang, queried the validity of the International Sanitary Convention. Now, I should hesitate to repudiate a convention of that sort to which we are signatories without very careful consideration but I should go a little further than that and say that in a matter of this sort I should be guided primarily by what my own public health experts have to say. There seems to be some apprehension that the Government of India are desperately clinging to Kamran for some purpose of their own and making the pilgrims pay for it. So far as making the pilgrims pay is concerned, I think Members will recognise that we have brought down the charge for pilgrims at Kamran from what was originally something like Rs. 25 to Rs. 4 and of that Rs. 4 Government pay one, so that the pilgrim now has to pay only 3. But Government will be only too glad not to have the burden of the Kamran station. It is purely a matter of whether sanitary and public health requirements should or should not insist upon the call at Kamran. It is a matter which I have already taken up and shall pursue. Should I get advice, first, that the call at Kamran is unnecessary, secondly, that in respect of the International Convention we can escape the liability, I need not say that we should be only too glad to rid the pilgrims at once of that particular inconvenience.

Now, Sir, my Honourable friend, Sir A. H. Ghuznavi, has raised two points on which he feels strongly as Chairman of the Calcutta Port Haj Committee. I will take first the point about the election of officials to that committee. This was raised by him before—I think it was in 1940—when he addressed the Government of India, and a reply was sent to him that if a suggestion came from the Calcutta Port Haj Committee that this practice was undesirable, the Government of India would take the matter up with the Bengal Government and other Port Haj Committees. The Calcutta Port Haj Committee did not as a matter of fact approach us after that but the position now is somewhat different. Not only have we the statement of Members who are interested in that matter in the House in front of us but we have also the recommendation of the Standing Haj Committee itself—that this matter should now be further examined. An undertaking was given then by Mr. Aney that the department would make a reference to the Government of Bengal on this subject. That undertaking I should like to reaffirm—that we shall examine this matter and see whether the rules need modification or possibly some direction should be given.

Sir Abdul Halim Ghuznavi: The Bengal Government have been sleeping over the matter for the last six months.

Mr. G. S. Bozman: I think the Honourable Member is referring to the other point that he raised but he did suggest that the rules should be framed by the Central Government. I was just coming to that point. He went on to argue that the rule-making powers should be with the Central Government and that the Provincial Governments should not be at liberty to frame different rules for different Haj Committees. This, of course, follows from the recommendation made by Mr. Rahim that Port Haj Committees should be under the direct control of the Central Government. That recommendation is not included in the 23 recommendations which I said that the Government of India would see no difficulty in accepting, but I have no hesitation in saying here that co-ordination in this kind of control seems to me entirely desirable and this is a proposal which I should regard with considerable sympathy and possibly even a little more than sympathy.

Then the other point which my Honourable friend, Sir Abdul Halim Ghuznavi, raised was with regard to the Calcutta musafirkhana. I think it is possibly on that point that he has his complaint that the Provincial Government's help has not been forthcoming. I would like to say about that that this is a matter on which the Central Government would not care to take direct action without at least getting the views of the Bengal Government. I do not think we can be justly blamed for having asked the Government of

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construction of the musafirkhana can perhaps stand over till the end of the war, but that valuable piece of land will perhaps pass into other hands who may not be willing to part with it and land acquisition proceedings and other proceedings may have to be resorted to, or the price of that land may rise. Therefore, I urge that no time should be lost in acquiring that piece of land.

Finally, I refer to the question of appointing a special Haj Officer. That matter has been very clearly explained by my Honourable friend, Mr. Piracha, and has been fully dealt with in the report of Mr. J. A. Rahim on pages 134 to 136. I emphasise, Sir, the necessity of having such an officer permanently at work over Haj matters and Haj problems in the Government of India Secretariat. We know, Sir, that in spite of the fact that a big Haj Inquiry Committee was appointed and a lot of expense was incurred by Government in getting the matter examined, the Report remained a dead letter. Now another Report—a most valuable Report—is before the Government, and who knows this may become a dead letter too. There ought to be somebody with special responsibility to deal with these matters in the Secretariat of the Government of India and since the state of things which has so far existed shows that the efforts of Government to do anything for the amelioration of the lot of pilgrims have been only sporadic and everything has been done by fits and starts, and they have not systematically dealt with the problems, I say that the Government should appoint a Special Haj Officer who, according to my view, should have the rank of a Deputy Secretary in the Government of India because an officer of a lower rank will not suffice as he will have to deal with very important matters, especially in dealing with shipping companies. He should be permanently at work on these problems, as has been pointed out by Mr. J. A. Rahim, also. There will be only one or two months in the course of the year when he will have slightly less work, but throughout the remaining period he will be fully occupied. Therefore, I say, Sir, that that point should be particularly attended to by Government at the earliest possible moment. Of course, it is useless to say anything to the Finance Department because the Honourable the Finance Member is conveniently absent at the moment, but a hope can be entertained and expressed that the Finance Department will also be sympathetic in the matter. There is no reason why this matter, which is a source of constant and persistent complaint, should not be dealt with in such an effective way as to stop the inflow of these complaints in the future. I join the other speakers, Sir, in expressing my gratitude to those gentlemen who have all along dealt very sympathetically with matters relating to the Haj—I mean Mr. Tyson, Mr. Bozman, Sir Girja Shankar Bajpai and Mr. Aney. I know from personal experience that they have been very reasonable and sympathetic and I trust that they will continue the same attitude towards these problems as they have shown in the past.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): Sir, the House will remember that during the Autumn Session 1940 I had the privilege of moving the Resolution in this House regarding the appointment of a permanent pilgrim officer in charge of the work connected with pilgrims proceeding to the Hedjaz, Iraq and Iran. That Resolution evoked a lively debate. The Government were in the first instance opposed to the appointment of a permanent officer for this work, but subsequently the Honourable Sir Girja Shankar Bajpai, then Member in charge of the Department of Education, Health and Lands, made an announcement on the floor of the House that Government had appointed a Special Officer to enquire into problems affecting pilgrims and the arrangements made for them, and that he would be asked to report whether a pilgrim officer was required permanently or for the pilgrim season only. As a result of this announcement I withdrew the resolution.

Mr. J. A. Rahim, I.C.S., was appointed for this job. Mr. Rahim's report was placed on the table of this House in February, 1942. On a perusal of the report, it will be apparent that Mr. Rahim has thoroughly examined the problem in all its aspects and made a number of useful recommendations concerning the shipping companies as well as others requiring action on the part

of the Government. I will only deal with the latter class of recommendations, and in this connection I must say that Government do not seem to have taken much notice of this report, which is really deplorable. The report, as I said before, was circulated to Members in the Budget Session, 1942, and since then, over a year has passed, but the Government did not think of even bringing a motion for consideration of the report before the House till I tabled a question to this effect. I cannot, therefore, congratulate the Government on this belated action of now tabling a motion for the purpose. As regards the report, I must at the outset express my disappointment over the fact that although my Resolution calls for an officer to deal with pilgrim traffic not only to Arabia, but to Iraq and Iran as well, the officer appointed has dealt with the pilgrim traffic in connection with the Haj. I am sure that the Government will soon appoint another officer to make a similar report on the pilgrim's traffic to Iraq and Iran.

I may now take up some of the more important recommendations made by Mr. J. A. Rahim, which are given on pages 134, 135 and 136. They are as follows:—

“1. Criticisms directed against the administration have been aimed chiefly at the two points—inadequate provision of funds and lack of interest.

2. Some difficulties arise out of the arrangement of placing Haj Committees under Provincial Governments which might have led to the belief in the minds of the public that the subject had not been receiving the attention it deserved.

3. The employment of an officer who could devote his attention entirely to work concerning the pilgrims. As the pilgrim officer would have a considerable amount of touring to do, besides other work, his time should be fully occupied.”

Sir, it will be seen from the passages just quoted that the main objection of inadequate work for the pilgrim officer, which Government spokesman put forward in 1940, falls to the ground. Here is the opinion of an officer who has gone into the matter thoroughly:

“The report clearly indicates that the existing arrangements have been revised on sound lines. I still hold the view that it is necessary for a pilgrim officer to be appointed exclusively for the work and for bringing about the required reform, provided Government are prepared to accept the recommendations and provide adequate funds.”

As I accepted the assurance given by the Honourable Sir Girja Shankar Bajpai in November, 1940, I would now like the Government spokesman to give us an assurance that the pilgrim officer would be appointed immediately. In fact, his appointment should have been created soon after Government received the report. I would ask for a further assurance that the Government would provide the requisite funds for giving effect to the recommendations with which they are directly concerned. If the Member representing the Overseas Department is unable to do so, we would request the Honourable the Finance Member to give such an assurance, because no improvements can be effected without money. I stated in this House on the 6th November, 1940, that an experienced Muellim should be appointed as Pilgrim Officer. Recommendation No. 46, regarding the construction of a Musafirkhana in Calcutta, recommendation No. 47 regarding the reconstruction of a pilgrimage camp in Karachi, recommendations No. 69 to 74 and 76 to 80 should also be accepted and enforced before the next pilgrim season opens.

The Government should not grudge the expenditure. They should realise what sort of help in men and money Muslims are giving to the Government for the successful prosecution of the war. In all fairness they can reasonably demand that the recommendations of their own officer are not neglected for lack of funds even in time of war.

Before resuming my seat I must acquaint Government with the feeling of indignation and disappointment among the Muslims for the failure of the Government to make ships available for the Haj traffic last year. I understand that the Japanese Government was able to send two ships of Java Muslims to Arabia with the consent of the Allies. I am sure that our benign Government will not repeat this mistake this year, but will make every effort to provide two or three ships for pilgrim traffic and thus earn the gratitude of the Muslim community.

Mr. G. S. Bozman: Sir, it is, I think, unfortunate that owing to pressure of other business this motion, in which we know that our Muslim friends are so closely interested, has come up at the end of the Session. That, I fear, we could not avoid. Honourable Members are tired at the end of a long and

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Bengal to express their views. If we have failed to extract those views from the Government of Bengal so far, you may blame either us or the Government of Bengal.

Sir Abdul Halim Ghuznavi: What are you going to do now? You have waited so long.

Mr. G. S. Bozman: If my Honourable friend was listening to me carefully, he would have understood that I do not think that the Government of India should take direct action in this matter without ascertaining the views of the Government of Bengal.

Sir Abdul Halim Ghuznavi: Three years are over already!

Mr. G. S. Bozman: Then reference was made to the fact that Mr. Rahim did not in his report make any reference to the pilgrimage to the holy places in Iraq and Iran. I think possibly there has been some misunderstanding over this but the fact is that this department is not concerned with the pilgrimage to the holy places in Iraq and Iran. This is a matter which is dealt with by the External Affairs Department. But when we examined this in the early stages—and this would be borne out by Mr. Rahim himself—he did not receive any complaints with regard to that particular matter and it was, therefore, not considered necessary to pursue it in connection with this report.

Finally, Sir, I have the somewhat remarkable statement made to me that the Japanese sent two ships of Japanese pilgrims to the Hejaz last year. I should be extremely grateful if the Honourable Member who made that statement would furnish me with the source of his information, which has not previously been at my disposal. I should be very glad to know where the ships came from, where they went to and how we can lay our hands on them.

An Honourable Member: It came from the radio.

Mr. G. S. Bozman: Now, Sir, I think I have covered the main points that were made in the discussion and I have given a resume of our attitude towards Mr. Rahim's report. Very briefly, I can summarise it in this way. It is not our intention that Mr. Rahim's report should remain in any sense a dead letter and we have, I think, abandoned the hypothetical process of pigeon-holing reports. At any rate, there are no dove-cotes in my office and I should find no place in which to pigeon-hole it. We regard this as a matter which is of the closest concern to the Muslim community in India, a matter in which they can justly call on us to give them every assistance that we can. I think in that respect there can be no difference between the Government and the Muslim community. In practice, we may appear slow, but, Sir, it is not for lack of goodwill that we may be slow but simply because everything that is recommended may not always be immediately practicable.

Mr. President (The Honourable Sir Abdur Rahim): I now adjourn the Assembly *sine die*.

The Assembly then adjourned *sine die*.

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